Beyond permissibility: traversing the many moral pitfalls of abortion (a virtue ethics approach)

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BEYOND PERMISSIBILITY:
TRAVERSING THE MANY MORAL PITFALLS OF ABORTION
(A VIRTUE ETHICS APPROACH)

by

John Westley McMichael

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ABSTRACT

Ethical discussions about abortion, typically, focus on whether or not it is morally permissible to destroy a fetus. If it is morally impermissible to do so, that seems to answer the question of abortion outright: all things being equal, it is wrong. If it is permissible to kill a fetus, however, it doesn’t follow that one cannot err morally by doing so. Using virtue ethics as my guiding normative theory, I argue that there are many potential moral errors one can make in having an abortion (or, in other cases, by not having an abortion) that do not hang on whether or not it is, generally, permissible to destroy a fetus. I argue that a woman can act immorally in having an abortion by not demonstrating a proper sense of wonder over fetuses and fetal development, by not appropriately valuing parenthood, by wrongly evaluating the rewards of raising a child with disabilities, and by going through with an abortion that she believes will cause her fetus to suffer. Lastly, I argue that there are certain cases in which a woman acts immorally by not having an abortion, specifically when (i) the woman harms herself by carrying a child to term, (ii) the woman harms others by bearing a child, (iii) bringing a child into existence harms that child, and (iv) there is a general harm produced without involving any individual or group.
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Soon after completing my coursework, I was fortunate enough to become a member of the faculty at Pennsylvania Highlands Community College. The school consistently supported me by reimbursing part of my tuition while I worked on my dissertation. I am thankful to the committee responsible for administering the funds and my union for negotiating such a generous deal. Additionally, I appreciate the consistent support of Ted Nichols and Erica Reighard, my direct supervisors. Their encouragement and genuine excitement over my work was invaluable motivation to continue my efforts.
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Finally, I thank Angela (Martinelli) McMichael. Not a single word of this could have been written without the sacrifices she made and her loving, consistent, unconditional support. This accomplishment is as much hers as it is mine. I am forever grateful to her and forever in her debt. Thank you, Angela!
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Introduction

To date, only Rosalind Hursthouse, in *Beginning Lives* (1987), has attempted a monograph-length treatment of abortion from the perspective of neo-Aristotelian virtue ethics.¹ Even in that impressive work, fewer than 50 pages of the 350+ page book are devoted to a uniquely virtue-oriented approach to abortion; the rest is concerned with analyses and criticisms of arguments based on other normative theories. A few others have contributed shorter articles or book chapters.² For an issue that has generated so much work from proponents of other normative theories, this lack of literature from the virtue ethics tradition is lamentable.

From its resurgence in the 1950’s, virtue ethicists have promised a richer account of morality. Elizabeth Anscombe’s famous article, “Modern Moral Philosophy,” castigated proponents of consequentialist and deontological ethics for their failure to address issues of undoubted moral concern. Virtue ethics is supposed to reintroduce to ethical discussion topics such as “… motives and moral character[,] … moral education, moral wisdom or discernment, friendship and family relationships, a deep concept of happiness, the role of the emotions in our moral life and the questions of what sort of person I should be, and of how we should live” (Hursthouse, On Virtue Ethics 3). In this way it is meant to offer fuller accounts of morality. By pulling from many sources the other normative theories do not consider when addressing problems in applied ethics, virtue ethics is supposed to generate more, not less, work. To date, the vast majority of

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¹ I am confident that there have been other treatments in Thomistic traditions grounded in Aquinas’ virtue theory, but these typically rely so heavily on Christian theism that they have little influence outside of that tradition.

work in virtue ethics has come in normative theory, not applied ethics. If virtue ethicists are to fulfill their promise of a richer applied ethics, much more must be done in the coming years.

With such a vast pool of considerations from which one can draw, it is surprising that more has not be written from the perspective of virtue ethics on abortion, a topic that has generated countless books and articles from the perspectives of other normative theories. In this dissertation, I wish to contribute to what I believe can be an immensely rich field of inquiry for the virtue ethicist.

My project is unique in a way unconnected with the normative framework in which it works, however. I do not seek to address issues that might bear on the moral permissibility or impermissibility of abortion generally. In other words, I nowhere attempt to prove that abortion *per se* is necessarily permissible or impermissible.

That question does not interest me as much as whether or not a woman can err morally when she makes a *particular* decision to have an abortion. In my mind, the question of the permissibility of abortion generally is settled; I believe that all things being equal one does nothing wrong by killing a fetus through abortion. Bonnie Steinbock’s “interest view” presented in her book, *Life before Birth*, has been extremely influential to my thinking on this issue, as has my understanding of fetal consciousness. Because of these ideas, I am unapologetically pro-choice, both in the legal and moral sense. I think it good and right that women have the ability to make decisions about

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*I am indebted to Ron McClamrock for his willingness to engage in a one-on-one independent study on the issue of fetal consciousness in Fall 2008. I originally planned to make fetal consciousness the topic of my dissertation, but I became more interested in this present topic. Some of the research I did with McClamrock appears in Chapter 4 of this dissertation, which deals with fetal pain and the possibility of cruelty in abortion.*
when, how often, and under what circumstances they choose to reproduce, and I do not think that women typically do anything morally wrong when they have an abortion.

I began this project thinking I could provide clear moral instruction and hard-and-fast guidelines for decision-making when it comes to many abortions. Instead, I have become painfully aware of the complexity of the issue and my own limitations. I echo Hursthouse’s sentiment near the end of *Beginning Lives* when she writes, “To have all the right thoughts about abortion would be to know what the fully virtuous and thereby perfectly wise woman would do in all the different circumstances in which the question of abortion might arise; and to know that, I would need to be fully virtuous and wise, which I lay no claim to being” (330-331). All I can add to her statement in my own case is a line of exclamation points.

What I think is of value in the following pages is a demonstration of how inadequately the issue of abortion has been addressed by *all* ethical theories. There are opportunities for immoral behavior lurking in areas few have considered. The morality of a particular abortion cannot be assessed by focusing on any one issue. The moral status of fetuses, the rights of women, the goals of medicine, etc. barely scratch the surface of the morally relevant issues in having an abortion.

I have attempted, in this work, to identify areas in which one can potentially err morally in deciding to have a *particular* abortion and then describe how she might avoid that moral error. I identify four potential moral pitfalls into which one might fall by having an abortion and four into which one might fall by *not* having an abortion. The former includes having an inappropriate sense of wonder over fetuses and fetal development, not properly assessing the value of bearing and parenting a child, having
inappropriate attitudes about those with disabilities, and acting on misunderstandings about fetal pain. The latter includes refusing to have an abortion when having a child harms oneself, refusing to have an abortion when having a child harms others, refusing to have an abortion when having a child harms the child brought into existence, and refusing to have an abortion when doing so would mean the birth of a healthier child in a better situation. After a chapter introducing virtue ethics broadly and generally, I devote a chapter to each of the first four potential moral pitfalls and a sole chapter to the last four.

In my first chapter, I present a general overview of virtue ethics. Though virtue ethics has “earned a seat at the table” of modern normative moral theories, it has not solidified itself so thoroughly that it can, like deontological and teleological theories, jump headlong into a discussion of an applied topic without first giving a broad outline of exactly what that kind of approach entails. I begin with a brief history of the resurgence of virtue ethics in its revised form, beginning with G.E.M. Anscombe’s influential article, “Modern Moral Philosophy.” I explain her complaint against deontological and teleological theories, that each of these employs legalistic concepts that cannot be justified without a divine lawgiver. She believes this is a fatal flaw of the theories. In almost a passing statement, she mentions that it is possible to form a normative theory devoid of these concepts, “… as is shown by the example of Aristotle” (Anscombe, Modern Moral Philosophy 34).

While most did not ultimately find Anscombe’s argument against deontological and teleological theories persuasive, many looked at her article as a challenge to develop a contemporary version of Aristotle’s ethics, as it appeared to capture unique elements of
moral philosophy many feel should be part of a complete moral theory (e.g. those mentioned above, such as emotions, moral education, etc.). A variety of contemporary models of virtue ethics (Aristotelian and non-Aristotelian) were developed in response. Each is meant to provide a fuller account of morality than its deontological and teleological counterparts.

In a second section of the introductory chapter, I turn from the history of the theory to why it should serve as a distinct theory at all. There are both deontological and teleological theories of virtue, where virtues are defined within those theories, so I address the question of why virtue ethics should be put forward as an independent normative theory at all. I do this by addressing a common criticism of the theory—i.e. that it does not provide action guidance. In showing the unique way in which virtue ethics provides action guidance, I demonstrate why it should stand on its own and not simply as a supplemental theory tacked on to another.

In a final section of chapter one, I describe three advantages many believe virtue ethics has over the other theories: (i) how it better accords with the way we commonly engage in moral education, (ii) how it does not demand impartiality like deontological and teleological theories and permits obligations within special relationships, and (iii) how it judges both moral actions and emotions. I only briefly discuss (i), as I deal with it in more detail in chapter two. In this chapter, I simply note that typically moral education involves training character in virtuous behavior, rather than teaching exhaustive lists of rules or consequentialist calculations, as deontological and consequentialist theories would seem to demand. My argument is that an advantage of virtue ethics is that it best accords with our intuitions about what moral education should entail. The connection
virtue ethics has to our moral intuitions demonstrates that (i) deontological and
teleological theories demand an unnatural shift in our moral intuitions in the goals and
structure of moral education and (ii) a virtue ethics approach better accords with our
goals of moral education, especially in the training of children. I count this as an
advantage of virtue ethics over its normative rivals.

In terms of the impartiality demanded by deontological and teleological theories, I
argue along the lines of Bernard Williams in *Moral Luck* that it goes against what it
means to be human to disregard close, personal relationships when one is forced to
choose between agents, when one has a special relationship with one agent and not with
the other. For example, a man who chooses to save his wife from drowning after a
shipwreck over saving the life of a philanthropic doctor who is also drowning is *not*
typically seen as committing moral error, in spite of consequentialist calculations or
indifferent obedience to moral rules. In fact, if he were to reverse his decision, he might
properly be the subject of moral condemnation. Virtue ethics bests its rivals in that it
leaves rooms for special relationships and allows for partiality in ethical decisions, in
specific contexts. Again, this seems to best accord with our moral intuitions and, as such,
should count in favor of virtue ethics.

Finally (and most importantly for my dissertation), I argue that virtue ethics
makes emotions, not simply actions, the subject of moral evaluation in ways the other
theories neglect. I appeal to this idea throughout my dissertation, but in this chapter I
primarily discuss Michael Stocker’s argument in “The Schizophrenia of Modern Ethical
Theories,” and describe and expand upon his examples that seek to demonstrate that the
evaluation of emotions is *necessary* for a complete normative theory. I argue that virtue
ethics makes emotion a pivotal component of moral judgments in ways that deontological and teleological ethical theories do not, but should. This, I argue is one of the primary justifications for the claim that virtue ethics is a richer normative theory than others. Much of my dissertation is devoted to the evaluation of the different moral emotions one can have when she decides to have an abortion. I take these emotions as a crucial factor in whether or not a woman does something wrong when she has an abortion. Much less time is spent evaluating moral actions, which is the typical area of concentration for proponents of the other moral theories.

I provide this history and explanation of the theory as an introductory foundation upon which all of the following arguments rely. My goal is not a thorough-going defense of virtue ethics that would be persuasive to a skeptic. For my purposes, it is enough for my reader to simply grant that virtue ethics is a viable normative theory merely for the sake of argument. I desire to apply, not defend, virtue ethics. It is my hope that the background I provide prepares my reader for the kinds of arguments I go on to present, as a virtue ethics account of abortion will look very different to proponents of other normative theories, especially in terms of the foci of its analyses. It is through these differences, however, that I hope to add something valuable and unique to this well-worn topic.

In chapter two, I argue that one can err morally by having an abortion if she does not have a proper sense of wonder over fetuses and fetal development. I begin by discussing an argument Hursthouse makes in a different context. In her paper, “Environmental Virtue Ethics,” she argues that wonder over and respect for nature are virtues and their absence is a vice. She believes wonder and respect have normative
force. Using this argument as a model, I develop a related argument that wonder over fetuses and fetal development is a virtue and its absence a vice.

To develop this argument, I make a brief foray into metaethics. I look at what it means for something to be a virtue in ethical naturalism. There is a long history (dating at least to Aristotle) of connection between ethical naturalism and the normative theory of neo-Aristotelian virtue ethics. Following Hursthouse, I identify three requirements and four criteria for a trait to be a virtue.

Next, I explain how Hursthouse’s new environmental virtues meet the criteria and requirements of ethical naturalism. I note, however, that simply describing how a potential new virtue meets a set of requirements and criteria is probably not enough to establish it as a virtue. It helps to see what the virtue looks like when it is fleshed out. I argue that if there is any kind of unity of the virtues, there can really be no “new” virtues, as virtuous people will practice them whether or not they have a name in philosophical literature. I explain, then, that it is already extremely common to speak of natural wonders. Additionally, it would be odd to discuss environmental ethics without some reference to wonder. I describe how wonder is an emotion that, like other virtues, can be felt in accordance with reason or contrary to it (i.e. there are some things over which some feel wonder that are unworthy of that emotion, and there are some things over which some do not feel wonder that are, objectively, wonderful). Lastly, I note that parents or guardians already teach wonder as a virtue to young children. They correct them when they wonder over the wrong things or when they fail to show wonder over the right things. These are all typical marks of the virtues.
After this discussion of environmental ethics, I turn to the argument I wish to make in the chapter. I argue that wonder over zygotes, embryos, fetuses, and the process of fetal development is a virtue of its own. I explain how this new virtue meets the same requirements and criteria Hursthouse’s environmental virtues meet. Again, though, I suggest that the argument becomes more convincing when one sees how the virtue is fleshed out. I describe the fascination people have with fetal images and how fetal development is typically considered so wonderful that many consider it miraculous (i.e. people often speak of the “miracle of birth”). I note how pregnant women are typically treated with deference, but not just for being in a “delicate condition.” It seems at least part of the motivation for deference is respect for the developing fetus (otherwise, pregnant women who smoke or drink alcohol in public would not be universally scorned). One of the clearest examples of the way people generally express wonder is the way in which they teach children to respect and wonder over fetal development. Parents typically explain the process of development to children and correct them if the children are not impressed or think the process is gross or disgusting. Again, these behaviors are exactly what one expects when dealing with a moral virtue.

When applying the virtue to the issue of abortion, I note that just like wondering over objects in nature does not mean that they can never be destroyed, so wondering over fetuses and fetal development does not mean that one can never have an abortion. That something is an object of wonder means that it should not be trivially, frivolously, or flippantly destroyed. The reasons that justify the destruction of something wonderful must be weighty and serious. Flippantly destroying something wonderful demonstrates a flawed character.
After describing cases that seem to me to be flippant abortions (e.g. I discuss Aliza Shvarts’ art project involving the destruction of her own embryos and a few imagined scenarios put forward by Mary Anne Warren), I use a metaphor from nature as an analogy for appropriate and inappropriate reasons for having an abortion. Specifically, I describe a particularly beautiful tree in my neighborhood, and I try to give examples of appropriate and inappropriate reasons one might have for destroying the tree. Some reasons one might have for killing the tree (e.g. boredom, to have an unobstructed view of a yearly fireworks display, etc.) are insufficient, but some (e.g. to prevent disease, to save the foundation of one’s home, etc.) are sufficient. I argue that a woman choosing to destroy a fetus should have sufficient reasons for doing so.

In my third chapter, I expand upon an argument put forward by Hursthouse in “Virtue Theory and Abortion.” There she argues that bearing and having children is so valuable that, when women put it off, they may be acting “…childish, or grossly materialistic, or shortsighted, or shallow” (Hursthouse, Virtue Theory and Abortion 241). A woman who has an abortion because she wants to pursue something of lesser value than parenthood does not properly value motherhood and, therefore, does something wrong. I argue that, while there are significant problems with this argument how it stands, there are a couple of things it gets right: (i) parenthood is extremely valuable and (ii) someone who exchanges something of great value for something of lesser value errs morally.

I begin by trying to explain Hursthouse’s notion of the intrinsic value of bearing and having a child. Though she believes the burden of proof falls on the one who would deny that having children is intrinsically valuable (since so many women say that it is),
she attempts to give some kind of account of its intrinsic value (though she admits her account mostly consists of “bald assertions” of value). She points out that people typically think of children as a blessing, not a curse, and think it is unfortunate when some are unable to have children. Hursthouse connects bearing and having children with the natural course of life and with creating something unique. She notes that people think of children as intrinsically valuable, so she believes it follows that having children is intrinsically valuable. In spite of the obvious problems with the argument, it seems to me that many of her bald assertions are uncontroversial. Few think that having children is not valuable in itself.

In making my own case for the value of children, I am more interested in instrumental value. Specifically, I am interested in how having children is good for shaping moral character. To make this point, I turn again to an argument made in the context of environmental ethics. This time, I examine Wendell Berry’s argument about character development and farming in “How We Grow Food Reflects our Virtues and Vices.”

Berry contrasts the type of work that must be performed by an ideal family farmer and the type of work performed by other professions he considers to be part of a system of exploitation. A family farmer must engage in practices that are consistent with virtue. Strip miners or people making some kind of specialized contribution to an organization that exploits others, on the other hand, engage in practices consistent with vice.

Virtue ethicists recognize that habituation is a vital part of developing virtue. In fact, habituation is the first step in character development. Engaging in practices consistent with virtues makes it more likely that one will develop a virtuous character,
and engaging in practices consistent with vices makes it more likely that one will develop a vicious character.

So, just like family farming is conducive to developing good moral character, so bearing and raising a child is conducive to developing good moral character. Like farmers, pregnant women must engage in practices consistent with care, thoughtfulness, responsibility, temperance, foresightedness, prudence, loyalty, courage, etc. These practices make it more likely that one will develop a virtuous character.

This idea, however, raises an obvious objection: what of small family farmers and parents who are really just terrible people? I address this by noting the contexts in which many parents and small farmers find themselves. Often, other practices associated with contemporary life are antithetical to developing good character. These can override the positive habituation provided by bearing and parenting a child. It does not mean that, all things being equal, farming and parenting do not promote the development of good character.

After addressing some objections to Hursthouse’s idea that women may be acting foolishly in putting off their reproduction through abortion, I turn again to a metaphor to offer moral guidance for when it is appropriate to put off something so intrinsically and instrumentally valuable. This time, my metaphor is likely more controversial than the argument it is meant to defend. I describe the value of committed relationships and the possible moral error into which one may fall by avoiding them. I explain that there are good and poor reasons one might have for avoiding these kinds of valuable relationships. I draw parallels from these cases to cases of putting off reproduction by having an abortion. I explain that, similarly, there are good and poor reasons one might have for
putting off reproduction. A virtuous person will only put off her reproduction for good reasons.

Chapter four examines abortions undertaken because of fetal disabilities. A small, but significant, number of abortions are performed because women, through prenatal testing, discover that their fetuses have a disabling trait. Many in the disability rights’ community worry that these abortions are wrong, either because they send a hurtful message to those who live with disabilities or because they represent an inappropriate parental attitude.

I consider some of the most common criticisms of the argument. Some make the case that abortions do not express anything at all, so they cannot express negative attitudes toward those with disabilities. Others argue that having an abortion because of fetal disability does not demonstrate an inappropriate parental attitude. There are a variety of views on motherhood and not all of those views imply that, when a woman aborts because of traits her fetus possesses, she inappropriately values motherhood.

After describing the common criticisms of the disability rights critique, I reexamine the argument from a virtue ethics perspective. I note that a virtuous person would not want to act insensitively, thoughtlessly, or callously toward those with disabilities. Virtuous people are not prejudiced or narrow-minded. They do not want to do anything that would hurt another’s feelings. They are not motivated by selfishness, and they are wise, courageous, and imaginative. I believe all of these traits are relevant to the decisions one makes when determining whether or not to have an abortion.

In regard to the parental attitude argument, some views of parenthood seem more virtuous than others. Some views accord very well with virtues like compassion, care,
generosity, selflessness, benevolence, temperance, etc. Other views, however, appear to be overly self-interested. The more virtuous views, though, look to be very close to the view that underlies the parental attitude argument of the disability rights critique. I argue, however, that a virtuous person wisely assesses her personal disposition to determine whether or not she possesses the appropriate qualities to raise a child with a disability. Some may rightly recognize that they, through no moral shortcoming of their own, do not have the temperament or time to raise a child with special needs. This kind of assessment demonstrates wisdom and humility. It does not indicate any kind of inappropriate view of parenthood.

In regard to the expressivist argument, the virtuous person is very careful to avoid offense. One can argue that abortions are not public matters in the first place, so it is unlikely that a particular abortion will cause offense. A woman who does not publicize her actions does not seem to be expressing anything. It is not enough, though, to simply keep one’s morally permissible, but potentially offensive, actions quiet. It is clear that past and contemporary societies have treated and still treat those with disabilities poorly. The system itself appears to send a negative message about those with disabilities. I argue that when someone utilizes an unjust system for just reasons, she probably incurs additional moral responsibility. In the case of abortion for fetal disabilities, I think it probably right that someone who uses the system does something to distance her actions from the misuses of the system.

Chapter five presents the last of the four arguments I make in which I describe the potential moral errors of having an abortion. Here, I explore the matter of fetal pain to see whether or not one can act cruelly toward a fetus by having an abortion.
feel pain and abortions cause pain, a woman who knowingly inflicts pain (or thinks she is inflicting pain) appears to act cruelly or callously.

After briefly describing the development of the fetal brain, I turn to an analysis of pain in general. I argue that in the vast majority of abortions a fetus does not have the physiology to experience pain, because fetuses at least before 20 weeks gestation are incapable of nociception—i.e. the physical process associated with pain. I distinguish between pain and nociception and suggest that there is a psychological component to pain that the fetal brain even in later stages of development is likely incapable of generating.

Next, I describe a simple empirical fact about the way late-term abortions are performed that seems to be overlooked in much of the ethical literature. This simple fact, I argue, makes a significant difference in the degree of pain that a fetus could experience in a late-term abortion, if it is the case that fetuses can experience pain at all. The degree of pain that could possibly be felt is, I believe, ethically significant.

Finally, I argue that it is unlikely that fetuses, at any stage of gestation, possess a level of consciousness consistent with sensing pain as one’s own pain. Specifically, I suggest that in more developed fetuses there can be conscious awareness of pain without harm, because fetuses do not possess a unified consciousness, which brings all conscious experiences together as one experience felt by one agent. I conclude that fetuses do not possess the cognitive capacity to experience pain as their own pain, so they cannot be made to physically suffer.

Even if I am right about fetal pain, though, it would not mean that one cannot act cruelly or callously in having an abortion. It is enough, I suggest, that one simply believes that fetuses feel pain. If a woman believes her abortion causes her fetus pain and
does not care about this, even though she is wrong, she is demonstrating a flawed character.

In order to avoid cruelty, then, I suggest that a woman who is considering an abortion must have some understanding of fetal pain. This requirement, however, seems pretty strict for evaluating moral character. Hursthouse has argued that virtue is a matter of practical wisdom, not technical knowledge. In fact, she says that it cannot be the case that virtue demands this kind of complex knowledge. I address Hursthouse’s concern and conclude that in this case some kind of complex knowledge may be necessary, but that this is not as worrisome a problem as Hursthouse suggests.

In my last chapter, I am interested in cases in which not having an abortion is immoral. I call these virtuous abortions, and I identify four types of cases in which having an abortion might be the virtuous action to take. In some cases, not having an abortion harms the woman who chooses to carry the fetus to term, and she thereby wrongly harms herself. In other cases, not having an abortion harms others in the woman’s family or community. In a third set of cases, I argue that not having an abortion harms the child who is brought into existence. Finally, I argue that it may be possible to harm generally by not having an abortion, even if there is no individual or group who is harmed specifically.

I end the dissertation with a brief summary of the conclusions I reached in each chapter. I note that while I do not believe many women actually err morally when having an abortion, there is a great deal of potential for moral error in the ways I describe. I suggest that that there is a tremendous amount of work yet to be done on abortion from
the perspective of virtue ethics, and I express my hope that others will take up my project
and carry it forward.
1. Chapter One: Moral Status and Virtue Ethics

In her article, “Virtue Theory and Abortion,” Rosalind Hursthouse makes an astonishing statement. She writes, “… the status of the fetus—that issue over which so much ink has been spilt—is, according to virtue theory, simply not relevant to the rightness or wrongness of abortion …” (Hursthouse, Virtue Theory and Abortion 236). She acknowledges this is “too radical a conclusion,” but does little to soften it in her article. Hursthouse’s statement clearly goes too far. The moral standing of a zygote, embryo, or fetus is vitally important to the moral permissibility or impermissibility of abortion. If zygotes, embryos, and fetuses are the kinds of things that have a right to life, then it is clearly wrong to violate that right, unless some other right, possessed by the pregnant woman, overrides the fetus’ right to life in particular situations.\(^4\)

I think, taken narrowly, though (and more narrowly than she intends), Hursthouse’s statement can be instructive. The vast majority of the philosophical literature on abortion has focused almost exclusively on the question of moral status. This is understandable in that, if it is found that fetuses do have moral standing (i.e. moral standing on par with normal, human adults), then, all things being equal, it is wrong to kill them. But, Hursthouse’s statement can be instructive in that it reminds us that even if one determines that zygotes, embryos, and fetuses lack any moral standing whatsoever, it does not follow that abortion is always morally permissible.

For the virtue ethicist, morally permissible actions are those that a fully virtuous person would perform when acting consistently with her character (which, also, involves acting from the proper motive). An abortion can be morally wrong when it is chosen

\(^4\) For example, the kinds of overriding rights described by Judith Jarvis Thomson in “A Defense of Abortion.”
because of some aspect of a flawed character or when it demonstrates the absence of a virtuous character trait. Using virtue ethics as a normative starting point, I intend to demonstrate that it is possible to err morally in having an abortion, even if zygotes, embryos and fetuses lack moral standing.

In the following chapters, I take Hursthouse’s (narrowly-interpreted) statement seriously. I begin with the assumption that zygotes, embryos, and fetuses lack moral standing altogether, but argue that there are still potential moral errors into which a woman may fall in having an abortion. I argue, in other words, that the question of the moral permissibility of abortion, especially in a particular instance, is not settled if one determines that fetuses do not possess moral status at all.

My goal, however, is not to demonstrate that abortion, per se, is immoral, but rather only that particular instances of abortion can be immoral, even though they are not immoral because there is something inherently wrong about destroying a fetus. In fact, I do not believe that many women actually do anything immoral when they have abortions. I think the cases in which women act immorally in the ways I describe below are rare. Still, however, I believe the potential to err morally in having an abortion exists, even if fetuses completely lack moral status. Therefore, at the end of every chapter, I offer suggestions, informed by virtue ethics, for avoiding the potential moral errors of having—or, in the case of my last chapter, not having—an abortion.

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5 I take this to be somewhat similar to Judith Jarvis Thomson’s move in her groundbreaking article, “A Defense of Abortion.” There, she grants, for the sake of argument, that fetuses are persons that possess a right to life. She asks, however, “How does the [anti-abortion] argument go from here?” (Thomson 48). She goes on to argue that even if one believes that fetuses are persons with a right to life, it does not follow that abortion is always immoral, because a right to life does not entail a right to whatever anyone needs to stay alive—not Henry Fonda’s cool hand on one’s fevered brow, even if it is the only thing that will save one’s life, nor the use of a woman’s body for 9 months (Thomson 55)
In making my case about the potential moral pitfalls of abortion, I have adopted virtue ethics as the normative theory by which I form my moral judgments. Though virtue ethics has surely once again “found a seat at the table” in moral philosophy, it has not gained so sure a footing as the other normative theories that an application of virtue ethics to an issue in applied ethics can be addressed without some general introduction to the theory. A Kantian or utilitarian approach to an applied topic rarely begins with a survey of the basic principles of those theories, but virtue ethics has not settled into the minds of most moral philosophers enough to be afforded this luxury.

In what follows, then, I will give a very brief and basic introduction to virtue ethics so that claims I make later can be better understood within the theory. I will, first, give a brief account of the history and resurgence of virtue ethics. Next, I will provide a basic overview of what the theory is and why virtue ethicists believe it should stand alone as an ethical theory and not merely be tacked on to another theory (I do this, primarily, by addressing common criticisms of virtue ethics). Lastly, I describe what many virtue ethicists consider to be advantages of virtue ethics over other ethical theories.

My goal in this summary, however, is not to defend virtue ethics as an ethical theory against its rival theories. As an applied ethicist, I am content to leave that job to others.6 Readers who wish to evaluate my arguments, but who are skeptical of virtue ethics as a viable ethical theory, might consider them in a hypothetical context. In other words, readers may want to evaluate my claims after granting, for the sake of argument, that virtue ethics is a viable ethical theory. My readers, then, might ask, “If virtue ethics

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6 It seems to me that much of the work in applied virtue ethics has been done by ethical theorists whose primary interest was defending virtue ethics qua ethical theory. As I mentioned in my introduction, Hursthouse’s monograph on abortion, Beginning Lives, devotes only around fifty pages to putting forward a positive virtue ethics account of abortion; the rest is aimed at the shortcomings of other ethical theories.
is a good ethical theory, what would follow from that theory when applied to the issue of abortion?” My interest is a novel application of virtue ethics to the issue of abortion, not its general defense as an ethical theory. My arguments should be evaluated in that light.

1.1. Virtue Ethics: Past & Present

The history of virtue ethics, of course, is ancient. The three giants of analytic philosophy—Socrates, Plato, and Aristotle—each held a version of the theory. Over time, however, virtue ethics became known as more of a historical view, rather than a viable theory of its own. Deontological and teleological theories dominated all conversations in moral philosophy until the 1950s.

A turning point for modern virtue ethics came with the 1958 publication of G.E.M. Anscombe’s article, “Modern Moral Philosophy.” That article presents a scathing critique of Kantian and consequentialist ethics and *appears to* suggest that only a theory based on virtue and human flourishing can escape the problems associated with the other theories. Anscombe’s primary criticism of Kantian and consequentialist ethics is that they rely on concepts of *moral obligation* and *moral duty*, which “… ought to be jettisoned … because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives” (26). The “earlier conception of ethics” to which she refers is religiously-based ethics (which I take from her ethical beliefs in other contexts to be some kind of divine command theory, rather than a Thomistic virtue account). She believes that the concepts moral of obligation and moral duty are remnants of religious ethics, which most of her contemporaries have rejected, and that these concepts do not make any sense when removed from the context of

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7 I qualify Anscombe’s endorsement of virtue ethics because some have questioned this interpretation of her argument. I will discuss this alternative interpretation below.
religion. These are legalistic concepts that she believes make no sense without a divine law-giver. She writes, “Naturally it is not possible to have such a conception [of moral obligation] unless you believe in God as a law-giver … It is as if the notion ‘criminal’ were to remain when criminal law and criminal courts had been abolished and forgotten” (Anscombe, Modern Moral Philosophy 31). She argues that the crucial concepts of Kantian and consequentialist ethics are vestiges of a religious system that is no longer believed but is the only reliable ground for them.

Most interpret Anscombe as saying that virtue ethics avoids the problem of the other theories by appealing to facts about human nature for grounding virtues. Virtues, then, can serve as the basis for ethical thinking without explicit reference to legalistic concepts that, for her, make no sense without a divine law-giver. She believes that Hume had shown that the notion ‘morally ought’ had no content and that “[i]t would be most reasonable to drop it. It has no reasonable sense outside a law conception of ethics … and you can do ethics without it, as is shown by the example of Aristotle” (Anscombe, Modern Moral Philosophy 33-34; emphasis added). Virtue ethics, she seems to suggest, avoids her criticism. It only falls to contemporary ethicists who work within a naturalistic framework to shore up some of Aristotle’s weaknesses.  

8 There is another viable interpretation of Anscombe’s article, however. Some have pointed out that Anscombe’s own ethical judgments are very unlike those of a virtue ethicist. She is a moral absolutist who often refers to legalistic concepts. Anscombe, herself, was very religious, so some have interpreted her argument to be an argument for religious-based ethics. In this interpretation, Anscombe describes a significant problem for Kantian and consequentialist ethics in that they make no sense outside of a religious context, notes that Aristotelian ethics avoids that particular problem, points out further problems for Aristotelian ethics, and thereby demonstrates that only religious-based ethics is viable. Julia Driver succinctly describes this reading as follows: An alternative reading is as a modus tollens argument intended to establish the superiority of a religious based ethics … Assume for the sake of argument there is no God, and religiously based moral theory is incorrect. On Anscombe’s view modern theories such as Kantian ethics, Utilitarianism, and social contract theory are sorely inadequate for a variety of reasons, but one major worry is that they try to adopt the legalistic framework without the right background assumptions to ground it. An alternative would be to develop a kind of naturalized approach where we carefully consider moral
The merits of Anscombe’s argument are not my primary concern (in fact, I do not find her main argument against Kantian and consequentialist ethics particularly persuasive). I wish only to provide some historical context to the reemergence of virtue ethics in contemporary moral philosophy. Whether or not she identified real problems with Kantian and consequentialist theories, some found her arguments persuasive and decided to take up her challenge to shore up a virtue ethics account of moral philosophy. The reemergence of virtue ethics can be traced directly to Anscombe’s article.

After Anscombe, several ethicists began expressing their dissatisfaction with Kantian and consequentialist ethics. They noted that “… the prevailing literature ignored or sidelined a number of topics that any adequate moral philosophy should address … [topics such as] motives and moral character[,] … moral education, moral wisdom or discernment, friendship and family relationships, a deep concept of happiness, the role of emotions in our moral life, and the questions of what sort of person I should be, and of how we should live” (Hursthouse, On Virtue Ethics 3). Virtue ethics is supposed to reintroduce these concepts, necessary for an adequate account of morality, to ethical discussions. Contemporary virtue ethicists working in normative ethics have argued for the superiority of the theory on the basis of its fullness—i.e. its attention to topics neglected by (or given inadequate attention in) other theories but necessary for a complete account of morality. It is up to contemporary virtue ethicists working in psychology as it relates to the human good. However, this approach itself is problematic. The prospect of articulating a complete and plausible account of the human good along these lines is dim. (Driver, Gertrude Elizabeth Margaret Anscombe) I take the pro-virtue ethics interpretation to be the more accurate, but it ultimately does not matter for my purposes, as I only wish to give the historical background of contemporary virtue ethics. If the view I have described above misinterprets Anscombe, it is of no consequence, because it has been that “misinterpretation” that has influenced subsequent work on virtue ethics.
applied ethics, then, to demonstrate this fullness by evaluating well-worn and novel moral problems in light of the theory.

1.2. What is Virtue Ethics?

Virtue ethics, then, attempts to reintroduce concepts that many believe were missing from Kantian and consequentialist ethics. But, why is a new (or renewed) normative theory needed? After all, after Anscombe’s article was published, several proponents of deontological and teleological ethics incorporated elements of these missing concepts into their own theories. What is distinct about virtue ethics if its primary concepts can be covered by other normative theory?

Several ethical theorists have helpfully introduced an important distinction between theories that merely incorporate virtue concepts and those that are built upon those concepts. *Virtue theory* provides an account within another normative framework of what virtues are\(^9\), whereas *virtue ethics* is a normative theory based on an evaluation of the virtues. Virtue theory, then, adds discussions of virtue to another normative theory to make them richer and more complete. For the virtue ethicist, the evaluation of the virtues is all that is needed for a rich and complete normative theory.

What does it mean to base one’s normative theory on an evaluation of the virtues? The common generalization about virtue ethics is that it is focused on character rather than action. Instead of asking what should be done in a given situation, the virtue ethicist is often thought to ask how should one be in that situation. The answer is that one should

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\(^9\) Julia Driver, for example, incorporates virtues into her consequentialist theory. She writes, “… the value of [the virtues] resides in their tendency to produce good consequences…” (Driver, The Virtues and Human Nature). She is skeptical of the virtue ethicist’s claim that the virtues can be identified by what is characteristic of human flourishing. Instead, she thinks virtues can (and should) be identified by their consequentialist value.
be virtuous in the relevant way and should act accordingly. This, however, is too simple. Left here, this would be a poor normative theory, indeed. Any good normative theory must give direction for actions.

I think the best way to explain how virtue ethics provides directions for action is to examine the criticism that it cannot do so and some responses to it. Many have expressed skepticism over the virtue ethicist’s ability to provide any kind of practical moral guidance. Robert Louden writes, “… people have always expected ethical theory to tell them something about what they ought to do, and it seems to me that virtue ethics is structurally unable to say much of anything about the issue” (205). Whatever the shortcomings of other ethical theories, Louden argues, they at least offer moral advice on what action one should take in a given situation. Virtue ethics, according to Louden, fails in its most basic duty.

Hursthouse argues that this objection is based on an inadequate understanding of virtue ethics. While she believes there are a variety of ways right action can be defined in virtue ethics, her preferred, neo-Aristotelian approach yields the following understanding of right actions: “An action is right iff it is what a virtuous agent would, characteristically, do in the circumstances, except for tragic dilemmas” (Hursthouse, On Virtue Ethics 79). To further clarify, she writes, “A virtuous agent is one who has, and exercises, certain character traits, namely the virtues… [A] virtue is a character trait that a human being needs for eudaimonia, to flourish or live well.” (Hursthouse, On Virtue Ethics 29). According to this formulation, whatever action the virtuous person would

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10 Note that she makes an exception for “tragic dilemmas.” In these kinds of dilemmas, one can be guided by the virtuous person’s decisions while understanding that the ‘right decision’ may result in an action that “may be too terrible to be called ‘right’ or ‘good’” (Hursthouse, On Virtue Ethics 79).
characteristically perform in a situation (except in the case of a tragic dilemma) is the
‘right’ action (or, at least, the right decision). There is, then, an account of right action,
and therefore a means of action-guidance in virtue ethics.

Louden and others, however, note that there is epistemic problem with this
formulation. The virtue ethicist says the right thing to do in a given situation is whatever
the fully virtuous person would do in the same or similar circumstances. But, how does
one know what it is the virtuous person would do? To identify what a virtuous person
would do is to demonstrate understanding of virtue, but a normative ethical theory is
supposed to provide guidance for those without understanding; that is exactly the value of
a normative theory.

The criticism has a lot of intuitive appeal. Louden writes, “We ought, of course,
to do what the virtuous person would do, but it is not always easy to fathom what the
hypothetical moral exemplar would do were he in our shoes …” (206). For skeptics,
Hursthouse’s description of right action fails to provide guidance. Virtue ethicists argue
that possessing a virtue means understanding what exactly performing that virtue looks
like in a given situation. This, however, requires great practical wisdom, only acquired
through years of practice and training. If it takes a virtuous person to know how to
behave morally in a given situation, and one in that situation does not possess the virtue
adequately, then telling her to act according to the virtue provides no guidance at all. The
skeptic argues that unless someone is virtuous, she can have no idea what a virtuous
agent would do.

Hursthouse claims the objection that “… if I am less than fully virtuous, then I
shall have no idea what a virtuous agent would do …” is “simply false” (On Virtue Ethics
People are aware of what the concepts of the virtues entail even if they know little more than a dictionary definition. They know, for example, that honesty, justice, charity, courage, generosity, loyalty, etc. are virtues, and they are familiar enough with these concepts to recognize them in others. The virtuous agent, then, is one who characteristically does what is honest, just, charitable, courageous, generous, loyal, etc. In this way, then, people can identify virtuous people, and, if they do not know what action to take in a specific, more challenging situation, they can simply ask a virtuous person they have identified. It only takes, then, a very general understanding of virtue to identify a virtuous person, who can be consulted when difficult ethical choices must be made by one who does not possess the necessary virtue to act well in that situation.

Hursthouse does not believe that asking a virtuous agent for advice is a trivial point, but rather one that “…gives a straightforward explanation of an important aspect of our moral life, namely … that we … quite often seek moral guidance from people we think are morally better than ourselves” (On Virtue Ethics 35). The agent seeking moral guidance, therefore, can identify right action and, in difficult cases, identify virtuous people who can give moral advice about right actions in those situations. Furthermore, they need not identify a perfectly virtuous person, but rather simply one who appears to be exceptionally virtuous in the particular area in which they seek guidance.

The concepts of the virtues themselves can provide another response to the objection that virtue ethics fails to guide actions. One might argue, for example, that virtue fails to provide rules for actions, but Hursthouse points out that “[n]ot only does each virtue generate a prescription . . . but each vice a prohibition.” (On Virtue Ethics 36). For example, the virtue ‘honesty’ provides the prescription, “Do what is honest.”
The corresponding vice, ‘dishonesty,’ provides the prohibition, “Do not do what is dishonest.” She calls these the ‘v-rules,’ and these provide moral guidance as well.

The application of v-rules, however, is not as easy as one might think. While a simple understanding of the virtues may be enough to identify the virtuous person and provide one with general prescriptions and prohibitions, living virtuously requires that one knows how and when to exercise a virtue. This knowledge, however, only comes through *phronesis*, or practical wisdom. So, while the v-rules are very easy to understand (e.g. “Be honest,” “Be nice,” etc.), they “are very difficult to apply correctly” (Hursthouse, On Virtue Ethics 60). Correct application requires wisdom, which is another reason consulting a virtuous person is often required in order to make the right moral decision.

Practical wisdom, it is argued, is acquired by experience, not by reading books or attending lectures. Only through experience does one come to recognize, for instance, “‘the sort of truth that one does people no kindness in concealing’ or ‘the sort of truth that puts consideration of hurt feelings out of court’” (Hursthouse, On Virtue Ethics 61). There are subtle applications of the virtues that are only apparent to the morally wise—e.g. there are occasions when the courageous person can run from a fight without acting cowardly, and the honest person can deceive without acting dishonestly. This is because each virtue must be governed by practical wisdom.

Practical wisdom holds a primary role in moral decision-making. Ultimately, all of the virtues rely on it. Hursthouse notes:

Each of the virtues involves getting things right, for each involves *phronesis*, or practical wisdom, which is the ability to reason correctly about practical matters.
In the case of generosity this involves giving the right amount of the right sort of thing, for the right reasons, to the right people, on the right occasions. (On Virtue Ethics 12)

The virtue concepts may be easy to understand, but it is only by wisdom that one knows how to apply the concepts and act virtuously.

Of course, Hursthouse’s solution to the problem of action-guidance in virtue ethics will not be convincing to many of her critics. To her positive case for action-guidance in virtue ethics, she adds a few tu quoque arguments aimed at theories her critics consider viable. As I noted above, a primary criticism of virtue ethics is that it, unlike deontological and teleological theories, cannot provide moral guidance. Hursthouse notes that the criticism is based on an incomplete picture of virtue ethics and would apply to the other theories equally if those were read in the same way.

For example, one might consider the structure of the account for guiding right action in act consequentialism. If one were to state the theory as a premise of an argument, it might take the following form:

P.1. An Action is right iff it promotes the best consequences. (Hursthouse, On Virtue Ethics 26)

This premise is not enough, however, to guide action without specification of what counts as “best consequences.” Someone attempting to make a difficult ethical decision cannot hope to do so without more knowledge of how to evaluate consequences. A hedonistic act utilitarian might add the following premise to clarify:

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11 Tu quoque arguments are, of course, fallacious when used to establish the truth of one’s argument. Here, though, it is a response to a specific criticism that virtue ethics, unlike deontological and teleological theories, cannot guide action and because of this virtue ethics is in a worse position than the others. Hursthouse’s response is that if virtue ethics fails in regard to action-guidance, it does not do so in a way that other “viable” theories do not.
P.2. The best consequences are those in which happiness is maximized. (Hursthouse, On Virtue Ethics 26)

Without P.2., P.1. offers no moral advice. It would be unfair to judge consequentialism solely by P.1., then, since the addition of P.2. provides the necessary clarification of P.1.

One can do the same thing in breaking down deontological ethics for analysis. The first premise of an argument for that theory might read:

P.1. An action is right iff it is in accordance with a correct moral rule or principle. (Hursthouse, On Virtue Ethics 26)

To act on this premise, however, one must know what to count as the “correct moral rule or principle.” Without specification of the correct moral rule or principle, P.1. offers no moral guidance. A second premise must be added; something along the lines of one of the following:

P.2. A correct moral rule (principle) is one that …
   (1) … is on the following list …, or
   (2) … is laid down for us by God, or
   (3) … is universalizable/a categorical imperative, or
   (4) … would be the object of choice of all rational beings, and so on. (Hursthouse, On Virtue Ethics 27).

It would be unfair to judge the possibility of moral guidance in deontological ethics by P.1. alone.

In both cases (i.e. of hedonistic act utilitarianism and deontological ethics), the first premises cannot be taken on their own as morally instructive. Another premise must be added to each of the arguments that would permit the theories to offer moral guidance. To simply read the first premise of each argument and conclude that neither offers moral guidance would be to make judgment on only part of a theory.

Hursthouse believes that critics of virtue ethics are doing something like this when they evaluate virtue ethics. They are treating an initial premise of a larger virtue
ethics argument as the only statement of the theory. They are not acknowledging a second premise that clarifies the first. Neither teleological nor deontological ethics could fair well under that kind of evaluation.

Under analysis, the first premise of an argument for action guidance in virtue ethics might be this:

P.1. An action is right iff it is what a virtuous agent would characteristically (i.e. acting in character) do in the circumstances. (Hursthouse, On Virtue Ethics 28)

Like the first premises of the other theories, this one by itself does not offer action-guidance. An additional premise must be added to clarify what is meant by “virtuous agent.” Many critics, however, assume that P.1. captures all a virtue ethicist has to say about moral guidance. Hursthouse notes, “This specification rarely, if ever, silences those who maintain that virtue ethics cannot tell us what we should do … it tends to provoke irritable laughter and scorn … [the critics say,] ‘It gives us no guidance whatsoever. Who are the virtuous agents?’” (On Virtue Ethics 28).

The virtue ethicist, then, should be given the opportunity to describe what is meant by a virtuous agent. The description of this agent, though, must be in terms of the theory itself. If a virtuous agent is defined as one who is disposed to do what brings about the greatest possible happiness for the greatest number of people, virtue ethics simply reduces to hedonistic act utilitarianism. If a virtuous agent is defined as one who is disposed to following the right moral principles, the virtue ethics is reduced to deontological ethics. A virtuous agent, then, must be defined in a way appropriate to virtue ethics. To P.1., then, one could add the following:

P.1a. A virtuous agent is one who has, and exercises, certain character traits, namely, the virtues. (Hursthouse, On Virtue Ethics 29)
Certainly, though, this is not enough to answer the critic, since it simply raises another question, “What is a virtue?” An additional premise must be added to clarify, but the specifics of the clarification will be up to the kind of virtue ethicist being challenged. The answer will begin:

P.2. A virtue is a character trait that … (Hursthouse, On Virtue Ethics 29)

and it can be completed in any number of ways. One might simply offer a list, justified by a variety of arguments. Someone in the Humean tradition might demand that the trait is one derived either from convention for its usefulness for human nature. Those in the neo-Aristotelian tradition will identify virtues as traits of character that humans need to live a eudaimonistic life. The definition of virtue will be up to the specific kind of virtue ethicist one is challenging.

If the critic is not satisfied, it should be noted that even at this point virtue ethics appears to be in no worse position than utilitarianism or deontological ethics. The critic of either of those could produce the same challenge for P.2. of either of the arguments above. For example, one might be dissatisfied with accounts of happiness as mere pleasure verses happiness derived from pleasure in the right thing (e.g. Bentham’s definition of happiness versus Mill’s definition). Different consequentialists in fact challenge the hedonism of P.2. altogether and suggest other ways to specify “best consequences.” Similarly, the second premise of deontological ethics may be completed in many different ways.

Hursthouse’s point is that virtue ethics fares no worse in action guidance than its popular counterparts, yet it is often saddled with a criticism that could apply, but rarely is applied, to the others. The virtue ethicist specifies right action in much the same way as
the utilitarian and deontological ethicist. The way in which each virtue ethicist describes virtues can, of course, be challenged, but this is equally true of deontological and teleological theories. Virtue ethics, then, cannot be simply dismissed by critics for a lack of action guidance in any way that the other two popular ethical theories cannot be dismissed.

The question with which I began this section was “What is virtue ethics?” I have used popular criticisms of virtue ethics to identify how it uniquely defines right action and provides action guidance. Specifically, a virtue ethicist defines right action in terms of the characteristic actions of virtuous agents. Virtuous agents, in turn, are those who possess and exercise the character traits identified as virtues, which can be defined in several different ways depending on the specific kind of virtue ethicist arguing for the definitions.

In the first section of chapter two, below, I discuss the neo-Aristotelian approach to identifying and defining virtues. I argue that virtues are traits of character that benefit their possessors and make them good *qua* human beings (i.e. allow them to live a characteristically good life as humans). Further discussion of this here, however, would lead me far afield from the goal of this dissertation and is unnecessary for a general description of virtue ethics.

### 1.3. The Value of a Virtue Approach

What, though, is the value of offering a virtue ethics approach to an applied topic in moral philosophy? What does it add to these conversations that is not already covered by the other approaches? What is unique about a virtue ethics approach?
Hursthouse identifies three advantages of virtue ethics over other ethical theories. First, she believes it is the theory most consistent with how we naturally train children in morality. Second, she feels it better addresses special relationships than other ethical theories. Lastly, she argues that it captures the ethical role of emotion in a way the other theories do not.

Hursthouse believes that a mark of a viable ethical theory is that it “… must not only come up with action guidance for a clever rational adult, but [it must] also generate some account of moral education, of how one generation teaches the next what they should do” (On Virtue Ethics 38). An ethical theory that cannot be taught to children is deficient. No one believes living morally is such a simple matter that it can be learned all at once in a short period of time. We believe that living morally is something that is cultivated over many years by life experiences. A child is trained throughout her life to understand what is involved in acting morally. Of the primary ethical theories, virtue ethics seems to be the most suited for moral education.

It is often thought that the early moral education of children is deontological. Children are given rules to follow, and disobedience is punished (and often obedience is rewarded). When a child unknowingly breaks a rule or principle, the parent explains the moral rule the child violated and advises them not to break that rule in the future. The advice can be reinforced by reward or punishment.

The ultimate goal of this kind of moral education, however, could not merely be the rote memorization of every possible moral rule or principle, of which there are likely infinitely many. Instead, the goal would be to teach the child how to generate moral rules

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12 I am thinking here of the common conception of moral development expressed by Lawrence Kohlberg and others in which children attempt to do whatever it takes to avoid punishment in early stages.
on her own, perhaps by teaching her something like one of the formulations of the categorical imperative. That is, a child should eventually learn that she should “…act only in accordance with that maxim through which you can at the same time will that it become a universal law.” (Kant G 4:421). The application of this principle (and the other formulations) is a rather sophisticated intellectual exercise, however. One must understand, for example, that the universal law of nature formula is a test for logical consistency; to be able to consistently will that something become a universal law means that it can be willed without leading to logical contradiction. Deontological ethics requires a rather developed cognitive capacity.

The same can be said for consequentialist ethics. A typical criticism of that theory is that it “… seems to require that agents calculate all consequences of each act for every person for all time” (Sinnott-Armstrong). This, of course, would require (possibly infinite) intellectual sophistication.

Intelligence is certainly to be respected and admired. Knowledge is probably the ultimate goal of any philosophical pursuit. It is problematic, however, when it becomes a requirement for moral living. Philosophers typically exclude children and the severely mentally disabled from the community of moral agents, but it would be extreme, indeed, to exclude the uneducated and intellectually unsophisticated. Exemplary moral character is often found among this group.

Virtue ethics appears to offer the best explanation for why children and the severely mentally disabled can be excluded from moral agency, while those who are uneducated and intellectually unsophisticated can include people who can serve as moral exemplars. Virtue ethics requires moral wisdom, not great intellectual knowledge.
Hursthouse notes, “… the sort of wisdom the fully virtuous person has is not supposed to be recondite; it does not call for fancy philosophical sophistication…” (Virtue Theory and Abortion 235). This is exactly why virtue ethics is so suited to the moral education of children.

Many ethicists, however, have argued that virtue concepts are “[f]ar too thick for a child to grasp” (Hursthouse, On Virtue Ethics 38). While it is certainly true that parents often lay out rules for their young children to follow in a way that seems to track deontological ethics, the idea that virtue concepts are too thick for children to learn is clearly false. Parents typically offer moral instruction in virtue terms, as well. Hursthouse notes that parents give instructions such as, “‘Don’t do that, it hurts the cat, you mustn’t be cruel,’ ‘Be kind to your brother, he’s only little,’ ‘Don’t be so mean, so greedy’” (On Virtue Ethics 38).

Virtue ethics very naturally lends itself to the moral education of children. The focus is on the growth and development of the child’s character, not the memorization of rules or the development of the ability to calculate consequences. Through habituation, a child’s character is shaped. No sophisticated intellectual knowledge is necessary. Virtue terms are typically a child’s first exposure to morality.

The goal of virtue ethics and the goal of parents seem to perfectly align. The ultimate goal of the virtue ethicist is the trained character of virtuous person. Similarly, parents do not wish to bring up children who must have memorized some moral principle in order to know how to act in a given situation, nor do they want to raise children who must precisely calculate the consequences of an action before acting. Parents want to
help their children develop a strong character so that they can react morally well to any particular situation.

Hursthouse believes virtue ethics is the theory that best “… generate[s] some account of moral education, of how one generation teaches the next what they should do” (On Virtue Ethics 38). If it is true that an account of moral education is a necessary part of any viable normative theory and that the better the account of moral education the better the theory, then virtue ethics appears to be at the very least viable and at best a better theory than its competitors. The account of moral education provided by virtue ethics is an advantage of the theory.

A second advantage is that it permits (and even demands) special relationships. Virtue ethicists have argued that the impartiality requirements of consequentialist and deontological theories miss something important that most, at least intuitively, believe should be a part of a complete ethical theory—i.e. a role for special relationships. Virtue ethics captures the moral significance of special relationships in a way that appears incompatible with its rival theories.

It is typically believed that impartiality is a vital part of any good ethical theory. James Rachels, in fact, believes that impartiality is part of the minimum conception of morality, that “… the conscientious moral agent is someone who is concerned impartially with the interests of everyone affected by what he or she does …” (13). He believes that there are two primary parts of a viable normative theory: 1) moral judgments must be supported by good reasons and 2) “… morality requires the impartial consideration of each individual’s interests” (Rachels and Rachels 10). He notes that “[a]lmost every important moral theory includes this idea of impartiality,” which he defines as the “…
idea that each individual’s interests are equally important; no one should get special
treatment” (Rachels and Rachels 12; emphasis added). In Rachels’ mind, impartiality is a
necessary feature of any viable normative theory, and he believes that theories that reject
impartiality “… encounter serious difficulties” (13).

Bernard Williams similarly notes the central role of impartiality in deontological
and consequentialist theories. Of Kantian ethics, he writes, “… the moral point of view is
specially characterized by its impartiality and its indifference to any particular relations to
particular persons” (2). Utilitarianism, he believes, requires abstraction so radically that
all “… persons lose their separateness as beneficiaries of the Utilitarian provisions…”
(Williams 3).

It is, of course, not without reason that the major ethical theories have adopted
impartiality. Partiality, of course, can often hinder right action. The chauvinist favors
men over women in matters not related to gender. The racist favors one race over
another arbitrarily. Partiality in these cases leads to immoral actions. Why, then, might
one think that a rejection of impartiality is an advantage to an ethical theory?

No one seriously questions the idea that loyalty is a virtue, or, if the language
holds one up, at the very least a desirable trait. We value loyal friends and family
members and condemn those who are disloyal. Loyalty, however, is partial by its nature.
One cannot be loyal impartially, as loyalty means preferring the interests of an individual
or group over the interests of other individuals or groups. It is the opposite of
impartiality, yet it seems to be a trait highly valued by everyone.

An example of how loyalty can work against impartiality in moral action involves
a thought experiment involving an accident at sea. One can imagine a woman who finds
herself alone in a lifeboat after a sudden and chaotic ship-sinking. She hears two cries for help in opposite directions. One cry is that of a young doctor who she knows to be engaging in promising research toward the cure of a devastating disease. The other is from her daughter who suffers from a moderate cognitive disability and whose prospects in terms of making a great contribution to humanity are minimal. By the time she makes it to one endangered person, the other will have drowned. There is no way for her to save both, so she must choose to save one and see the other lost.

One naturally expects the woman in this situation to save her child without hesitation. A mother’s unconditional affection toward her child is often understood to be the quintessential example of human love and familial loyalty. A mother who chooses another’s life over that of her child’s is typically thought to act unnaturally, or, at least in Kantian terms, to perform a supererogatory act. One expects maternal loyalty to children.

When describing the advantages of virtue ethics, Rachels, though himself a supporter of impartiality in ethical theories and an opponent of virtue ethics as a complete ethical theory, summarizes the uncomfortable fit between impartiality and morality:

Consider our relationships with family and friends. Should we be impartial where their interests are concerned? A mother loves her children and cares for them in a way that she does not care for other children. She is partial to them through and through. But is anything wrong with that? Isn’t that exactly the way a mother should be? Again, we love our friends, and we are willing to do things for them that we would not do for others. What’s wrong with that? Loving relationships are essential to the good life. But any theory that emphasizes impartiality will have a hard time accounting for this. (168-169)

He goes on to explain that virtue ethics can easily account for these relationships because “[s]ome virtues are partial and some are not” (Rachels and Rachels 169).

Bernard Williams believes the impartiality demands of other ethical theories prevent one from living a distinctly human life. Humans have life projects that motivate
them to act, projects that “propel [them] forward, and thus … give [them] a reason for living [their] li[ves]” (Williams 15). Personal relationships are a primary part of one’s life projects. Williams points out, however, that “… once morality is there, and also personal relations to be taken seriously, there is the possibility of conflict” (17).

Relationships, by nature, conflict with impartiality. If one has no relationships, however, one fails to live a fully human life. Any ethical theory that ignores personal relationships or demands that one acts against them must be inferior to one that makes room for them. An advantage of virtue ethics, then, is the value it places on loyalty and relationships in ways that theories that promote impartiality cannot. Proponents of other theories could, of course, adjust the theories to de-emphasize impartiality, but impartiality is typically described as an essential component of consequentialist and deontological theories.

Room for (or, more strongly, insistence upon) loyalty places virtue ethics, more strongly than its rivals, within common intuitions about special relationships.

A last advantage of virtue ethics, often described by its proponents, has to do with emotions and the proper motivation for moral action. Deontological and consequentialist theories focus on right actions and either dismiss the value of emotions altogether (e.g. Mill’s utilitarianism) or suggest that only the motivation of duty matters morally (Kantian ethics). This focus, however, may fail to account for emotions and motivations that appear to be morally significant.

Michael Stocker terms this oversight “moral schizophrenia,” because he believes modern theories demand a “…split between one’s motives and one’s reasons” (66). Describing this split further, he writes, “Modern ethical theories, with perhaps a few honorable exceptions, deal only with reasons, with values, with what justifies. They fail
to examine motives and the motivational structures and constraints of ethical life” (Stocker 66). The idea is that there is more involved in ethics than mere action, or even action motivated by duty or obligation alone.

Loving relationships are central to living a complete human life and cannot be ignored when it comes to moral action. In relationships, certain motives are essential and others are excluded. If one attempts to explain actions in terms of the prescribed motivations of deontological and consequentialist theories, one notices that they are not conducive to loving relationships.

Michael Stocker illustrates the tension between the motivations prescribed by deontological and consequentialist theories and the motivations appropriate to loving relationships by imagining a scenario in which a friend visits you in the hospital during a sustained stay. You begin to praise the person for taking the time to come see you, for traveling across town, for staying a long time at each visit, etc. As you are saying this, your friend continually responds that “… he always tries to do what he thinks is his duty, what he thinks will be best” (Stocker 74). As you speak more with him, you come to realize “… that it is not essentially because of you that he came to see you, not because you are friends, but because he thought it his duty, perhaps as a fellow Christian or Communist or whatever, or simply because he knows of no one more in need of cheering up and no one easier to cheer up” (Stocker 74).

The scenario works equally well if the deontological motive of duty is replaced with consequentialist motives. So, when praised, the friend says that he believed that this action would bring about a better state of affairs than any other available to him at the time. Your friend carefully weighed all of the actions he could take that afternoon and
determined that visiting you was the one that brought about the greatest happiness to the

greatest number of people.

Stocker notes that there is something wrong with the friend’s motives in both of
these cases—i.e. “… the wrong sort of thing is said to be the proper motive …” (74-75).
In a relationship, proper motives are focused on specific individuals, not individuals in
the abstract. The proper motivations in the case of the hospital visit involve the
emotions. One must visit because he desires to visit his friend, because he wants his
friend to feel comforted. His response to his friend’s praise should, truthfully, be because
he could not stand the thought of his friend having to go through this alone, because he
wanted nothing more than to help his friend get through this hardship.

Aristotle draws a relevant distinction between the virtuous person and the merely
continent person. The virtuous person exercises her virtues with pleasure; she “…does
not have to contend with internal pressures to act otherwise” (Kraut). One who truly
possesses the virtues delights in their exercise. The merely continent person, on the other
hand, performs the same actions as the virtuous person, but without the positive emotions
that accompany the actions of the virtuous person. In other words, the merely continent
person acts against her desires, because she believes an undesirable action is the right
thing to do.

To use Aristotle’s terms, then, the visiting friend at the hospital is merely
continent when he visits solely because he feels it his duty or solely because he believes it
is brings about the best state of affairs. The friend, however, who visits because he
desires to comfort you or cannot stand to think of you having to face your difficulties
alone acts virtuously, because possessing a virtue means to also possess a desire to
exercise it. When someone does not desire to act virtuously, this demonstrates a deficit in her character; virtuous people want to act virtuously. Just as the friend who visits the hospital solely because he feels obligated to do so or solely because he believes it maximizes happiness to visit does not act from the appropriate motivation and, therefore, does not receive “relational credit” for his action, so a person who acts against her passions to perform an action a virtuous person would perform in those circumstances receives “no moral credit” for her action, or at least far less credit than if she performed the act out of a virtuous desire.\footnote{In Aristotle’s terminology, she would be merely continent, not virtuous.}

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Emotions, not mere actions, count in morality. One’s character is demonstrated by her emotions, and virtue ethics evaluates the character, not merely actions. Imagine the person who reads about an awful tragedy in the newspaper (e.g. a plane crashes, killing all of its passengers). His response to the tragedy is, inwardly (i.e. in his thoughts only), to enjoy the chaos and the suffering. If merely having a thought does not count as an action, deontological and consequentialist ethics have nothing to evaluate in this case, and, therefore, nothing to condemn; the man did not \textit{do} anything to be condemned. On the other hand, if having a thought is counted as an action, it is hard to say, by deontological or consequentialist measures, what, if anything, he has done wrong. He has not increased suffering in the world or failed to maximize happiness. He does not seem to have violated any universalizable maxim or treated humanity as a mere means, as no one else was affected by his thought. Clearly, though, smiling at a tragedy, enjoying suffering, etc. should be condemned. We would be repulsed by this person if his thoughts came to light.
Many believe this is where virtue ethics successfully captures something important that other theories miss. The problem with the inappropriate response to tragic deaths of the children in the scenario described above is that it demonstrates a defective character. The person is callous, indifferent to suffering. There is something dark about who he is. His emotions are not properly aligned with virtue. If they were, he would react empathetically. His emotions indicate that character is deficient, and this is morally condemnable. Because of this, virtue ethics, many argue, is a more complete theory than its primary rivals.

1.4. Applying Virtue Ethics

Most of the work done in virtue ethics has been devoted to its defense qua ethical theory. Hursthouse, Foot, Williams, Stocker, Thompson, MacIntyre, Slote, etc. have been almost singularly focused on this goal. My interest, however, lies in its application. It is only because neo-Aristotelian virtue ethics is a relative newcomer to contemporary ethics that I have included this opening chapter. I would have preferred to have simply jumped straightway into the application of this theory to the question of abortion. I have attempted, however, in this short chapter to summarize the central tenets of virtue ethics, address some common criticisms, and describe what many have argued are advantages of the theory.

It is highly unlikely that anyone who is skeptical of the merits of virtue ethics will be convinced to change her opinion by anything that I have written above. For my purposes, however, it is good enough for skeptical readers to lay aside any concerns about the merits of virtue ethics, purely for the sake of argument, and assess what follows by how it adheres to the principles of virtue ethics I have described. My skeptical readers
should ask how successful the following arguments are if virtue ethics is, in fact (and contrary to their beliefs), a viable ethical theory.
Chapter Two: Abortion & an Appropriate Sense of Wonder

In this chapter, I argue that wonder or awe over fetuses and fetal development is a virtue, and its absence is a vice. I suggest that a woman can err morally when she decides to have an abortion without giving proper weight to the value of fetuses and fetal development as objects of wonder. Some reasons are sufficient to justify the destruction of a fetus, while other reasons are not. A particular decision to have an abortion may be immoral if a woman does not properly value her fetus. Improperly valuing fetuses is a potential moral pitfall a woman who has an abortion must traverse to avoid moral failure.

I make my argument by drawing from and expanding Rosalind Hursthouse’s discussion of new virtues related to environmental ethics. First, I examine what she describes as requirements and criteria for identifying virtues in general and explain how her environmental virtues fit those. Second, I argue that, by using the same requirements and criteria, a “new” virtue affecting decisions about abortion can be identified: wonder over fetuses and fetal development. Next, I attempt to demonstrate that this virtue means that some reasons a woman may have for wanting to have an abortion are sufficient and others are not. Some particular abortions, then, are immoral, while some are not necessarily so. Specifically, I suggest that the flippant destruction of fetuses is immoral, and I describe some cases that seem to qualify as that. Sometimes, however, women demonstrate the appropriate wonder over their fetuses and fetal development and still choose to have an abortion, because their reasons are sufficiently weighty. Whether or not a particular abortion is immoral depends, in part, on whether or not a pregnant woman possesses the virtue of wonder over fetuses and fetal development and acts accordingly.
2.1. Requirements & Criteria for Identifying Virtues

In “Environmental Virtue Ethics,” Rosalind Hursthouse argues, in part, that it is a moral failing not to have what she calls a proper orientation toward nature. This proper orientation is normative and amounts to a yet-to-be fully conceptualized virtue that she identifies, as an initial attempt, as “being rightly disposed with respect to wonder” in regard to nature (Hursthouse, Environmental Virtue Ethics 161). She believes that one acts viciously (i.e. in accordance with a moral vice) when she does not possess this disposition.

It is important for what follows to examine Hursthouse’s construction of this new virtue, as I will follow her guidelines closely when I attempt to develop a similar argument in the case of abortion. Hursthouse has described her criteria for identifying a virtue in several places. I will attempt to give a brief summary account of her view, explain how she uses these criteria to identify wonder over nature as a virtue, and then show that something very similar can be said about abortion.

In On Virtue Ethics, Hursthouse lists three requirements of a virtue that she draws out from Plato. They are:

i. The virtues must benefit their possessor. (They enable her to flourish, to be, and live a life that is, *eudaimon*.)

ii. The virtues make their possessor a good human being. (Human beings need the virtues in order to live well, to flourish *as* human beings, to live a characteristically good, *eudaimon*, human life.)

iii. The above two features of virtues are interrelated (Hursthouse, On Virtue Ethics 167).

From the second requirement, Hursthouse derives four criteria a character trait must meet in order to be considered a virtue. These, she notes, rely on ethical naturalism—i.e. the view that “there are objective moral facts and properties and these moral facts and
properties are natural facts and properties” (Lenman). Hursthouse describes how one can evaluate character traits such that they make their possessor good \textit{qua} human beings. This suggests that one can evaluate good humans in much the same way that one can evaluate good plants and non-human animals.

When one evaluates a good plant, for instance, she asks whether or not it is functioning well as typical of its species. One evaluates, then, how the plant’s functioning (i) provides for its own survival and (ii) maintains the continuation of the species. If a plant is functioning in such a way that it does not provide for its survival, it is defective. In the same way, if a plant is functioning in such a way that it does not help maintain the continuation of its species, it is defective. So, for example, if a plant does not become dormant during the winters of cold regions, then it will continue to collect water that expands and kills the plant during freezing weather. This plant would rightly be described as defective because it fails the first criterion. If a plant does not produce seeds at the time of year typical for its species, thereby ensuring the continuation of its kind, then it can also be rightly described as defective.

With many non-human animals, another criterion must be added for its proper evaluation. Not only must non-human animals function in ways that are good for their survival and the survival of their species, but many of them must also function in ways that (iii) help them avoid uncharacteristic suffering (i.e. as opposed to a characteristic pain such as that experienced in the bearing of offspring) and (perhaps) experience characteristic pleasure; otherwise, they are defective (Hursthouse, On Virtue Ethics 200). So, for example, a lioness that experiences uncharacteristic pain when running, even if this does not hinder its survival or the continuation of its species, is defective, in the same
way it is defective if it refuses to mate or does not nurture its offspring and teach its cubs to hunt. The fact that it experiences suffering when it should not is a defect.

For some non-human animals, a fourth criterion must be added. Animals that are characteristically social creatures must be evaluated by their characteristic contribution to (iv) “the good functioning of the social group” (Hursthouse, On Virtue Ethics 201). A social animal that fails in its social responsibilities is defective.

Wolves are, characteristically, social animals. Before hunting, wolves howl to bring the pack together. A wolf that fails to do so before hunting, or refuses to hunt in a pack altogether, is defective. Its behavior is antithetical to the good functioning of the group.

Ethical naturalists note that humans, too, are social animals and can be evaluated by the same four criteria used to evaluate non-human social animals, with one caveat: humans are rational. That humans are rational animals is significant in ethical evaluation. Humans, unlike non-rational animals, are not constrained by their nature. A human can reflect on human nature and choose to act differently than humans have acted in the past. This kind of rational reflection is characteristic of humans. Humans, characteristically, use rationality to decide what action to take. In this way, rationality, not natural inclination, is the driver of action. Humans use rationality to determine if a particular character trait meets the four criteria or not.

It is the rational choices of humans that are important for evaluation. The virtues make humans good *qua* humans, as those are exactly the traits one needs to meet the four criteria. For example, courageous humans “… defend themselves, and their young, and each other, and risk life and limb to defend and preserve worthwhile things in and about
their group, thereby fostering [(i)] their individual survival, [(ii)] the continuance of the species, [(iii)] their own and others’ enjoyment of various good things, and [(iv)] the good functioning of the social group” (Hursthouse, On Virtue Ethics 209). Courage, then, meets the four criteria and is necessary for the proper evaluation of a good human being.

Hursthouse considers charity a special case in that it does not seem that it directly fulfills the first criterion (i.e. individual survival). Importantly, though, charity serves some of the four criteria without hampering any of the others. While particular instances of charity may not aid an individual’s survival, individuals living in a charitable social group often “… live longer, avoid some suffering, enjoy more, because someone else helps them” (Hursthouse, On Virtue Ethics 209). The same can be said of other virtues like honesty, generosity, and loyalty. What makes a character trait a virtue, then, is that it aids the fulfillment of most of the four criteria without hindering the fulfillment of the others. A vice is a character trait that is inimical to the four criteria.

2.2. Environmental Virtues

With this general framework in mind, Hursthouse argues that a right disposition with respect to wonder in regard to nature is a virtue. Surely, this disposition is necessary for the continued survival of the species and is, indirectly, necessary for the continued survival of the individual (in the same way charity and other virtues are). Continued human survival requires a habitable environment, and an individual in a society who is rightly disposed with respect to wonder over nature lives longer and avoids some suffering. Additionally, this disposition helps the individual experience pleasure (one thinks of the delight most humans get from natural wonders).
Furthermore, Hursthouse notes that this disposition seems remarkably similar to other virtues (Hursthouse, Environmental Virtue Ethics 160). It requires practical wisdom (*phronesis*) in that one must know the right degree of wonder that is appropriate, the right time to feel wonder, and the right object(s) over which to experience wonder. It demands the engagement of feelings and emotions (e.g. one must be drawn to or repulsed by the right things). It sets out a way that children can behave without possessing the virtue. In these ways, proper wonder over nature resembles more typical virtues.

Fulfillment of a set of criteria and similarity to other virtues is important in identifying a new virtue, but a further description of what the virtue actually looks like is beneficial, as well. Seeing how a virtue plays out in real life can be more compelling than describing its fulfillment of certain criteria or noting its similarity to other virtues. It also demonstrates that a virtue can only be “new” in that its concept is newly explicated, not in that it has not heretofore been present in the character of the virtuous. One should be skeptical if otherwise virtuous people have not already been practicing a “new” virtue. How then does Hurshouse’s new virtue look in application?

First, wonder is surely connected with human relationships to the environment. It would be odd, indeed, to discuss environmental ethics without mentioning natural wonders like the Great Barrier Reef or the Grand Canyon. Wonder is never far out of the picture when one speaks of the appropriate human response to nature.

Second, wonder is an emotion that can be “… felt in accordance with, or contrary to, reason …” (Hursthouse, Environmental Virtue Ethics 162). Someone may feel

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14 Virtue ethicists often speak of the “unity of the virtues”—i.e. the idea that if one possesses *phronesis*, which is necessary to possess any virtue, one must necessarily possess the other virtues. See Hursthouse *On Virtue Ethics* pp. 153-157.
wonder over something they shouldn’t, and someone may fail to feel wonder over something they should. Hursthouse writes, “If we think and feel, not that nature is wondrous but that Disneyland or the Royal Family of Windsors are, that the other animals are not, but that we are, that the seas are not[,] but swimming pools on the twentieth floor of luxury hotels are, and act accordingly, then we act wrongly …” (Environmental Virtue Ethics 162). By “act wrongly,” she means the act of thinking and feeling inappropriately is wrong. Some objects are appropriate objects of wonder, while others are not. We rightly criticize someone who does not feel wonder over the Grand Canyon, but does feel it over another’s skill in playing “Angry Birds.” Like with other virtues, the possessor must experience wonder the right way, towards the right objects, for the right reasons, to the right degree, on the right occasions, in the right manner, etc.

Lastly, Hursthouse notes the way parents train children to respect both living and inanimate entities in nature. While she describes respect for nature as another virtue apart from wonder, the two cannot be independent. One respects that for which one rightly feels wonder, and in teaching children to respect nature, parents are teaching them the appropriate objects over which they should rightly feel wonder.

As I mentioned in the introductory chapter, from Aristotle on, the training/moral education of children plays an important role in virtue ethics. From the earliest ages, children are taught to be kind, honest, generous, courageous, etc. and taught not to be cruel, dishonest, stingy, and fearful. Parents make character development a primary goal of moral instruction.

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15 This kind of criticism is most typically expressed with children. We generally try to teach children over what they should and should not feel wonder. A parent who takes her child to the Grand Canyon and sees the child looking disinterestedly will try to explain to the child why wonder is the appropriate reaction.
Similarly, good parents attempt to develop in their children a proper respect for and wonder over nature. When a child damages or destroys a living thing, parents explain that she should not do this, because doing that harms the living thing. To teach them to rightly respect and wonder over natural things, children are taught how to care for plants and animals. When a child fears or feels disgust over a living thing, parents explain the processes by which the thing functions or how it fits into the broader natural scheme because they know that “… one of the best ways to enable children to get over their disgust and fear … is to tell or show the child how the thing in question works … and/or how this sort of thing … contributes to the life processes of other sorts of things, including us” (Hursthouse, Environmental Virtue Ethics 164-165). The goal of this instruction is the development of the kind of character that respects and wonders over nature.

Additionally, parents attempt to teach a respect for and wonder over non-living natural things. Hursthouse mentions spiders’ webs specifically. She notes that, while a parent may connect the destruction of a spider’s web to the well-being of a spider (e.g. “Don’t destroy the web; the spider needs it to catch food!”), she need not do so. Instead, parents might describe the web as “… an object of wonder—so delicate and light but so strong, so intricately patterned—[that is] not to be wantonly destroyed simply because it is such an object” (Hursthouse, Environmental Virtue Ethics 166). That a spider’s web is an object of wonder makes it an object that should not be flippantly destroyed.

2.3. Wonder over Fetuses & Fetal Development

Much more could (and, perhaps, need) be said to defend Hursthouse’s neo-Aristotelian moral naturalism and/or her description of a new environmental ethic, but
these were meant to serve only as a necessary backdrop for the arguments I wish to make in this chapter. First, I believe that in the same way one should (i.e. normatively) wonder over and respect nature, one should wonder over and respect what I can think of no better term for than “the miracle of birth” (sans the religious connotations), that this wonder and respect should play some role in a woman’s decision to have an abortion, and that one who has an abortion without due deference to the destruction of something that should inspire wonder fails morally.

Second, I think that even if one cannot directly apply Hursthouse’s environmental virtue ethics to abortion, it seems that wonder over and respect for zygotes, embryos, fetuses, and the process of fetal development should be a virtue of its own. So, even if one wishes to distinguish humanity from nature, wonder over fetuses and fetal development is a virtue that stands independently of Hurtshouse’s environmental ethic. I will defend both of these arguments together.

Why should fetuses and the process of fetal development inspire wonder? It is probably impossible to give necessary and sufficient conditions for what should and should not move one to feel wonder, but that does not mean nothing can be said at all. There seems to be no single list of properties that make things wonderful. Some things are wonderful because they are intricately patterned or delicate, some things are hard and heavy, some things are fresh and new, some things are old, something things are tiny (only seen through microscope) and some are huge, etc. (Hursthouse, Environmental Virtue Ethics 167). As with most concepts, however, it is probably unnecessary to have necessary and sufficient conditions to explain what is and is not an appropriate object of wonder. There are clear cases (e.g. Victoria Falls, the Mona Lisa, Shakespeare’s sonnets,
etc.), and one can debate the boundary cases (the oldest oak tree in a park, an avant-garde work of art, etc.).

Fetuses and fetal development certainly seem to fit the general description of what should inspire wonder. One might point to the processes involved. Germ cells invisible to the naked eye undergo a complex process, unlikely at every point. Conception and development involve an intricate interplay of systems easily upset at any point. That conception, initial development, implantation, and continued development occur at all in a particular instance should be an object of mild wonder. That the result of the process is a thinking adult is even more remarkable.

More than this process, though, zygotes, embryos, and fetuses are objects of wonder in themselves. That a single cell contains all the information that, if all goes well, can develop into a person with complex rational and creative abilities is nothing short of astounding. From one cell develops a working cardio-pulmonary system, gastrointestinal system, glandular system, muscular system, nervous system, etc. All of this takes place in an intricate interplay between two distinct organisms, a woman’s body and the developing fetus.

The idea that fetuses and fetal development is an object of wonder is one almost universally shared. Further understanding of fetal development has only stoked the attitude of wonder people have toward the objects and process of birth. Far from removing the wonder of fetal development, science has served to increase it. Ultrasound, magnetic resonance imaging, and other advances in capturing images of developing embryos and fetuses fuel humans’ sense of wonder. At least part of the power of fetal images in the abortion debate is the wonder inextricably linked to them. These images
inspire wonder. When one believes something to be an object of wonder, she believes that it has value as such.

I am not sure there is an appropriate response to someone who does not experience wonder over what I have described above. Someone trying to convince another that the Grand Canyon is wonderful, if she disagrees, may only be able to point and beg her to look again. I confess that I do not know what to say to someone who does not think fetuses and fetal development is wonderful. Perhaps, the best I can do is point and ask the skeptic to look again. To try to see what so many others seem to see.

If fetuses and fetal development are proper objects of wonder, this must be relevant to abortion, which kills a fetus and halts fetal development. Those who believe in a woman’s right to make her own reproductive decisions through abortion must justify the destruction of something so wonderful, because it is the destruction of something valuable. Valuable things cannot be flippantly destroyed.

One way, then, to think of the issue of abortion is to think of fetuses and the processes of fetal development as natural wonders that must be respected. Hursthouse argues that people must be properly moved by natural beauty. Perhaps, one can simply extend Hursthouse’s argument to cover fetuses.

One might object to a mere extension of an argument meant to motivate human concern for natural things. Hursthouse intends to demonstrate that there is a proper human reaction to nature, not to other humans or potential human persons. To apply an argument about how humans should respond to non-human natural objects to how they should respond to human objects is probably stretching the argument beyond what is appropriate.
Perhaps, then, a better approach is to suggest that there is a specific virtue that covers fetuses and fetal development specifically. This virtue would be being rightly disposed with respect to wonder in regard to fetuses and the processes of fetal development. One who possesses it reacts with wonder when she considers fetal development and its objects. This, of course, is similar to what Hursthouse says about human response to nature, but it more specifically focuses on the entities affected by abortion.

A virtue of this sort would fit perfectly with the requirements and criteria Hursthouse lays out for her new environmental ethic and that I described above. In terms of the requirements for a virtue, wonder in regard to fetuses and fetal development benefits its possessor (at least indirectly) and, in part, makes its possessor good \textit{qua} human being. In terms of her criteria, possession of the virtue, while not directly beneficial for individual survival, is not inimical to it and is likely indirectly beneficial (e.g. one has a better chance of survival in a society that respects and wonders over fetuses and fetal development). Certainly, this virtue meets the criterion of the continued survival of the species more fully than most. It is hard to imagine a society’s continued existence if fetuses are not considered objects of wonder and respect. Additionally, this kind of respect contributes to the good functioning of the social group and is, at least, not inimical to the avoidance of pain and the production of pleasure. This, of course, is too fast a first pass.

How might wonder in regard to fetuses and fetal development benefit its possessor? Recall Hursthouse’s third requirement is that the first two are interrelated—i.e. benefiting a possessor and making a possessor good \textit{qua} human being are inextricably
connected. To put it in Aristotelian terms, the person who possesses the virtues experiences *eudaimonia* exactly because she possesses those character traits that make her good *qua* human being.

In the next chapter, I will describe how parenthood in general is beneficial to the parent, all things being equal. I can foreshadow that argument here (and bolster it later) and suggest that experiencing wonder over fetuses and fetal development can, when one acts accordingly, shape character. Having appropriate regard for fetuses and fetal development makes one a better person.

In “How We Grow Food Reflects our Virtues and Vices,” Wendell Berry argues that working the land by traditional methods develops character. Nurturing animals, seeds, and plants is part of a habituation that develops the virtue of care within a person. The neo-Aristotelian virtue ethicist is not surprised that habituation is the first stage of character development and that habituation through nurturing seeds and animals develops traits necessary to experience *eudaimonia*.

Similarly, actions consistent with wonder in regard to fetuses and fetal development work, by habituation, to develop virtues such as wonder and care. When the virtue is present in the person’s character, it is broadly applied to all aspects of life. Possessing this virtue, then, benefits its possessor in that it makes them good *qua* human beings, and thereby able to experience *eudaimonia*.

### 2.4. Wonder as Virtue

What actions, though, are consistent with wonder and respect of fetuses and fetal development? Much like the farmer who nurtures seeds; who prepares the soil for them; who ensures they get what they need in terms of nutrition, water, and sunlight; and who
reacts to needs as they arise (e.g. lack of rain, growth of weeds, etc.); so those who wonder over and respect zygotes, embryos, and fetuses work to ensure their needs are met. Before attempting to get pregnant, a woman may give up smoking and drinking, may begin taking prenatal vitamins, may change her diet, lose weight, ensure that she is free from disease, etc. A woman who experiences an unexpected (but welcomed) pregnancy may do the same when she discovers her condition. Those who know a woman is pregnant (whether family member, friend, acquaintance, or stranger) may assist her with strenuous activities, give up a seat on a bus, hold doors open, give advice, etc., not just from concern for the pregnant woman, but out of respect for and wonder over the fetus and its process of development.

Continued exercise of these behaviors, like working the land by traditional methods, develops character. It seems clear that this proposed virtue meets Hursthouse’s requirements. What of her criteria, though?

Recall, that Hurthouse (and other neo-Aristotelian moral naturalists) note several features for evaluating a human as a good human. Briefly, again, we evaluate a human by her (i) functioning that is good for her survival, (ii) functioning that maintains the continuation of the species, (iii) functioning that makes it possible to enjoy freedom from pain and/or enjoyment of pleasure, and (iv) functioning that promotes the continued order of her social group. When considering these, it must be recalled that in all evaluations of humans, the focus is on rational actions, not mere innate inclinations.

As I mentioned above, it is unclear that wonder over and respect for fetuses and fetal development directly aid in an individual’s survival. This seems to be the case with many other-regarding virtues. Importantly, though, wonder over and respect for fetuses
and fetal development is not inimical to individual survival.\textsuperscript{16} And, perhaps, it indirectly works to ensure individual survival in that actions based on it help individuals experience a healthy development during those stages.

It is clear, however, that this virtue fulfills Hursthouse’s second criterion. This virtue surely helps maintain the continuation of the species. One could imagine a strictly utilitarian society that, through calculation, agreed that certain actions or rules related to the treatment of fetuses bring about the best consequences in terms of the health of individuals and society. It seems far more characteristically human, however, to think of these actions as tied to wonder and respect. Also, I think it is likelier that humans will nurture zygotes, embryos, and fetuses, because they wonder over and have respect for them than because they have made certain impersonal calculations that it is best to do so for the good of their society.

A rational species that experiences wonder over and respects fetuses and the processes of fetal development is far more likely to continue as a species than one that does not.\textsuperscript{17} Wonder and respect for fetuses and fetal development generates actions that produce healthy individuals and, thereby, a healthy species. One would be hard-pressed to discover a virtue more conducive to the continued survival of a species.\textsuperscript{18}

\textsuperscript{16} Wonder, however, can (and often does) affect a woman’s ability to thrive. Bearing a fetus out of respect can take a serious toll on a woman. It rarely threatens her survival, but certainly affects her ability to thrive as an individual.

\textsuperscript{17} Note that I am comparing rational species here. Dinosaurs surely did not have the ability to wonder over or respect their fetal and embryonic offspring, but survived 10 times as long as homo sapiens have. My comparison is with a rational species that can choose to act in ways harmful to fetuses and fetal development. A rational race like this that does not possess this virtue is less likely to survive than a rational species that does.

\textsuperscript{18} Of course, overpopulation can also threaten a species. All things being equal, then, reproduction meets this criteria.
Hursthouse’s third criterion is that possession of the virtue promotes freedom from pain and enjoyment of pleasure. I have already suggested how wonder over fetuses and fetal development fulfills this. When women and societies wonder over and respect fetuses and the process of fetal development, they act in ways that produce healthy individuals. They develop technologies that improve the health of fetuses (e.g. vitamins, diets, and supplements specifically catered to their needs); they create social taboos associated with actions detrimental to fetal health (e.g. pregnant women feel great social pressure to refrain from activities that endanger the health of fetuses—e.g. there is probably not many activities that would attract more derision than a noticeably pregnant woman drinking and smoking); they adopt practices that make it easier for women to nurture their fetuses; etc. Societies that wonder over fetuses and the process of fetal development produce healthy children who have a better chance of avoiding pain and enjoying pleasurable activities.

Healthy individuals avoid pain and suffering associated with poor health, and they experience much more enjoyment of common pleasurable activities. Health is a major part of any pleasurable life. By contributing to individual health, wonder over and respect for fetuses and fetal development fulfills Hursthouse’s third criterion.

The virtue’s connection to the last criterion is more tenuous. In one sense, wonder over fetuses and fetal development clearly promotes the continued function of the social group: it helps maintain the survival of the group. This, however, collapses the fourth criterion with the second. Perhaps, the collapse is not a problem, as virtues uniquely fit the criteria in different ways.
It seems to me, though, that the virtue fulfills the criterion in another way that preserves the distinction between the fourth and second criteria. Producing healthy offspring is a primary concern of most members of the social group. Shared wonder over fetuses and fetal development promotes the interests of these members. When the entire social group acts in accordance with wonder, every interested individual’s reproductive interests are met and all can count on reciprocated behaviors when they are interested in producing healthy offspring. This understanding promotes the continued functioning of the social group.

If I am correct, this new virtue fits the neo-Aristotelean model at least as well as Hursthouse’s new environmental virtues. As I suggested above, however, simply demonstrating that a proposed virtue meets requirements and criteria may not be as convincing as seeing the virtue in action. My case for wonder over fetuses and fetal development can be bolstered by showing that it is a trait already possessed by characteristically virtuous people. I will now turn to that task.

Much of what was said above in favor of wonder over nature is applicable here. Wonder can be felt reasonably or unreasonably—i.e. there are proper objects of wonder and improper objects. Surely, the objects of fetal development and the process itself are appropriate objects of wonder. In the past, the process of fetal development was considered so wondrous it could only be attributed to deity (many, today, still make this association). People often speak of the “miracle of birth,” attempting to connect the wonder they feel for the process of fetal development with the only entities they can imagine capable of producing it: the divine. Furthermore, people are (and have always been) fascinated by fetal images, whether in still photographs or video. Almost without
exception, when presented with images of fetal development, people describe the process as “wonderful.”

It is not without reason that those who oppose abortion have used fetal images in their protests. These images very effectively move people. The staunchest supporter of a woman’s reproductive freedoms is affected by the images of aborted fetuses. What better explains the effect of images that juxtapose a healthy, developing fetus with the remains of an aborted fetus than the feeling that something wondrous has been destroyed?

This common fascination with fetal images should not be undervalued. I have acknowledged the difficulty (or, perhaps, impossibility) of developing an argument that is capable of convincing someone who is not inclined to feel wonder over something that she should feel differently. What I am suggesting in my description of the common sentiment toward fetal images is that, in light of this near universal attitude, it is the skeptic who may need to explain why he, unlike most, does not share the common sentiment.

Another expression of wonder over fetuses may be seen in the treatment of pregnant women. Pregnant women are almost universally treated with deference, and not simply for their own sake. If the deference were due simply to a pregnant woman’s burdened state, one would not expect that a pregnant woman engaging in an activity that others believe will endanger her fetus would be an object of scorn and criticism. Pregnant women, however, have reported being confronted by bartenders and wait staff for ordering an alcoholic drink, even though the one drink posed very little risk to the fetus. A pregnant woman with a cigarette in her mouth is nearly universally scorned. If people were solely concerned with the burdened condition of pregnant women, these
confrontations are difficult to explain. The deference a pregnant woman receives, then, cannot be entirely attributed to the vulnerability that typically accompanies pregnancy, but also to the respect others have for fetuses and fetal development.

One might object, however, that deference is shown, not because of wonder over fetuses, but rather because of concern over future children. The objection, however, does not seem to capture all that is involved in people’s concern. It would not explain, for example, the outrage many experienced in 2008, when a Yale University art student, Aliza Shvarts, claimed to have repeatedly inseminated herself artificially and induced multiple abortions, videoing these and collecting the blood from the miscarriages as her senior art project. Both those who support a woman’s reproductive freedoms and those who oppose abortion condemned the act. At least in the case of the former, the primary concern could not have been the destruction of future children or mere respect for early human life, since those who support a woman’s reproductive freedom are not generally opposed to destroying human life in its earliest form. The best explanation of the condemnation is Shvarts’ flagrant disregard of something wonderful. Since she never intended to give birth to a child, there were no future children who were harmed by her actions. While concern over future children and respect for early human life is certainly part of why deference is shown to pregnant women, wonder over fetuses and fetal development best explains other cases in which neither of these apply.

Nowhere is wonder over fetuses and fetal development clearer than in the way we instruct children about these issues. Parents often bring children around pregnant friends

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19 There is good reason to believe Shvarts faked the project as a piece of performance art involving stories of the project and the reactions they invoked, though Shvarts maintains publicly that she did exactly what she described.
or family members (or even pregnant strangers) to teach them about the “miracle of birth.” They explain that there is a baby growing inside the woman, that the baby starts off very small but grows larger and will someday be as big as them. Adults often invite children to touch a pregnant woman’s belly. If a child reacts in disgust, they are corrected; they are told that it is not gross, but wonderful. A parent is disappointed if a child is not struck by the idea that people come about in this way. Parents will try to convince a child who is not, in their minds, sufficiently enamored by the miracle of birth that they should be. A mother might explain to the unsettled child that he was once small thing inside her belly, just as the small thing inside another woman is now. Parents very intentionally try to teach their children to wonder over the process that can bring about a human like them.

It seems to me that there is just as strong a case (and, perhaps, stronger) for considering wonder over fetuses and fetal development a virtue as there is for any of Hursthouse’s proposed environmental virtues. It fits her requirements and criteria as well as hers. It appears to be already established as a value, even if it has not been explicitly identified as a virtue.

If Hursthouse and I have identified new virtues, what might be made of them in terms of their practical applications? What does wondering over the environment mean in practical terms? What does it lead one to do or refrain from doing? What does wondering over fetuses and fetal development lead one to do or refrain from doing? I turn to these questions in the next section.

2.5. Action & the Demonstration of Wonder as a Virtue
In virtue ethics, it is never a simple matter to come up with a list of clear rules implied by the virtues and vices, since practical wisdom is needed to apply virtues. As I noted in the previous chapter, however, Hursthouse believes that virtue ethics provides general rules. She thinks that all virtues prescribe rules to act according to the virtue and each vice prohibitions. Each of these rules and prohibitions, however, demand evaluative clarification. What does it mean to do what is honest, charitable, or generous? Only one who possesses practical wisdom can adequately answer this question. For example, of generosity, Hursthouse notes that it takes practical wisdom to give “…the right amount of the right sort of thing, for the right reasons, to the right people, on the right occasions” (On Virtue Ethics 12). Every virtue depends on practical wisdom (phronesis) for proper application. The following guidelines, then, are offered as general thoughts that may be applied to specific situations.

Again, I have structured my argument to parallel Hursthouse’s. She follows a similar path in terms of guidelines for environmental virtue ethics. She does not say much about the application of her new virtues. She speaks generally of not polluting the air, land, or water. She notes that living things and non-living things (e.g. “… the sun, the moon, the seas, the minerals in the earth, the ozone layer” (Hursthouse, Environmental Virtue Ethics 165-166)) should be respected. These are general prescriptions. Specifically, though (and instructively for my purposes), Hursthouse mentions cutting down a tree, slashing a spider’s web, and destroying an ammonite or other fossil as moral wrongs, given certain situations.

It is, perhaps, easier to think of applications for the virtue I have proposed than for Hursthouse’s environmental virtues. One that I have already mentioned is deference to
pregnant women, not simply based on their burdened condition or the social good they provide by shouldering the primary responsibility of human reproduction, but also based on wonder over the zygotes, embryos, or fetuses they carry. This deference may take any number of forms of helpfulness to ease the burden on these women, for the sake of the fetuses they bear. Another, more controversial, application (that I believe, but do not wish to defend here) is continued social pressure on pregnant women to do what is healthy for their developing fetuses (or, more positively, we might say an application is to provide assistance to women to do what is healthy for their developing fetuses). I believe there are many other such applications of this virtue.

My primary concern, of course, is how wonder over fetuses and fetal development applies to decisions about abortion. If zygotes, embryos, and fetuses should be the objects of wonder, can it ever be morally permissible to destroy them? If it is permissible, what reasons justify their destruction?

Is it ever permissible to destroy something over which one should feel wonder? Hursthouse seems to think so. Note, again, some of her specific examples: (i) “… wantonly destroying a living thing such as a tree,” (ii) a child wantonly destroying a living thing like a plant, (iii) teaching a child that a spider’s web should “… not be wantonly destroyed because it is [an object of wonder],” (iv) “[a]n ammonite is something else that is not to be wantonly destroyed but wondered at” (Hursthouse, Environmental Virtue Ethics 159, 164, 166). In each of these examples, Hursthouse does not suggest that destruction per se is the issue, but rather wanton destruction.

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20 I think there are strong implications for embryonic stem-cell research as well, but that is beyond the scope of this work.
I am not sure that Hursthouse has chosen the proper adverb for her prohibitions. ‘Wanton’ has a connotation of violence or cruelty that does not seem applicable to objects without consciousness.21 One does not typically identify the destruction of webs, fossils, or even plants and trees as cruel or violent. A better (though not, for me, completely satisfactory) adverb might be ‘flippantly,’ which denotes an “…unbecoming levity in the consideration of serious subjects or in behaviour to persons entitled to respect” (OED Online). This seems to me to capture Hursthouse’s point more directly. She does not believe that no spider’s web can ever be destroyed (e.g. a spider’s web blocking the entrance to one’s home must be broken), nor that one can never kill a tree or plant. Her concern is that one destroys these entities for trivial reasons.

I want to make a similar argument for the destruction of zygotes, embryos, and fetuses. The fact that they are objects of wonder does not mean they can never be destroyed. It does mean that one should not destroy one of these entities flippantly. The fact that fetuses and fetal development are wonderful, should cause a woman to assess the reasons she has for wanting to have an abortion. Those reasons should be serious reasons; reasons that outweigh the general moral requirement that one acts to preserve the wonderful.

This belief that zygotes, embryos, and fetuses have some value and should not be flippantly destroyed is not exclusive to virtue ethicists. Bonnie Steinbock, who characterizes herself as a “tempered consequentialist,” notes that embryos and fetuses are to be respected (though not in the Kantian sense of rights-ascription). She writes, “To display non-Kantian respect for embryos, the uses to which embryos are put, and for

21 I address this in more detail in chapter four.
which they are destroyed, must be important, as opposed to frivolous or trivial”
(Steinbock, Life Before Birth 276). Though Steinbock does not connect appropriate
actions with wonder or any other virtue (she describes this as “symbolic value”), she
notes that “non-Kantian respect” plays some role in the ethics of destroying embryos and
defuses.

Ronald Dworkin, similarly, attributes value to zygotes, embryos, and fetuses. He
argues that we, naturally, think of human life as “sacred”/inviolable. By ‘sacred,’ he
means, in part, that human life is intrinsically valuable whenever it exists. He writes, “…
once a human life has begun, it is very important that it flourish and not be wasted”
(Dworkin 74). We know if something is sacred “… when its deliberate destruction
would dishonor what ought to be honored” (Dworkin 74). He draws an analogy between
human life and works of art. It is a shame when a piece of art is destroyed and not
merely for instrumental reasons—i.e. it is not only a shame because others will be unable
to view it in the future, but because it is the product of an artistic process. Similarly, it is
common to think of individuals as a work of art: “A mature woman … is in her
personality, training capacity, interests, ambitions, and emotions, something like a work
of art because in those respects she is a product of human creative intelligence, partly that
of her parents and other people, partly that of her culture, and also, through the choices
she has made, her own creation” (Dworkin 82). Additionally, human life “… is a
triump of divine or evolutionary creation, which produces a complex, reasoning being
from, as it were, nothing, and also of what we often call the ‘miracle’ of human
reproduction, which makes each new human being both different from and yet a
continuation of the human beings who created it” (Dworkin 83). A person is intrinsically
valuable; her life is sacred both as a creatively-produced thing and as a biological entity that came about through a complex, evolutionary process.

To say that a zygote, embryo, or fetus is intrinsically valuable, though, is not to say that it can never be destroyed. He believes that sacred value can belong to something by degree. He notes that destroying a minor artist’s work is regrettable (or “sacrilegious”), but not as regrettable as destroying, for example, one of Bellini’s greatest works. Both are sacred, but the latter by a greater degree than the former. In the same way, human life is often revered by degree—e.g. one typically thinks it is a greater tragedy that a young person dies prematurely than when an elderly person dies after living a full life.

Dworkin believes we think that some cases of death are worse than others, not because of the amount life that is wasted (this would make the natural destruction of a zygote that fails to attach to a woman’s uterine wall the most tragic of all deaths, which is certainly not how we tend to feel about these cases), but because of the frustration of the natural and creative investments made, but unrealized, in that life. This explains why late miscarriages are, typically, understood to be more tragic than early ones, why infanticide is more revolting than an early abortion, why the death of a teenager is more tragic than the death of an infant a few days old. There is a greater degree of frustration if a death “… takes place after rather than before the person has made a significant personal investment in his own life, and less if it occurs after any investment has been substantially fulfilled, or as substantially fulfilled as is anyway likely” (Dworkin 88).

For Dworkin, then, human life always carries some value, but that value increases in the early stages of a person’s existence, holds steady at its peak throughout most of
one’s life, then somewhat decreases in the later stages of life. At no point, however, is it ever morally insignificant. It can never be destroyed flippantly or for no good reason at all.

The reasons that Steinbock and Dworkin give for ascribing intrinsic value to embryos and fetuses is different than the ones I have given for wonder over those same entities. My point is simply that it is not uncommon for ethicists working within normative theories other than virtue ethics to suggest that zygotes, embryos, and fetuses have some kind of intrinsic value and should not be destroyed flippantly. Ethicists from different traditions, or even individual ethicists working in the same tradition, may disagree over what generates this kind of value, but it is not unusual to think of zygotes, embryos, and fetuses in this way. It seems to me that any account that suggests that the destruction of certain embryos is morally insignificant is deficient in that it fails to appreciate the intrinsic value of these entities.\(^{22}\) It is appropriate to afford zygotes, embryos, and fetuses some form of respect.

I should note that I do not believe many women decide to have an abortion flippantly. Surveys of the reasons women have abortions (especially late-term abortions) are weighty, indeed. A 2005 report by researchers at the Guttmacher Institute concluded, “The reasons most frequently cited were that having a child would interfere with a woman’s education, work or ability to care for dependents (74%); that she could not

\(^{22}\) This is not to say there are no such accounts. Elizabeth Harman, for example, only believes that fetuses that will become persons should be subject of moral consideration. She argues, “An early fetus that will become a person has some moral status. An early fetus that will die while it is still an early fetus has no moral status” (Harman 311). Similarly, Anja Karnein claims that “… only the combination of being an embryo that could develop further and having a woman willing to be pregnant with it …” endows an embryo with moral significance. With the qualification that there “… are no good reasons for denying embryos the opportunity to be implanted in women’s wombs if particular women would like to become pregnant with them,” she agrees that “their deaths simply do not matter morally” (Karnein 34).
afford a baby now (73%); and that she did not want to be a single mother or was having relationship problems (48%)” (Finer, Frohwirth and Dauphinee 110). I take all of these to be very serious reasons, though I examine the first reason in greater detail in the next chapter.23

There are cases one can imagine, however, in which a woman could flippantly decide to destroy a fetus. I mentioned one case above that bears review, the case of Aliza Shvarts, the art student who claimed to have repeatedly inseminated herself artificially and induced multiple abortions, videoing these and collecting the blood from the miscarriages as her senior art project. Though a Yale University spokesperson claimed that Ms. Shvarts told deans of the college that the project was performance art meant to “draw attention to the ambiguity surrounding form and function of a woman's body” (Kinzie), Shvarts has continued to publicly claim that in 2007 she “performed repeated self-induced miscarriages … to call into question the relationship between form and function as they converge on the body” (Shvarts). Whatever the actual facts of the case,24 one would be hard-pressed to find a clearer case of flippant abortions (if, indeed, she did what she has claimed). Impregnating oneself and inducing abortions on multiple occasions to make a point in an art project displays little regard and no wonder over embryos and fetal development. Steinbock similarly condemns the act and writes, “… it seems to me that Shvarts’s project, assuming it had used deliberately created and aborted embryos, failed to show appropriate respect. No lives were saved; human knowledge was not advanced. The appeal to art has it limits” (Life Before Birth 277). She contrasts

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23 There, I argue that a woman can err morally if she does not properly evaluate the good of parenthood and has an abortion because she wrongly believes her life would be better off without children at that time.

24 Many experts and the deans at Yale doubted that she was ever pregnant.
good reasons (advancing human knowledge and saving lives) with possibly trivial
reasons (the production of art for shock value).

Steinbock imagines a man learning that his girlfriend is pregnant. He wants to
raise the child and would even be happy to do so alone, if his girlfriend was not ready for
that commitment. His girlfriend, however, tells him that she is going to have an abortion
“… because she does not want to be pregnant in the summer when she would be unable
to wear a bikini” (Steinbock, Why Most Abortions Are Not Wrong 259). Steinbock notes
that the woman’s “… willingness to abort for so slight a reason reflects very badly on her
character” and that, since her boyfriend is willing to raise the child without any burden on
her past the pregnancy, “… we might reasonably judge her abortion to be immoral”
because “[s]o trivial a reason does not seem to justify killing a fetus …” (Why Most
Abortions Are Not Wrong 259).25

Another example of a flippant abortion, however, leads me to the exact opposite
conclusion of a philosopher with whom I, otherwise, find myself in general agreement on
the status of fetuses. After arguing that fetuses are not persons and, thereby, do not have
to be respected as such, Mary Anne Warren writes, “Whether or not it would be indecent
(whatever that means) for a woman in her seventh month to obtain an abortion just to
avoid having to postpone a trip to Europe, it would not, in itself, be immoral, and
therefore it ought to be permitted” (Warren, On the Moral and Legal Status of Abortion
472). If I am right that wonder over fetuses and fetal development is a virtue, Warren’s
imagined woman would be acting immorally, exactly because the action shows that the

25 Steinbock acknowledges that “… it is scarcely plausible that [wanting to wear a bikini in the summer]
could ever be a woman’s sole reason for wishing to avoid pregnancy” (Why Most Abortions Are Not
Wrong 259). The example is merely meant to demonstrate that there are reasons one can imagine that do
not justify killing a fetus.
woman has no respect for the fetus and its development. Having to wait to visit Europe should not count as an appropriate reason for destroying something wonderful, something of value.

In the same article, Warren argues that, because abortion is morally neutral, it is comparable to having one’s hair cut. Steinbock notes that “[t]his comparison outrages many people, even those who support a woman’s right to choose abortion” (Life Before Birth 53). While Steinbock attributes the outrage to “trivializ[ing] the complex feeling many woman [sic.] have had in connection with abortion, especially late abortions,” it seems to me that it is more than this, that there is something about the fetus and its development that makes up, at least, part of the outrage. It is the flippant destruction of something we, in most contexts, understand to be wonderful.

Steinbock mentions a heightened response to late abortions. I have not distinguished between early and late abortions in my discussion of wonder, as I believe that wonder covers all stages of development and that the destruction of a zygote, embryo, or fetus at any stage demands some kind of justification. This does not mean, though, that I believe that the level of justification must be equal in decisions to destroy fetuses at a very early stage of development and at a very late stage.

For some things, wonder grows as the thing develops. Though certainly not comparable to fetuses, spider-webs are examples of the kinds of things for which wonder grows with development. While the first few strands of a web might inspire some sense of wonder, the finished product is much more certainly an appropriate object of wonder. A parent who reprimands a child for flippantly destroying a completed web may be less

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26 Warren, later, stepped away from this analogy in a conversation with Bonnie Steinbock (Steinbock, Life Before Birth Note 55).
inclined to say anything to the child who destroys the first few strands (though, the parent might point out to the child that he impeded the development of something truly wonderful).

A zygote is, surely, more wonderful than the first strands of a web, but not as wonderful as a fetus in later stages of development. The justifications for the destruction of each, then, will need to be different, the destruction of the latter demanding greater justification. What is ‘wanton’ or ‘flippant’ destruction of a late stage fetus will be different than what is wanton and flippant destruction of a zygote.

What is important for this discussion, however, is that one can imagine cases in which an abortion is flippant. The examples I have given, actual or hypothetical, seem to be ones in which the destruction of embryos or fetuses is unjustified. It seems that one must have weightier reasons than these.

These are all fanciful examples, however. Perhaps, it is easier to make this point with more plausible illustrations of how wondering over fetuses might look in situations in which the virtue is exercised positively. Take a new mother whose obstetrician tells her that it is best for her that she waits 2-3 years before attempting to have another child because of some relatively mild health risks. However, after 18 months, she accidentally gets pregnant. She would prefer to follow her obstetrician’s advice, but because she properly wonders over fetuses, she chooses not to have an abortion and take on the additional health risks and burdens of raising two young children.

Maybe another woman wants to postpone childbirth until she earns tenure. She is 30 and is fairly certain that she can accomplish this by the time she turns 33. A failure of

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27 I am indebted to Bonnie Steinbock for both of the following examples.
her birth control method, however, results in a pregnancy. She would prefer not to face
the added challenges of raising a young child and doing all that is required for tenure, but
because she values and wonders over fetuses and fetal development, she decides to go
through with the pregnancy.

As I will argue below, it is possible for both of these women to choose abortion
instead without demonstrating a lack of wonder over fetuses and fetal development. I
believe that both women could have made the opposite choice while still possessing an
appropriate sense of wonder. These, however, demonstrate how wonder might influence
a woman’s reproductive decisions.

I find it very unlikely that many women choose to have abortions because they do
not want to postpone vacations, because they want to wear bikinis in the summer,
because they want to create art, or because they think of abortions as no more morally
significant than a haircut. This does not mean, though, that all women who have had
abortions have had reasons weighty enough to justify destroying embryos and fetuses,
which I have argued are properly objects of wonder. If so, at least some abortions are
immoral, because the women having them do not demonstrate an appropriate sense of
wonder over fetuses and fetal development.

I do not mean to suggest that all women considering abortion must always
consciously express wonder over her developing fetus. It may be that her thoughts are so
consumed with the justification for the abortion that she does not reflect on the
development of her fetus at all. All that is meant here is that some reasons for aborting
do not demonstrate a proper sense of wonder over developing fetuses. A weighty reason
might overshadow wonder, whereas a lesser reason should not.
Again, I want to note that I believe it is the extremely atypical pregnant woman who displays a flippant attitude toward abortion. I do not think it an overstatement to say that no pregnant women think abortion is “no big deal” at all. Some, however, may not fully appreciate the reasons abortion is a big deal. At least part of what makes abortion a big deal is that it destroys something wonderful. Women who miss this aspect (e.g. by not thinking at all about the wonderful thing she is choosing to destroy, when her reasons are not overwhelmingly weighty) act immorally.

2.6. Traversing the Potential Moral Pitfall

I want to do more than simply point out that some particular abortions are immoral because the women having them do not have an appropriate sense of wonder over their fetuses and their development. I believe that a woman can possess an appropriate sense of wonder and still choose to have an abortion. My constructive task is to show that this is a potential moral pitfall that can be avoided. Just because a woman can display an inappropriate sense of wonder in having an abortion, does not mean that she must.

It might be tempting to simply say that a woman can avoid this potential moral pitfall related to wonder over fetuses and fetal development by merely adopting an attitude of wonder. This is only trivially true, however. First, attitudes are not virtues, and what is important is the possession of the virtue. Virtues are developed over time, through habituation and experience. Second, simply saying that a woman must properly wonder over fetuses and their development is not morally instructive. At the same time, I do not believe one can come up with a list of appropriate and weighty reasons that justify the destruction of fetuses and another that describes inappropriate and flippant reasons for
having an abortion (though my last chapter describes cases in which a woman errs morally by \textit{not} having an abortion; I take the reasons described there, then, to be weighty enough to destroy a fetus). As with most issues for virtue ethicists, particular situations demand the application of practical wisdom to that issue to determine how the exercise of the relevant virtue(s) will play out in action.

I think the best that can be done in terms of moral instruction is by way of analogy. From my home office window (where I am writing this), I see a beautiful old tree in my neighbor’s lawn. From one of its branches hangs a tire swing. Another branch grows very close to the tree’s base, runs close to the ground for about eleven feet before curling upwards into a mass of smaller branches, twigs, and beautiful foliage. I often see my neighbor’s children sitting on the branch together eating sandwiches, hanging upside down from it, swinging on the tire, etc. It is really a beautiful tree.

I take my neighbor’s tree to be an object worthy of wonder. Its age, size, and beauty makes it something that should be wondered over and respected. If a group of neighborhood children, for lack of another entertainment, decided to hack away at its roots, branches, and trunk to kill it, the children would be acting immorally, and not just because the tree is not theirs. In fact, if my neighbor did the same thing, simply because he lacked another distraction, he too would do something immoral; he would not show the appropriate sense of wonder for something wonderful. One could imagine reasons other than boredom that do not seem to justify the destruction of the tree. He may say that he does not want to rake its leaves in the Fall, that the tree blocks his view of his neighbor’s yearly fireworks display, that he prefers young trees to old, that he would rather build a patio where the tree currently grows, etc. None of these reasons seem
weighty enough to justify the destruction of something wonderful, even if all fall within his legal property rights.

That does not mean, though, that there is nothing that could justify the tree’s destruction. One could think of many justifiable reasons for destroying the tree. Its roots could grow in such a way that the foundation of my neighbor’s home is threatened. The tree could contract an untreatable disease that threatens the other trees in the neighborhood. One creative enough to do so could likely come up with any number of reasons that justify the tree’s destruction. The point, though, is that some reasons for destroying the tree are acceptable and others are not. One must weigh the value of the tree against the weight of the reasons one might have for destroying it. Though my neighbor may really want a better view of his neighbor’s annual fireworks display, the value of the tree outweighs his desire. The value of the tree restrains his actions in some ways.

I believe the same is true when it comes to the destruction of zygotes, embryos, and fetuses. Some reasons are just not good enough, while other reasons provide sufficient justification. The vast majority of women who choose to have an abortion, I believe, do so for reasons sufficient to outweigh the value of fetuses. There are surely some cases, however, in which women choose to have an abortion for reasons insufficient to justify their destruction. Inasmuch as this is the case, at least some particular cases of abortion are immoral.

Fetuses and fetal development are properly things to be wondered over. Their value limits actions that destroy them. Just like the value of a wonderful natural object,
like my neighbor’s tree, requires sufficient justification for its destruction, so the value of fetuses and their development makes some reasons for their destruction unacceptable.

A woman who aborts her fetus must have sufficiently weighty reasons for doing so. Barring extreme circumstances that make it impossible (e.g. pregnancy from rape or incest), the virtuous woman experiences wonder when she considers her fetus and its development. That wonder limits or gives pause to any decision to destroy it. A woman considering having an abortion must consider the value of the fetus she wishes to destroy. She cannot make her decision flippantly; she must take into account the seriousness of destroying something wonderful. If she does not have sufficient reasons for killing her fetus, she should not do so.

Though one cannot generate a complete list of sufficient and insufficient reasons for destroying a fetus, this does not mean some reasons do and others do not justify a particular abortion. Only through the application of practical wisdom can one come to a decision that accords with the virtue of wonder over fetuses and fetal development.
3. Chapter Three: Abortion & the Value of Parenthood

In “Virtue Theory and Abortion,” Rosalind Hursthouse argues there that given that “. . . parenthood in general, and motherhood and childbearing in particular, are intrinsically worthwhile . . .,” a woman choosing an abortion can, in some situations, “. . . be manifesting a flawed grasp of what her life should be, and be about—a grasp that is childish, or grossly materialistic, or shortsighted, or shallow” (Virtue Theory and Abortion 241). Her idea is that some women fail morally when having an abortion because they do not properly value the bearing of children. Motherhood and childbearing, she believes, are “intrinsically worthwhile,” so it must not be put aside by abortion for pursuits of lesser value; to do so is to act viciously (i.e. contrary to virtue).

Hursthouse’s claim is shocking and dubious on the face of it. Surely, there are countless morally laudable pursuits that require a woman to postpone or forgo childbirth. These pursuits can range from the remarkable to the mundane without seeming childish, shortsighted, or shallow.

Hursthouse tempers this argument by acknowledging that many women are “… in the happy position of there being more worthwhile things to do than can be fitted into one lifetime, … [so] even if [motherhood is] granted to be intrinsically worthwhile, [it] undoubtedly take[s] up a lot of one's adult life, leaving no room for some other worthwhile pursuits” (Virtue Theory and Abortion 242). It can be the case, then, that motherhood is properly put off or even forgone by abortion, if one is pursuing other worthwhile endeavors, but she suggests that some women “… are not avoiding parenthood for the sake of other worthwhile pursuits, but for the worthless one of ‘having a good time,’ or for the pursuit of some false vision of the ideals of freedom or self-
realization” (Hursthouse, Virtue Theory and Abortion 242). Additionally, Hursthouse says that many adult women\textsuperscript{28} who say they are not yet ready for motherhood “… are making some sort of mistake about the extent to which one can manipulate the circumstances of one's life so as to make it fulfill some dream that one has” (Virtue Theory and Abortion 242). She notes that, because the dream of having two children, within the context of a great marriage and career, and when one is financially secure is very difficult to attain, it “… may be both greedy and foolish, and [runs] the risk of missing out on happiness entirely” (Hursthouse, Virtue Theory and Abortion 242).

Of course, living a life marked by the pursuit of frivolous pleasure or “having a good time” is morally objectionable itself, as is pursuing false ideals. This is not unique to decisions about abortion, so one might wonder how abortion is relevant to the discussion at all. Why doesn’t Hursthouse simply condemn theses pursuits alone?

What I think Hursthouse means to emphasize in her argument is that, all things being equal, childbearing and rearing is incredibly valuable. Because it is so valuable, a woman who discovers she is pregnant is, all things being equal, presented with an opportunity to experience something generally believed to be wonderful. When presented with such an opportunity, one should only postpone or forgo that opportunity for good reasons. It is one thing to childishly pursue frivolous pleasures, but it is another thing entirely to reject a valuable opportunity in order to do so.

I should note that I do not believe Hursthouse argues that only parents can lead a valuable life or that choosing to have an abortion to postpone or forgo childbearing

\textsuperscript{28} Since children cannot possess virtues, Hurthouse’s arguments apply only to adult women. She notes that a child who says she is not ready for motherhood is actually showing “… appropriate modesty or humility, or a fearfulness that does not amount to cowardice” (Hursthouse, Virtue Theory and Abortion 242)
altogether means that one has acted immorally. I believe, and I think Hursthouse would agree, that there are many ways one can live a valuable life without having children. The choice not to have children is not always a foolish or imprudent choice. There are pursuits that are worthy of postponing or forgoing childbearing. Hursthouse’s argument is that the value of parenthood is so great that many pursuits pale in comparison. As long as one does not miss out on the value of parenthood for something of significantly lesser value, I do not believe that Hursthouse would object to abortion used in this way (if she would, I would not).

Even with these qualifications, there is still much to criticize in Hursthouse’s argument. One might say the argument goes too far, as it is unclear how it could apply to abortion, but not apply to many other reproductive decisions. If parenthood is intrinsically worthwhile, then many women who use contraception are guilty of the same moral failing as a woman who has an abortion. Also, the argument implies that pregnant women lose the freedom to pursue otherwise non-restricted frivolous endeavors. It places a heavier burden on pregnant women than those who are not pregnant and all men. Lastly, when first expressed, the whole argument has a ring of patronization to it; it seemingly paternalistically describes for pregnant women what is and is not a worthwhile life.\(^{29}\) I will say more about each of these below.

In spite of the significant challenges to the argument, it seems to me that there is something right about it. Parenthood is worthwhile (intrinsically and instrumentally), and it is true that it is foolish to give up something worthwhile for something that is not (or is of significantly lesser value). Inasmuch as anyone decides to forgo or postpone

\(^{29}\) I have heard this sentiment expressed just about every time I have discussed this argument with female friends and mentors.
something valuable for something of significantly lesser or no value, he or she demonstrates a defect of character; one acts foolishly.

One might argue, however, that this kind of action shouldn’t be considered a moral failure at all, but perhaps only a failure of prudence (i.e. one might come to regret a decision to delay or forgo reproduction, but this should not be considered immoral). To miss out on something important and valuable because one did not reflect deeply before making a decision is a far cry from what is normally considered immoral behavior. Perhaps, it trivializes the concept of immoral action to count something like this among those acts.

For the virtue ethicist, though, this is more than a mere prudential failure, but rather a failure of character. All “mere” prudential failures are moral failures in virtue ethics, because prudence is a virtue and imprudence its corresponding vice. Forgoing or delaying reproduction is not simply a decision one can come to regret at an advanced age, when she has passed child-bearing age; it is the exercise of a moral vice: imprudence. One can see here, once again, how far-reaching the moral demands of virtue ethics can be.

Additionally, I will be arguing below that parenting is a unique and very effective means of making one a better person. To delay or forgo experiences that can have that kind of effect on one’s character is very different than a prudential failure like carrying unnecessary credit card debt or spending a night out with friends instead of studying for an exam. While the virtue ethicist would likely count the latter actions as moral vices in
the same way I describe above (i.e. as failure to exercise the virtues, wisdom and prudence), they are less serious failings than stunting one’s moral development.\(^{30}\)

I want to begin by defending Hurtshouse’s premise that childbearing, motherhood, and parenthood are intrinsically valuable. Hers is a general appraisal made up of what most would probably think of as uncontroversial statements. After these general statements, I want to expand and apply an argument Wendell Berry makes for an entirely different purpose. Berry argues that working the land as an ideal farmer rather than exploiting the land like a stereotypical strip miner develops a virtuous character. I want to similarly suggest that bearing and parenting a child does something very similar. Here, I will also draw from an argument Michael Sandel makes in his book, *The Case against Perfection*, though I try to draw a radically different conclusion from his argument than he does. The claim I wish to establish is that, all things being equal, bearing and parenting children demands actions and attitudes that typically breed growth in character and virtue. Part of the good (this time instrumental instead of intrinsic) of childbearing and parenting, then, is that they typically have a unique, positive effect on character. Because of this effect, one should not postpone or forgo these experiences for frivolous reasons.

### 3.1. The Intrinsic Value of Child-bearing & Motherhood

It is typically very difficult to prove that something is intrinsically valuable to someone who doubts is. I continually find myself telling my students that whether or not this or that piece of information is on an exam is not the point of my lecture or a reading assignment. They often seem to think of knowledge is merely instrumental—it is what

\(^{30}\) I am indebted to Rachel Cohon for this response.
they need to know to pass a test. They want to pass the test so they can pass the class. They want to pass the class to get a degree. They want a degree to get a job. I am often frustrated that many of my students do not appreciate the intrinsic value of knowledge and not just its instrumental value. It is hard to convince them that there is something to be gained from thinking through the problem of induction that has nothing to do with a test score. I do not know what kind of argument can effectively convince someone that something has intrinsic value if he does not see it for himself.

Hursthouse begins by noting that the burden of proof does not appear to fall to those who argue that bearing and parenting children is intrinsically worthwhile. She points out that “[m]any women have thought and do think it worthwhile; if it is to be said that they are mistaken in doing so, some argument should be given” (Hursthouse, Beginning Lives 308). No matter who shoulders the burden, though, Hursthouse notes the difficulty of proving something to be worthwhile in general. As many parents of disinterested teens can attest, it is frustratingly difficult to convince teens that they should value something they resist valuing. Hursthouse suggests the best one may do so is to say “If we are going to talk seriously about things like being worthwhile, then child-bearing fits in like this …” (Beginning Lives 309). She says that she will make “bald assertions” about the value of child-bearing and parenting, while assuming that “… anyone who wants to talk seriously about the worthwhile will, as a matter of fact, agree with them” (Hursthouse, Beginning Lives 309). It is difficult to determine how effective this kind of “argument” can be. I tend to agree with her “bald assertions,” but I am not sure what to say to those who do not.
First, Hursthouse notes that children are goods, not like merchandise, but rather like “health, knowledge, pleasure and virtue” (Beginning Lives 309). Children are good in themselves, not just for what they can bring the parent. She notes that we consider people “blessed,” not cursed, with children. We think of those who cannot have children as unfortunate. No one congratulates the infertile couple or expresses pity toward couples who try and succeed at getting pregnant. Countless books have been written by women who faced infertility and describe it as one of the most difficult challenges they ever faced. Countless others have been written by mothers who describe child-bearing as the single greatest blessing of their lives.

Of course, one can be a parent without giving birth, as adoption is an option available to many. For Hursthouse, though, parenthood through adoption is always a second-best option. She acknowledges that “… couples go in for adoption happily, [and] that some high-mindedly adopt, believing that it is better to change an existing unwanted child into a wanted one than to procreate a wanted one” (Beginning Lives 309). She thinks it odd, though, to want to be a parent as an end itself, without at all wanting to have a child of one’s own.  

She believes that bearing a child is an important part of the value of parenthood.

The good of having children is not simply the creation of a new, happy person, as a utilitarian might have it, but rather the creation of one’s offspring. Having a genetically related child ties into feelings about love, responsibility, and emotional development; it is part of what we think of as the natural course of life and development. Plus, as creation,

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31 I think Hursthouse is wrong about this, but I can only argue anecdotally. I have never been particularly interested in having a child genetically related to me, though I would very much like to be a parent. I do not know if my feelings are common or not.
procreation is tied to our thoughts about creating something new and beautiful. Hursthouse notes that people often “… describe their children as their works, each one a miracle they have wrought, their living monuments, their finest creation …” (Beginning Lives 312). Surely, all of this is generally true. People, typically, think that having a genetically related child is intrinsically worthwhile.

It is also the case that most people think their own child is a good in him- or herself. Children are rarely seen as means to an end, but rather ends in themselves. Parents who will likely never be dependent on their children still think of them as valuable.

From the fact that a child is intrinsically valuable, Hursthouse concludes that it must also be true that *bearing* that child is intrinsically worthwhile. She argues, “… since for a woman bearing a child is in part constitutive of having a child, and since having one’s own child is intrinsically worthwhile, bearing a child is intrinsically worthwhile” (Hursthouse, Beginning Lives 312). Having a child without bearing her misses part of what it means to have a child in the first place.

Hursthouse compares having a child without bearing her to the acquisition of philosophical knowledge without acquiring it: “Suppose someone said: ‘Philosophical knowledge is good in itself, and having it is bliss, but acquiring it is just travail … how much better things would be if we could acquire it in our sleep, or something like that’” (Beginning Lives 313). This sounds odd to us, because “[o]ne does not just want to know, to be told, one wants to find out for oneself; one wants the knowledge to be one’s own doing” (Hursthouse, Beginning Lives 314).

Surrogacy is probably the closest case to Hursthouse’s. She claims that genetic mothers who depend on surrogates typically think of this as a less than ideal situation,
and their claim to the child is lessened by the understandable claim to the child by the surrogate. Bearing a child is connected to the ownership of the child. A child borne by another is, in some sense, less a genetic mother’s child than one she bears herself. The act of bearing a child gives someone a legitimate claim to the child. A woman who bears her child “… makes it particularly and peculiarly hers, part of her life-cycle, her family …” (Hursthouse, Beginning Lives 315).

In addition to the intrinsic value of fully possessing one’s own child, a woman who bears a child “… gives herself the outcome of her union with her husband, she goes through what her mother has been through, what the majority of women have gone through, thereby sharing something with almost half the rest of the human race” (Hursthouse, Beginning Lives 315). Not only does she experience good in bearing her child, but she also “… gives her husband the outcome of their union, she makes them not just a couple but a family, she gives her other children a sibling, she gives her and her husband’s parents a grandchild, her friends or extended family a new member of their group” (Hursthouse, Beginning Lives 315). There are many ways in which bearing a child is valuable.

Again, then, Hursthouse argues that if a child is intrinsically valuable, then having (and, for a woman, bearing) a child is intrinsically valuable. The value of bearing a child is not only intrinsic, though. It is also instrumental, but not just for the reasons Hursthouse describes.

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32 If Hursthouse is right, this has significant moral implications for cases in which surrogate mothers lose their nerve when it comes to relinquishing a child they carried to her or his biological parents.
3.2. Farming: A Model for Parenting & Character Development

Below, I will argue that bearing and having a child is valuable for the development of character. Parenting requires actions and attitudes that, typically, shape character positively. The ways parenting can positively transform character makes parenting extremely valuable. A pregnant woman who chooses to have an abortion should make sure that she is not trading something of significantly lesser or no value for something extremely valuable, like character-development through parenting. I will start by showing how this argument has been laid out in the context of environmental ethics. I believe there are some important parallels between that argument and mine.

In “How We Grow Food Reflects our Virtues and Vices,” Wendell Berry contrasts the ideal (or idyllic) family farmer with a stereotypical strip miner. Berry believes that the acts of working the land as a family farmer and exploiting the land as a strip miner both shape character. In the case of the former, one’s character is transformed for the better; in the case of the latter, for the worse.

Berry believes the history of Caucasians in the US is a history of exploitation of the land. It began as a quest for gold, then industrialization in general. The exploiter “… asks of a piece of land only how much and how quickly it can be made to produce” (Berry 10). He does not care about “[h]ow much can be taken from it without diminishing it” or what it can “… produce dependably for an indefinite time” (Berry 10; original emphasis). This, he believes, has been the dominant role of whites in the US throughout its history.

Berry admits this understanding of history is a little too simplistic, because running parallel with this history has been another, that of those “… who saw that they
had come to a good place and who saw its domestic possibilities” (Berry 6-7). These people “… wished to establish agricultural settlements rather than quest for gold …” (Berry 7). So, at the same time the exploiters moved from one opportunity to another, others stayed put and sought to make a home. This, however, “… has been the weaker tendency, less glamorous, [and] certainly less successful” (Berry 6). The history of the exploiters has overshadowed the history of those who wanted to stay, settle down, and work in harmony with the land.

Eventually, after the exploiters ran out of natives to take advantage of, they turned on the domesticators. Berry believes that any group that seeks to establish themselves in a place and work with the land is eventually the target of exploitation. This can be seen no more clearly than in the systematic destruction of family farms. Berry thinks this is especially troubling, since practicing exploitation, or playing a part in the system of exploitation, is detrimental to the building of good character, whereas working with the land, all things being equal, is beneficial to it.

One need only to consider the types of practices and states of mind needed for working the land, on the one hand, and those exercised in exploitation and recall that, for the neo-Aristotelian virtue ethicist, one’s practices are the first steps in character development. Aristotle underscores the importance of habituation in the beginning of the second book of Nicomachean Ethics when he writes, “Virtue of character [i.e., of ἔθος] results from habituation [ἔθος]; hence its name ‘ethical’, slightly varied from ‘ethos’” (EN II.1, 1103a17-18). Habituation and ethics are closely united in ancient Greek thought. One expects one’s practices to influence one’s character. If the practices and states of mind necessary for an activity accord with moral vices, one should not be
surprised when those vices take root in one’s character. If the practices and states of mind for another activity accord with virtues, one is more likely to see those virtues take root.

Habituation is an important concept for the neo-Aristotelian virtue ethicist. One does not possess the virtues naturally, but rather by starting with practice and gaining virtues by the habitual exercise of actions associated with the virtues. Aristotle states this clearly. He writes, “… none of the virtues of character arises in us naturally … Virtues … we acquire, just as we acquire crafts, by having first activated them … we become just by doing just actions, temperate by doing temperate actions, brave by doing brave actions” (Aristotle EN II.1, 1103a19-20; 32-1103b3, trans. Irwin). Development of virtue begins with actions consistent with the virtues. While we do not naturally possess virtues, we are naturally disposed to be habituated. Iakovos Vasiliou writes, “… Aristotle makes a central claim about human beings: it is the nature of the human being to be able to be habituated … the virtues do not arise in us by nature, but we are by nature such as to be able to be habituated to acquire them …” (Vasiliou 779). Humans, by nature, are able to be changed through practice. The typical process involves proper moral training, then the development and application of moral wisdom to the moral habits. Richard Kraut summarizes Aristotle’s thinking on habituation as follows: “All free males [but “all humans” for contemporary virtue ethicists] are born with the potential to become ethically virtuous and practically wise, but to achieve these goals they must go through two stages: during their childhood, they must develop the proper habits; and then, when their reason is fully developed, they must acquire practical wisdom…” (Kraut, Aristotle's Ethics). One does not possess a virtue merely by engaging in certain practices;
possession of a virtue comes about when one is characteristically driven by practical wisdom and desire to act according to the virtue.

Habituation is meant to breed pleasure in the virtues and displeasure (or perhaps disgust) in the vices. One trains herself to love that which is good and right and hate that which is evil and wrong. One who possesses a virtue finds pleasure in the practice of actions associated with it, and is disgusted by actions associated with a vice that opposes that virtue. Hursthouse illustrates this in the imagined education of a child for the virtue temperance. It may begin, she suggests, by telling a toddler reaching out to eat cat food or mud, “You don’t want that nasty dirty thing” (Hursthouse, Moral Habituation 213). Of course, though, the toddler wants the nasty dirty thing; that is why she is reaching for it! Hursthouse says that the child “… is being taught not to want that sort of thing, and also being taught that the nasty and dirty is as such the undesirable and bad” (Moral Habituation 213). While the nasty and dirty may not be something directly ethically relevant, it is still part of moral training. A temperate person seeks things that are good for her and avoids things that are not; she attempts to honor the traditions of her society (e.g. by not eating what is disgusting to them), which is part of consideration for others; etc. All of this is, of course, part of what is required to be temperate. The first step in becoming a possessor of a virtue is developing appropriate feelings of pleasure or displeasure in certain activities, and this comes through the practice of good actions that accord with virtues.

One can see how this process works by considering the work of Berry’s family farmer and exploiter. A family farmer who works with the land must exercise care, whereas the exploiter cares only about how efficiently he can produce profit from the
land. The end goal of the farmer is the health of his land, family, community, and country, whereas the exploiter’s goal is profit. The farmer wants to work well and produce the best product possible, whereas the exploiter “... wishes to earn as much as possible by as little work as possible” (Berry 10). The farmer is constantly participating in practices in accord with virtues, and the exploiter is constantly participating in practices in accord with vices. While mere activity does not guarantee the development of a certain kind of character, surely it makes one more likely than another. This is perhaps what Berry means when he writes, “The first casualties of the exploitive revolution are character and community” (Berry 13).

Berry provides an anecdote that he believes demonstrates the different ways character is shaped by farming and exploiting. He writes, “Several years ago, I argued with a friend of mine that we might make money by marketing some inferior lambs. My friend thought for a minute and then he said, ‘I’m in the business of producing good lambs, and I’m not going to sell any other kind’” (Berry 21). He notes that “[s]uch an attitude does not come from technique or technology” (Berry 21); instead, it comes from a culture based on nurturing and care for the land.

Those who take jobs within the system of exploitation rarely get the opportunities available to farmers to engage in activities that develop their intellectual virtues. Berry believes the person who works in that system “... becomes a specialized subordinate, dependent upon the authority and judgment of other people” (22). The worker in the system of exploitation performs small tasks within a large organization. He does not need to understand how he fits within the broader picture of the organization’s goals; he
must only perform his small tasks. He does not make decisions that affect the overall goals of the organization.

The farmer, however, is her own boss. Her work requires judgment learned over a long period of time and handed down from others. She does not work according to a clock, but by the needs of her tasks. The farmer is ultimately responsible; she and those dependent on her suffer for her failures.

Again, the point is that the everyday practices of farmers and exploiters shape their characters. The activities in which people repeatedly engage affect who they are. Some constant activities are beneficial to developing good character and others are detrimental to it.

3.3. Motherhood, Child-bearing, & Character Development

How might Berry’s argument be applied to bearing and having children? What activities do bearing and parenting children require that are beneficial to shaping good character? I turn to these questions now.

First, it is hard not to draw parallels between bearing a child and farming. Though based on a naïve understanding of fetal development, bearing children has a long history of association with agriculture. It was once commonly believed that a man provided seed (i.e. semen) that only needed proper implantation in a woman’s fertile womb. A fetus grew from the seed of the man, as long as the woman’s womb was hospitable. Even now, there is no way to speak of human reproduction without the use of agricultural terms like ‘fertility.’

Even beyond the terms, though, there are close parallels between farming and reproducing children. As a farmer prepares soil for planting, so women are advised to
prepare their bodies for the bearing of children. Farmers till and fertilize their soil. Before attempting to get pregnant, many women begin taking vitamins, attempt to lose or gain weight depending on their current health, stop drinking alcohol or smoking, etc. After planting, a farmer does everything she can to meet the needs of her crop. She will ensure her crops have water, that weeds are removed from the soil, that supplements are added if she feels her crops need it. The farmer responds to the needs of her crop.

Similarly, a pregnant woman responds to the needs of her fetus. Women are encouraged to respond to their cravings, as these often indicate a need of the developing fetus. Pregnant women refrain from activities that would harm their fetuses. If someone is smoking around them, they will seek a smoke-free area. Pregnant women do everything they can to ensure their fetuses are healthy and have the best chance to develop.

Anca Gheaus describes many of the challenges a woman must overcome to bear a child. She writes, “The costs of pregnancy are varied … [t]hey consist in the actual pain of childbearing and childbirth, in pregnant women’s reduced autonomy, in the health risks women take in order to carry their babies, in the worries about the mother’s and the baby’s health, and in the daunting risk of miscarriage” (Gheaus 447). In a sense, the pregnant woman is, like the farmer, captive to the thing to which she is providing care. Pregnancy often demands that women make dramatic behavioral changes. They must limit “… what they can eat and drink, the recreational drugs they can take and the sports and other physical activities which they can pursue” (Gheaus 447). Childbearing leaves very little in a woman’s life unchanged.
In ways similar to the farmer, pregnant women are, typically, forced to engage in practices in accord with virtues like care, thoughtfulness, responsibility, temperance, foresightedness, prudence, loyalty, courage, etc. Pregnant women continually practice putting the needs of their fetuses above their own. Pregnancy requires constant self-sacrifice. In fact, there is probably no other activity (including agriculture) that requires such constant sacrifice. A pregnant woman is pregnant 24/7; she is a caregiver 24/7. It would be surprising if pregnancy did not have a profound and positive impact on character.

In *Maternal Thinking*, Sara Ruddick describes three demands of motherhood: the preservation of the child’s life, the fostering of the child’s growth, and the socialization of the child. Human children are fragile and dependent on mothers and fathers for their well-being. To preserve a child means to be aware of his dependence and frailty and to participate in actions to protect his vulnerability, actions of care. To foster a child’s growth means to realize that their lives are complex and that they develop the capacity to deal with that complexity over time, not all at once at birth, and to engage in actions that help them incrementally cope with complexity. The demand to socialize a child, Ruddick argues, is not a demand made by the child, but rather by the mother’s community: “Social groups require that mother’s shape their children’s growth in ‘acceptable’ ways” (21). While what counts as acceptable can change from culture to culture, the demand that mothers socialize their children is constant in every society. The “… mature and socially powerful mothers find opportunities to express their own values as well as to challenge and invigorate dominant creeds” (S. Ruddick 21). The work is demanding, both physically and mentally. They must perform physical actions to ensure they meet the
goals of motherhood, and they must “… identify virtues appropriate to their work” (S. Ruddick 25). It is hard to believe that these kinds of actions could not shape one’s character positively.

In *The Case against Perfection*, Michael Sandel speaks of other ways in which having children can shape character. Though I adamantly disagree with his specific conclusion (i.e. that genetically altering children is wrong), parts of his argument seem right to me. Specifically, he notes that having children promotes the virtues of humility, responsibility, and solidarity. While I think his arguments about responsibility and solidarity fail altogether, I think there is something to his argument regarding humility.

Sandel believes that “… parenthood is a school for humility” (86). Specifically, he is speaking about the bearing of children that are not genetically modified. He argues that the fact that “… we care deeply about our children, and yet cannot choose the kind we want, teaches parents to be open to the unbidden,” which he (rightly) notes “… is a disposition worth affirming” (Sandel 86). Openness to the unbidden, “… invites us to abide the unexpected, to live with dissonance, to reign in the impulse to control” (Sandel 86). Sandel means to connect openness to the unbidden and recognizing limitations with eschewing genetic modification, but it seems to me that it can be applied to childbearing in general.

Bearing a child forces one to accept her limitations. Here, again, is another parallel to farming. Both the pregnant woman and the farmer do all they can to prepare their soil or bodies for their yield, but neither can ensure proper development. The religiously-minded might think of the words of the Apostle Paul, “So then neither is he that planteth anything, neither he that watereth; but God that giveth the increase” (1
Corinthians 3:7; King James Version). One can only do so much to ensure a healthy crop or child. Bearing a child forces a woman to face her limitations, which promotes humility.

In addition to childbearing, actually raising, or parenting, a child requires one to perform practices consistent with the virtues. Inasmuch as habituation through repeated actions develops good character (or, at least, increases the likelihood), parenthood in general promotes the positive shaping of character, all things being equal. Parenthood itself, then, is valuable and a pregnant woman who chooses to avoid it for the sake of something of lesser value may be acting foolishly.

Here, again, I find Berry’s argument about environmental ethics instructive. When contrasting the type of work a family farmer and one who works within a system of exploitation does, Berry notes that the former requires the exercise of a lot of intellectual virtues that the latter does not. So, again, the farmer is her own boss, he work requires her to constantly react and adapt to changing situations and needs, her work is governed by needs not clocks, and she must bear full responsibility for her success or failure.

Similarly, it seems to me that parenting requires many of these same activities. Parenting a child requires judgment that one learns through experience and that is handed down from others. A parent does not parent according to a clock (as if parenting decisions could wait until business hours), but rather she must react and adapt to changing situations and needs. A parent is ultimately responsible for her child (at least in the individualistic West); she must make all major decisions. If raising a child with a
spouse or partner, the parent must make these decisions cooperatively, another activity consistent with virtue.

Beyond these simple comparisons, though, there are a myriad of activities associated with parenthood that, all things being equal, positively shape character. Parents must continually practice activities associated with care. Children are constantly in need. A young child can do nothing on his own. He must be fed, changed, bathed, put on a schedule, taken to a doctor, etc. Older children need to be taught, clothed, given moral instruction, etc. Parenting, like little else, requires activities that are consistent with the virtues. Parenting requires parents to engage in practices consistent with compassion, care, nurture, humility, courage, responsibility, loyalty, generosity, kindness, patience, forgiveness, wisdom, love, etc. It can potentially positively shape character like few other roles.

3.4. Bad Farmers & Bad Parents: A Counterexample?

I believe that most will generally agree with what I have argued above. Being a farmer or parent does require people to act according to the virtues. An obvious problem, though, is the multitude of truly terrible people who are also parents. After all, Countess Elizabeth Báthory de Ecsed was a mother of seven and is considered the most prolific female serial killer in history (she was tried for killing and torturing 80 people, and some witnesses put the number over 600). If parenting is so transformative, why do so many parents fail to manifest the virtues? Why does habituation fail to result in virtue for so many? And, cannot parenting bring out the worst in people (e.g. sports dads, pageant moms, etc.)?
One might respond to this objection by suggesting that the counterexamples are not really counterexamples at all, because the people involved are not actually engaging in the transformative activity of parenting. Sara Ruddick argues that one must be clear on just what constitutes parenthood (or more specifically, for her, motherhood\textsuperscript{33}). Practices, she notes, are typically defined by their goals. She suggests that “… to engage in a practice means to be committed to meeting its demands … [it] is, by definition, to accept connections that constitute the practice” (S. Ruddick 14). A jockey who slows his horse in the middle of a race to display the elegance with which he can ride is not racing; a scientist who invents her data is not doing science; etc. This is in contrast to a jockey who does little to encourage the horse to run or the scientist who is careless with her research. In the latter cases, the scientist and jockey are poorly performing science or horseracing. In the former cases, the jockey and scientist are refusing to participate in the practices altogether.

Ruddick argues that women are mothers “… just because and to the degree that they are committed to meeting the demands that define maternal work” (17). Again, the demands that define maternal work, she believes, are preservation, growth, and social acceptability of a child. These are the goals of mothering. A woman who endangers her child’s life, does nothing to foster his growth, or does not attempt to socialize him “… is simply not doing maternal work” (S. Ruddick 18).

\textsuperscript{33} As I mentioned above and explain in more detail below, Ruddick defines “mother” by activities. These activities can be performed by both men and women; she writes, “… a mother is a person who takes on responsibility for children’s lives and for whom providing child care is a significant part of her or his working life. I mean ‘her or his.’ Although most mothers have been and are women, mothering is potentially work for men and women” (S. Ruddick 40).
One might, then, argue that in cases in which mothers (or, more generally, parents) end up being bad people, it is because they are not actually engaging in motherhood/parenthood. Whatever they are doing, it is not parenthood, as the practices of parenthood foster virtue. This response, however, seems a little too easy and does not permit what seems to be the plausible suggestion that one could be a good mother or father and a terrible person outside of that relationship. It also doesn’t seem to have any parallel with the farming analogy I have been using. While there may be something to the idea that many of those to which one might point as being counterexamples are actually not engaging at parenthood at all, a better response might be possible.

When I was first exposed to Berry’s argument that farming produced virtue, I had a similar objection to this one made about parenting. If farming was so conducive to the development of virtue, why is it that among family farmers in rural areas there is so much racism, misogyny, ethnocentrism, homophobia, anti-intellectualism, and just general small-mindedness? Berry’s contrast was between the small rural farmer and the city-dwelling system exploiter, but his argument about the development of good character seemed reversed. The city-dweller is more likely to display compassion to all, openness to all, not the rural farmer. Why do the activities so closely related to the virtues fail to produce them?

I think the answers to both sets of objections are similar. There are larger settings in which these activities are taking place that must be considered. I will begin by discussing the settings in which most small farmers find themselves and explain why I think these settings keep many farmers from developing the virtues we might expect.
The plight of present day small farmers cannot be ignored. Today’s small farmer works in a system hostile to her profession. Land is increasingly owned by speculators who employ exploitive techniques to farming. The better small farms deteriorate “… for want of manpower and time and money to maintain them properly” (Berry 18). Farmers are forced to live off of what they buy from stores rather than what they or their neighbors produce. There is no longer a market for small-scale production. No one buys a few dozen eggs, a couple gallons of milk, a single animal for food. To survive, a farmer must produce in large quantities. Prices for food are too low to employ “inefficient” methods of farming. Care must give way to productivity. Government regulations on food often require the purchase of expensive equipment historically unnecessary—e.g. in many states, one cannot sell unpasteurized milk, and pasteurization requires expensive machinery.

Berry’s ideal farmer no longer lives in ideal circumstances. Billions are spent on corporate advertising to convince people that they cannot be happy without certain luxuries, that a life of leisure is the ideal. These are powerful messages that are presented in ways that employ sophisticated psychological appeals. The small farmer is not immune to these messages, and farming does not provide income sufficient to reach the ideals.

Not only, then, are today’s small farmers truly poorer, many of them feel poorer still. Corporations, regulations, and a changing market have made it harder for them to survive on the income that can be generated by a small farm. Advertising has changed the farmers’ (and everyone else’s) understanding of what constitutes a good life. These
two factors work together in a way that subverts the positive influence farming might have on one’s character.

It should be no surprise, then, that those we would most expect to display virtues, given Berry’s argument, are least likely to possess them. Powerful forces have conspired against them. The setting in which they find themselves makes the development of virtues they would otherwise possess difficult or impossible. As virtue ethicists have always acknowledged, there is a great deal of moral luck necessary for character development and to enjoy a good life. The small farmer finds herself in a very unfortunate setting for character development. The same work performed in a different setting would likely bring about the type of development Berry predicts. Berry is, of course, aware of this. His call is for a large-scale social change, not merely individual action.

Parenting and childbearing is a little different. People do generally recognize positive developments in character from these activities. Though it certainly overstates it, “… couples who are childless by choice are sometimes described as ‘selfish’ or ‘irresponsible’ or ‘refusing to grow up’ or ‘not knowing what life is about’” (Hursthouse, Beginning Lives 311). People typically believe that having children is an important stage of life, a stage of growth and development, of maturation.

What, then, explains parents who are terrible people, people who do not possess the virtues associated with parenting? Here, again, context and setting are probably the pivotal factors. The claim made by virtue ethicists is that certain actions, all things being equal, shape character positively. These are ceteris paribus claims. In many cases, all things are simply not equal.
Ruddick describes the difficult position many mothers hold in most societies. Married mothers must often “… placate the will and serve the needs of a father”; single mothers are “apt to experience distinct forms of poverty” (S. Ruddick 35). Mothers are often treated as if they are senseless and weak, whether by her child’s teachers who “… belittle her advice” or by “…other experts and professionals from pediatricians to Selective Service officials, from welfare workers to psychiatrists” (S. Ruddick 35).

For any parent, poverty exacerbated by the needs of children can subvert the otherwise positive development of character that typically comes from practices associated with certain virtues. Other activities associated with vices may override many of the positive effects of parenthood.

Parents are not just parents, after all. Most parents work outside of the home, and all parents fulfill roles in a broader society. A parent may, for instance, work at a job that requires her to participate in activities associated with vices like greed, dishonesty, disloyalty, callousness, etc. These may be more influential than the practices she exercises in her role as a parent.

Just because an individual, in her role as a parent (or farmer), engages in activities in accordance with virtues, this does not guarantee the development of the virtues. It only makes the development of those virtues more likely. At the same time, though, engaging in activities associated with moral vices make the development of those vices more likely. That every parent does not possess virtues associated with the practices of parenting, then, does not mean that parenting and childbearing does not, all things being equal, develop good character.
3.5. Are Women Childish & Shortsighted?: Some Objections

It seems clear to me, for the reasons described above, that childbearing and parenting are both intrinsically and instrumentally valuable. Hursthouse argues that, because they are valuable, a woman who chooses to have an abortion may be acting viciously by “… manifesting a flawed grasp of what her life should be, and be about—a grasp that is childish, or grossly materialistic, or shortsighted, or shallow” (Virtue Theory and Abortion 241). What, though, is to be made of the objections I mentioned at the outset of this chapter?

One objection\(^{34}\) notes that the argument may go too far. Not only would it mean that some women who have an abortion act immorally in so doing, it would also mean that some women (and men) act immorally by trying to avoid having children through contraception or by not attempting to have a child when they could. By *reductio*, then, the argument fails.

For Hursthouse, abortion and contraception differ in important ways. Hursthouse believes that “… by virtue of the fact that a human life has been cut short [by an abortion], some evil has probably been brought about …” (Virtue Theory and Abortion 242). She elaborates, “I say ‘some evil has probably been brought about’ on the ground that (human) life is (usually) good and hence (human) death usually an evil” (Hursthouse, Virtue Theory and Abortion Note 15). She believes that the fact that abortion is the destruction of a new human life, “… must make it a serious decision …” (Hursthouse, Beginning Lives 331). Hursthouse believes, however, that fetal development is crucial to the seriousness of one’s decision to abort. She notes that “… our emotions and attitudes

\(^{34}\) I am indebted to Bonnie Steinbock for this objection raised in a personal conversation.
regarding the foetus do change as it develops …,” so an abortion “… for selfish reasons in the later stages is much more shocking than abortion for the same reasons in the early stages …” (Hursthouse, Beginning Lives 333). It seems to me, then, that Hursthouse might respond that contraception is such a trivial thing (as it does not destroy anything of significance) that one does not have to have good reasons for using it.

This does not seem to address the crucial issue, however. If parenting is intrinsically good, why doesn’t that make delaying parenthood wrong when it would otherwise be right—i.e. when being a parent would bring about so much good to the woman or couple? The significance of fetuses at any stage seems irrelevant to the objection.

One need not share Hursthouse’s opinion about killing fetuses, however, to respond to this objection. It is not clear to me why one cannot simply bite the bullet and say that some women (and men) do, in fact, act immorally when they trade a chance at reproduction for activities that are of significantly lesser value. Virtue ethicists have never been embarrassed about the strenuous moral requirements of their theory. Aristotle believed there were two vices for every virtue. Modern virtue ethicists believe the ratio is even greater; there are many vices for every virtue. It may just be the case that putting off reproduction for something of significantly lesser value is wrong in the same way that having an abortion is in these situations.

Perhaps, then, the objection does not amount to a reductio ad absurdum at all. Couples who fail to (at least try to) reproduce when it would be better for them than putting it off make a moral error in the same way I have suggested a pregnant woman who has an abortion when it would be better for her to have a child fails. The fact that
this broadly affects many people in contexts outside of abortion does not negate the strength of the argument in the context of abortion.

This response, however, works much better for long-term postponement of reproduction than for short-term postponement, even for frivolous reasons. Say, for example, a young woman properly values motherhood and wants to have children in the near future, but knows that her friend is getting married in a few months and wants to look good in her bridesmaid dress for pictures, enjoy a night of drinking at a Vegas bachelorette party, etc. Attractive pictures and a drinking night are nice, but certainly not significant life projects that could outweigh moral prescriptions. But, surely, deciding to use contraception until after the wedding cannot be considered a moral failing. It is unlikely the few months the young woman wants to wait will greatly reduce her chances of reproduction.

The situation seems very different, however, if instead of contraception, we imagine that the young woman is pregnant and decides to have an abortion for the same reasons. In this case, many people have a very different moral intuition. To “bite the bullet” in this case and condemn the young woman for contraception seems to strain credulity.

A more complete response to this objection can acknowledge the fact that some acts of abortion and contraception are wrong because they trade something valuable, parenthood, for something of significantly lesser value (e.g. attractive pictures, a night of drinking, etc.), while other acts of abortion, but not necessarily contraception, are wrong for entirely different reasons. The argument of this chapter, then, is that women can err

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35 I assume that those who morally oppose contraception in general, for religious reasons, would likely not condemn putting off reproduction through something like a calendar-based method.
morally by having an abortion when doing so means they are putting off parenthood in such a way that they are greatly increasing the likelihood that they will not be able to experience it later. The argument applies equally to family planning that greatly decreases their chances of becoming parents. The argument, however, says nothing about contraception or abortion that only temporarily delays reproduction in a way that does not significantly decrease one’s chances of later becoming a parent.

That the argument does not specifically condemn abortions carried out for frivolous reasons that only temporarily delay reproduction does not mean that those abortions are morally permissible. They are just beyond the scope of the argument. Other arguments can be made in that regard, arguments like the one I made in the previous chapter.\textsuperscript{36}

A second objection was that the argument implies that pregnant women lose the freedom to pursue otherwise non-restricted frivolous endeavors. It places a heavier burden on pregnant women than those who are not pregnant and all men. I believe Hursthouse indirectly addresses this concern in \textit{Beginning Lives}, and her conclusion is a bit surprising. She believes that one’s gender is \textit{not} morally irrelevant. In fact, Hursthouse argues that “… nature has unfairly arranged things in such a way that it is harder for women to avoid wrongdoing than men” (Beginning Lives 296). What leads her to this seemingly radical conclusion?

Hursthouse considers the average man and average woman, Mr. and Mrs. Average. Both live lives in which “… they act with at least minimal decency, in

\textsuperscript{36} E.g. It could be wrong to abort a fetus to look good in pictures or to have a night of drinking, because that does not demonstrate a proper sense of wonder over the fetus, or because the fetus has symbolic or some other kind of value that outweighs the frivolous reasons.
accordance with virtue. Very occasionally they act particularly well and do something quite admirable… More frequently, they make the ordinary mistakes and fall prey to the ordinary temptations” (Hursthouse, Beginning Lives 296). Hursthouse notes that “… in achieving this rather ordinary standard, [Mrs. Average] will have done something distinctly demanding, viz carry and bring forth a child, at no inconsiderable risk to her health and life” (Beginning Lives 296). Mr. Average does nothing comparable, but both typically count as ordinary decent people.

Hursthouse believes that “abortion is usually wrong,” and this leads to her conclusion that “… nature has unfairly arranged things in such a way that it is harder for women to avoid wrongdoing than men” (Beginning Lives 296). Childbearing is difficult and frightening, but Mrs. Average must either do it or have an abortion, which Hursthouse reckons to be typically wrong. She thinks that the deck is stacked against Mrs. Average, morally speaking. Women are “… faced with a greater liability to act wrongly than men are…,” but on the other side of this, most women “… are born with the capacity to do something worthwhile, viz bear children …” (Hursthouse, Beginning Lives 298). Beyond this, Mrs. Average also has greater liability and opportunity in raising children, but this has more to do with culture than nature. In childbearing, then (and less controversially), women, she believes, have more moral responsibilities than men, which give them both a greater moral liability and greater moral capacity.

Though she does not address it directly, I think Hursthouse would simply agree with the objection that pregnant women lose the freedom to pursue otherwise non-restricted frivolous endeavors. They cannot have an abortion simply because they want to “have a good time” or “for the pursuit of some false vision of the ideals of freedom or
self-realization” (Hursthouse, Virtue Theory and Abortion 242). Pregnant women do not have the luxury of frivolous pursuits that women who are not pregnant and men do. All things being equal, there is nothing wrong with having a good time, but women have a greater moral responsibility than men, specifically in their role as childbearers. Inasmuch as Hursthouse’s view as correct, it does not appear the objection presents any real problem.

The last objection is that the argument has to it a ring of patronization. I am not really sure what to say about this objection, though I hear it regularly when discussing this argument. The vast majority of women who have abortions take motherhood very seriously and understand it to be worthwhile; therefore, they do not act in a way that is “…childish, or grossly materialistic, or shortsighted, or shallow” (Hursthouse, Virtue Theory and Abortion 241). To say that many women fail to properly evaluate the value of motherhood when they have an abortion would be to patronize the majority of them, I believe.

It need not be the case, though, that many women improperly value motherhood for this argument to work. I am only attempting to identify potential moral pitfalls in abortion. If the argument I have defended above is right, a pregnant woman can potentially fail morally by not properly valuing motherhood. Whether or not many actually do fail in this way does not mean no one can fail in this way. My guess is that some women do have abortions because they improperly value motherhood, but these are extremely rare exceptions to the rule of properly valuing motherhood.
3.6. Traversing the Potential Moral Pitfall

So, how does one avoid moral failure in this regard? Again, it is tempting to simply say one must properly value motherhood and be done with it. This would be to give no moral instruction, though. More must be said.

It would be impossible to come up with a list of worthy and unworthy pursuits that either would or would not outweigh the intrinsic and instrumental value of motherhood. Virtue ethics demands that a wise decision-maker applies virtue to a variety of particular situations. Meaningful lists of rules are likely impossible within the theory. I think the best one can do is work, as I did in the last chapter, by way of analogy.

As I have sought to demonstrate, childbearing and parenthood are both intrinsically and instrumentally valuable and forgoing or postponing them for something of significantly lesser value demonstrates a trait closely associated with foolishness or greed. In what follows, I will describe another intrinsically and instrumentally valuable pursuit from which one might, by analogy, draw conclusions relevant to avoiding vice by choosing to have an abortion over having a child. This analogy, however, may be more controversial than the idea for which it is meant to provide instruction. It is not important for my purposes, however, that one agrees that the particular activity I identify below is a moral failing. The illustration works if one simply acknowledges that if the activity is a moral failing, then the way I describe for avoiding it is reasonable.

Like childbearing and parenthood, committed relationships (under which I will count marriage and any other committed monogamous partnership intended to be life-long) are often considered to be both intrinsically and instrumentally valuable. These relationships are typically (though not always) sought for their own sake, not to attain
another good. In the course of a committed relationship, however, most experience value in many ways unrelated to the intrinsic value of the relationship.

There are many ways in which these relationships are analogous to the value of having a child. Just as having a child is often considered part of the normal course of a mature adult’s life, so is being involved in a committed relationship. Perhaps even more than in the case of not having a child, those who do not pursue one of these relationships is considered to be refusing to grow up or not knowing what life is about (i.e. the accusation that, according to Hursthouse, some level at those who choose not to have a child). Seeking and maintaining a committed relationship is typically seen as a sign of maturity. Those who do not seek committed relationships are often described as being immature (e.g. one thinks of the way the public thinks of notorious celebrity bachelors), as are those who choose not to have a child.

In the normal course of life, the average person seeks and, at least for a time, participates in a committed monogamous relationship. These kinds of relationships are typically considered one of the most valuable goods, if the term is appropriate, one can acquire. They are sought for their own sake but valued all the more because of the other goods they produce.

The intrinsic value of committed relationships is the more familiar, so I will concentrate on their instrumental value. In most developed countries, committed relationships are, in some way, officially incentivized. Incentives often include tax breaks, special standing in decision-making for incapacitated partners, the ability to receive a deceased spouse’s social security benefits, federally-mandated leave to care for
a spouse or spouse’s family, the ability to petition for a partner’s legal immigration, etc.\textsuperscript{37}

There is a myriad of ways in which these relationships are rewarded by many governments that are valuable to those in them.

Outside of government action, most societies reward and honor committed relationships. Family and friends often give gifts to new couples, offer advice to them to maintain their relationships, hold them accountable for their continued commitment, treat the individuals involved in the relationships better (e.g. as mature adults), etc. People in committed relationships are typically seen as working to advance society in ways those who are not in those relationships are not, and they are honored by other members of society for it.

In addition to the value committed relationships bring from others, most couples find value in what the relationships add to their lives. Since 1858, scientists have noted a correlation between marriage and health. “Contemporary studies, for instance, have shown that married people are less likely to get pneumonia, have surgery, develop cancer or have heart attacks … A study of two dozen causes of death in the Netherlands found that in virtually every category, ranging from violent deaths like homicide and car accidents to certain forms of cancer, the unmarried were at far higher risk than the married” (Parker-Pope). While correlation does not imply causation, one can think of many causal mechanisms within marriage that would explain the data.

There are many other ways couples in healthy committed relationships experience value. For instance, they are more likely to have someone to take care of them in time of need (e.g. sickness or old age), they have someone who celebrates their successes in a

\textsuperscript{37}Sadly, many of these benefits do not apply to same-sex committed relationships, but rather only to those who can be and are legally married.
way others cannot, they have someone in whom they can confide, they have someone from whom they can consistently seek comfort, etc. These are only a handful of examples that could be multiplied many times over. They are only some of a great many benefits of being in a healthy committed relationship.

Committed relationships are, all things being equal, valuable. There are, however, good reasons for not seeking or forgoing participation in committed relationships that I believe are instructive for the current discussion of childbearing. The reasons I have in mind are: (i) an inability to be in a committed relationship for reasons outside of one’s control, (ii) not possessing the desire or temperament to be in a committed relationship, and (iii) having other worthy goals that do not (or do not currently) permit the pursuit of a committed relationship.

Sometimes one cannot pursue a committed relationship for reasons outside of her control. One may lack interested or interesting suitors, or one might have commitments she cannot avoid or delegate to others that do not permit her the time to pursue a relationship. In the case of the former, one cannot be blamed for not pursuing a relationship if there is truly a lack of opportunity. In the case of the latter, there are simply other equally or more important things to which she must attend.

As an example of someone having too many commitments, take the young single mother who had a child outside of a committed relationship (e.g. either by a simple act of sexual curiosity or because of rape) or who finds herself without a partner (e.g. through death or divorce), and must now provide for her child. This mother may simply be unable to pursue a committed relationship, because she lacks the time and
opportunity. One might also imagine a dutiful child who commits herself to the care of an ailing parent and, thereby, lacks time to cultivate a relationship.

Some commitments cannot be broken and make it impossible to pursue a committed relationship. One cannot be blamed for failing to pursue a relationship she simply cannot pursue. It is unfortunate, indeed, for the one who desires a committed relationship but cannot pursue one for reasons outside of her control, but she surely bears no moral responsibility for it.

A second reason one might not pursue a committed relationship is that she does not possess the desire or temperament to be in that kind of relationship. It could be that she was born without the capacity to feel and express intimacy, or it might be that she experienced some kind of abuse (e.g. psychological abuse or rape) that rendered her incapable of having these kinds of desires. Either way, it is unnatural for her to do what is for most quite natural.

It would clearly be unwise for someone to attempt to enter a committed relationship without the capacity to enjoy or maintain it. This would be to act against the very purpose of committed relationships. Attempting to participate in this kind of relationship would surely be damaging to both the person who only feigns interest, but does not have it, and to the partner who expects certain feelings to be felt for her in the relationship.

Lastly, one may have goals that conflict with the ability to pursue a relationship at the time or perhaps even at all. It is probably rare that a goal is so demanding that it does not permit the pursuit of a relationship altogether. Most people set goals amenable to

38 My mother found herself in this situation, because of my father’s incarceration.
maintaining committed relationships at some point. Perhaps some extremely valuable goals are worth giving up the possibility for committed relationships—e.g. those engaged in clandestine government service that truly makes one’s country safer (but which is unsuitable for cultivating relationships) or one of the goals I mentioned above (e.g. raising a child or taking care of a family member in need) are likely important enough to put aside the pursuit of a committed relationship, but these are the exceptions that prove the rule.

Some, however, put off the pursuit of committed relationships temporarily to pursue other things. Many, of course, do so foolishly—e.g. they put off committed relationships to pursue shallow sexual relationships not intended to develop further. Others, though, put the relationships off for otherwise worthy goals—e.g. graduate or professional education, travel, etc. While these other goals may be of lesser value than committed relationships, one does not act foolishly if she has a reasonable chance of a relationship after attaining another goal. It is only foolish to pursue other less valuable goals if one dramatically decreases her chance for a meaningful relationship after accomplishing them.

The parallels I wish to draw are probably, at this point, obvious, but I will describe them more carefully. First, just as some are not able to pursue a committed relationship because of circumstances outside of their control, so some women cannot bear or parent a child because of their circumstances. Infertility is an obvious example, but there are others. For example, one may discover she is a carrier of the gene that causes Tay Sachs or some other awful genetic disorder, or she may not have found a suitable mate (and reproductive technology or adoption is not available to her), etc. Also,
she may find herself in one of the circumstances I described above, in which other commitments (e.g. to family) do not permit her to have a child.

Second, and more interesting, is a parallel case in which a woman does not possess the desire or temperament to bear or parent a child, like the woman who does not similarly desire, or is not suited for committed relationships. Some women simply do not want to bear and/or parent children. Perhaps, she was born without the desire or temperament, or maybe events in her life destroyed them (e.g. abuse by her own parents or some other psychological scar from her past). In either case, it would not be valuable for her to bear or parent a child and, questions about harming non-existent beings aside, would not be (very?) valuable to her potential offspring. Just as I noted that it would be unfair of a woman who has no romantic inclinations to marry someone who expects to be loved romantically, so I think it would be unfair to a child to be parented by someone who had no interest in parenting. Women who do not have the desire or temperament to bear or parent a child surely do nothing wrong in choosing not to have them. In fact, it appears they do the virtuous thing by not having a child.

The last parallel is maybe the most challenging. I noted that one who chooses to put off the pursuit of a committed relationship, even for something of significantly lesser value, does not necessarily do something foolish as long as she does not dramatically decrease her chances of a relationship later. The parallel is that the woman who delays having a child (through contraception, abstinence, or abortion) for other (less) valuable goals similarly does nothing wrong as long as she is not dramatically decreasing her chances of reproduction. Here, though, women must be especially cautious. Though

39 There is a large and growing Childless by Choice movement that is characterized by women (and men) who do not desire children.
most abortions do not affect future pregnancies, there is always a risk that they will. A woman runs small risks of infection and damage to her womb from abortion. The risk of complication, however, is probably too insignificant to give much consideration.

A more significant concern is that women tend to underestimate the risks of waiting too long to have a child. Though reproductive technology continues to improve, women should carefully consider postponing reproduction too long. The ability to have children is significantly reduced with age.

In this chapter, I have tried to defend Hursthouse’s argument that a pregnant woman may err morally when having an abortion if she improperly values bearing or parenting a child. Bearing and parenting are intrinsically and instrumentally valuable, and one must have a good reason for delaying reproduction or choosing not to reproduce altogether. There are, however, good reasons for doing so that helps a woman avoid moral failure.
4. Chapter Four: Abortion, Virtue, & Disabilities

According to a 2004 study by the Guttmacher Institute, approximately 13% of women who get an abortion list “Possible problems affecting the health of the fetus” as a reason for their decision (Guttmacher Institute 113). The study does not ask the women to specify what the exact health problem is. Some are surely very serious fetal health problems such as anencephaly, Tay Sachs, etc. Because of the increased availability of prenatal genetic testing, though, there is good reason to believe that many women are choosing to abort for conditions that are not as serious. The most common condition for which fetuses are selectively aborted is Down syndrome, a condition many live with quite happily.

In this chapter, my concern is with those who choose to have an abortion because they discover, through prenatal testing, that their fetus has a disabling trait. Much has been written on the morality of prenatal testing and selective abortion, but not from the perspective of virtue ethics. I will describe the most familiar criticism of selective abortion based on disabilities, the disability rights critique; address some of the objections to it; and then reapply some of its salient points to an argument more appropriate to virtue ethics.

The argument I will be defending then is that some women err morally when they have an abortion because they have an inappropriate attitude toward people with disabilities or about raising a child with disabilities. In one sense then this is an expansion of the argument in my last chapter—i.e. one may inappropriately value parenting (in this case a disabled child). In another sense, I am making a new argument about the embodiment of prejudice against a group of people (i.e. those with disabilities).
At the outset, though, I want to take seriously the caution Rosalind Hursthouse recommends when she discusses this issue in Beginning Lives. There, she writes, “For many women … [an abortion to avoid bringing a child with a disability into the world] is by far the most painful and difficult … People who are philosophers by profession can often bring their philosophy to bear on the most painful episodes in their lives … with no sense of oddity or strain, but it is at best pretentious and at worst cruel to thrust it at most people who are suffering or who have suffered” (Hursthouse, Beginning Lives 213-214).

I wish to be neither pretentious nor cruel. I realize that for those who have had to make a decision like this, what follows can come off as both. I should state at the outset, however, that I feel that few women err morally in the way I describe below. My goal, though, is to point out as many potential moral pitfalls that I can, and I believe that this is one, however rarely it may occur.

4.1. The Disability Rights Critique

Prenatal testing for genetic conditions is becoming increasingly available, less invasive (soon it will be possible to test fetal cells in a pregnant woman’s blood), and able to detect greater numbers of conditions. Many are beginning to consider prenatal testing part of good, normal prenatal care. While some of the tests are followed by in-utero surgeries to correct problems like myelomeningocele (a type of spina bifida), this is very rare. More typically, prospective parents use the tests to decide whether or not they want to abort the fetus.

This concerns many in the disability rights community, who worry that it is another manifestation of societal prejudice against those with disabilities. Here, they reflect the worry many feminists have had that abortion for sex selection “… embodies
and reinforces discriminatory attitudes toward women” (Parens and Asch 14). In other words, the current context is such that prejudice towards those with disabilities might drive decisions to abort fetuses found to have disabilities with which many live happy lives.

Underlying the disability rights critique is the view that “…discrimination results when people in one group fail to imagine that people in some ‘other’ group lead lives as rich and complex as their own” (Parens and Asch 8). Many feel exactly this way about those with disabilities and those who raise them. Jonathan Glover quotes a cringe-inducing passage from Virginia Woolf’s diary that expresses the kind of attitudes some have toward those with disabilities. Woolf wrote, “On the towpath we met & had to pass a long line of imbeciles … one realised that everyone in that long line was a miserable ineffective shuffling idiotic creature, with no forehead, or no chin, & an imbecilic grin, or a wild suspicious stare. It was perfectly horrible. They should certainly be killed” (J. Glover 29; emphasis added). The same attitudes, though more subtly expressed, are manifested in contemporary culture. Glover describes reports of job discrimination, lack of respect for the differences of people with Asperger’s syndrome, and a horrifying report of Jane Campbell, a disability rights activist who has spinal muscular atrophy. Glover records Campbell’s account of a time when she was in the hospital with severe pneumonia: “On two separate occasions, doctors told me they assumed that if I fell unconscious I wouldn’t want to be given life-saving treatment. I was so frightened of what might happen to me that I kept myself awake for 48 hours” (Choosing Children 30). Accounts of what Glover calls “ugly attitudes” toward those with disabilities could be
multiplied, but these will serve to underscore the worries proponents of the disability rights critique have in mind.

The disability rights critique makes three claims: (1) For those who have disabilities, the biggest problem they face is not their disabilities, but rather discrimination; prenatal diagnosis of disabilities reinforces the medical model that it is disabilities themselves, not social discrimination, that is the primary problem. (2) When they reject an otherwise wanted child because of that child’s disability, prospective parents suggest they are unwilling to accept a significant departure from what they believed their parenting experience would be like; they show that they are unwilling to adjust their hopes based on the child’s individual needs. (3) When a parent aborts a fetus because of a disability, they are “making an unfortunate, often misinformed decision that a disabled child will not fulfill what most people seek in child rearing” (Parens and Asch 13).

According to the disability rights critique, selective abortion is morally problematic for two reasons: (i) it “expresses negative or discriminatory attitudes not merely about a disabling trait, but about those who carry it” (Parens and Asch 13) and (ii) it “signals an intolerance of diversity not merely in the society but in the family, and ultimately it could harm parental attitudes toward children” (Parens and Asch 13). Two arguments emerge from these statements, the expressivist argument and the parental attitude argument. I will briefly review each of those below.

4.1.1. The Expressivist Argument

The expressivist argument states that when someone aborts a fetus because of its disability, she is expressing a discriminatory attitude toward those with disabilities.
Abortion because of a disabling trait, it is argued, “…express[es] a hurtful attitude about and send[s] a hurtful message to people who live with those same traits” (Parens and Asch 13). If, for example, someone learns her fetus will be deaf and chooses to abort because of that, she is, according to the argument, sending the message that others who are deaf do not have a life worth living. Some who are disabled believe that selective abortion says that “…some of us are ‘too flawed’ in our very DNA to exist; we are unworthy of being born” (Parens and Asch 14).

The professional medical community reinforces that message by only offering tests for certain conditions and not others; they are communicating that only some traits—i.e. disabling traits with which many people live happily—are decisive in terms of decisions to abort or carry to term. Proponents of the argument, then, see a discriminatory attitude reinforced by medical authority. There are no prenatal tests for brown or blond hair, blue or green eyes, etc., but there are tests for certain disabling traits. The message many believe this sends is that the former traits do not matter when it comes to decisions about whether to bear a child, whereas the latter traits are important, in fact, singularly important.

4.1.2. The Parental Attitude Argument

The parental attitude argument suggests that “…using prenatal tests to select against some traits indicates a problematic conception of and attitude toward parenthood” (Parens and Asch 17). Adrienne Asch and David Wasserman identify several improper attitudes parents might have for prenatal testing for disabling traits and selective abortion because of those traits. They believe that these “…attitudes and beliefs are inconsistent with the moral posture that parents should adopt toward their future children and their

The inappropriate attitudes are ones related to control, lack of humility, etc. The decision to have a child is a decision of “…one or more adults ‘pledging’ to love, nurture, and protect a person they have never met” (Asch and Wasserman, "Where Is the Sin in Synecdoche?: Prenatal Testing and the Parent-Child Relationship" 202). It is, in a very real sense, a commitment to love unconditionally. Selection, some argue, however, is about “…the commodification of children … thinking about them and treating them as products rather than as ‘gifts’ or ‘ends in themselves’” (Parens and Asch 18). It is a conditioned love. Making the choice to abort a child because of a disability, some believe, “… is inconsistent with the commitment to welcome and nurture any child the parents have, a commitment [that many] regard as the moral foundation of the family.” (Asch and Wasserman, "Where Is the Sin in Synecdoche?: Prenatal Testing and the Parent-Child Relationship" 202).

This idea is closely related to an argument Michael Sandel puts forward in the context of genetic enhancement. He thinks the real problem with enhancement is the “…Promethean aspiration to remake nature … to serve our purposes and satisfy our desires”; he believes that the “… problem is not the drift to mechanism but the drive to mastery” (Sandel 26-27). The parental attitude argument seems to have the same concern. A child’s value is determined by how they fit with their parents’ hopes and aspirations, not
an intrinsic quality of the child herself. The parent who seeks to control the traits of the child, it is argued, is not open to the child’s individual characteristics.

Proponents of the disability rights critique worry that many potential parents are defining their future children by their disabilities and forgetting that a disabling trait is only one of many traits their children will possess, and those other traits may make parenting these children a wonderful experience. Parents should be open to appreciating all different kinds of characteristics in children.

Parens and Asch write, “Loving and nurturing a child entails appreciating, enjoying, and developing as best one can the characteristics of the child one has, not turning the child into someone she is not or lamenting what she is not” (18). They believe the proper parental attitude is one that is grateful for the child a parent has, not one that is only satisfied if a child fits one’s preconceived ideas about rewarding parenting. They believe that “[g]ood parents will care about raising whatever child they receive and about the relationship they will develop, not about the traits the child bears” (Parens and Asch 18). One must be open to the child they have, willing to appreciate whatever unique combination of traits she bears.

4.2. Objections to the Disability Rights Critique

4.2.1. Objections to the Expressivist Argument

A common response to the expressivist argument is that it is perfectly consistent to value those with disabilities and still take measures to have a child without disabilities. Steinbock writes, “From the fact that a couple wants to avoid the birth of a child with a disability, it just does not follow that they value less the lives of existing people with disabilities, any more than taking folic acid to avoid spina bifida indicates a devaluing of
the lives of people with spina bifida” (Disability & Prenatal Testing 121). If proponents of the expressivist argument insist that it devalues people with disabilities to try to reduce the incidence of a disabling trait, then all kinds of actions will be condemned. Taking folic acid to avoid the incidence of spina bifida is an attempt to reduce the number of people with spina bifida. Curing someone who becomes a paraplegic because of an accident reduces the number of people with paraplegia. Steven Edwards points out that “… the expressivist objection seems to have the implication that it is wrong both first, to seek to prevent any form of disability, and second, to cure or ‘put right’ any existing disability” (Edwards 419). If this is true of the expressivist argument, it amounts to a reductio ad absurdum for the expressivist argument.

Other objections to the expressivist argument focus on whether or not the actions disability rights advocates object to actually express anything at all. Allen Buchanan argues that for an action to express a judgment means either that the action could only be undertaken if it was motivated by the judgment or that one could not rationally commit the action without believing the judgment. So, for an act of aborting a fetus because of a disability to express a negative judgment about those with disabilities, it would have to be motivated by the negative judgment or only rational to take the action if one believed the negative judgment—i.e. the reason the would-be parent wants to abort the fetus is because the parent thinks people with disabilities do not have a life worth living.

Buchanan points out, however, that there can be many motivations for aborting a fetus with a disability and many rational reasons (other than a negative judgment about people with disabilities) that one can have for this action—e.g. “One may wish to avoid serious strains on one’s marriage, on one’s ability to fulfill responsibilities to one’s other
children, or on scarce resources” (32). These reasons have nothing to do with the value of someone with a disability, but rather only about the couple’s desires.

A last objection to the idea that actions express prejudices against those with disabilities relies on the notion of intentionality and meaning. Some argue that if those who choose prenatal screening and selective abortion for disabilities do not intend by their actions to express something, then moral judgment is impossible. According to one popular theory of meaning advanced by Paul Grice, in order for someone to mean something by an utterance she must (i) intend to cause a certain response in her hearer, (ii) be understood to intend to cause the response, and (iii) for the intention to be part of the hearer’s reason for responding. Eva Kittay suggests that a theory something like Grice’s must serve as an assumption of anyone who wishes to make a moral judgment about the meaning of acts of selective abortion. She writes, “… if we are going to say that an action is unethical or immoral because it sends a certain message, I take it we mean that the action has meaning [in Grice’s sense], for if the action is to be either moral or immoral then it must be carried out by those who intentionally carry it out” (Kittay 184). Kittay notes that the pregnant woman who decides to have an abortion because of a disability would have to intend by her action to “… induce in another the belief that the life of the disabled is not worth living” (Kittay 184). This is clearly not a pregnant woman’s intention, however, in having an abortion. It is probably fair to say that no pregnant woman considering an abortion because of a disabling trait is thinking about sending a message of any kind. These decisions are typically so wrought with personal emotions and considerations that any thought of society at large or sending any kind of message whatsoever does not have a chance to enter in any way into the decision. One
might argue that a woman should think about the unintended messages an action is sending, but this is a very different thing than saying one actually does intend to send a message.

4.2.2. Objections to the Parental Attitude Argument

The parental attitude argument has also been criticized for depending on what William Ruddick calls a maternalist conception of parenthood (described below). He notes that women have very different conceptions of pregnancy and motherhood, however, and doubts seriously that many women will be motivated to reject prenatal testing because of the parental attitude argument, which seems to imply that they should be happy with whatever child they receive (i.e. the maternalist conception). He believes many women reject this conception of motherhood and pregnancy and thereby reject the basis of the argument.

Though women’s views on motherhood are complex and varied, Ruddick notes three different common conceptions: maternalism, projectivism, and familialism. He defines each, but recognizes that, in practice, proponents of these views often hold them (or parts of them) together, “… waxing and waning with children’s development and other changing parental circumstances” (W. Ruddick 96). Ruddick argues that only the maternalist conception, however, is consistent with and susceptible to the parental attitude argument.

Ruddick identifies those who hold the maternalist conception of motherhood as those who begin to think of themselves as mothers carrying a child from the time they become aware they are pregnant. The pregnant woman seeks to protect and care for her fetus as soon as she suspects she is pregnant. While the maternalist may use prenatal
tests, her concern is for conditions that can be treated prenatally or for those that are so severe abortion might be considered good for the fetus. Prenatal tests and actions based on them are done, not for the needs of the woman who holds the maternalist conception, but rather for the fetus’ needs. The maternalist wants to find out her fetus’ condition, because she wants to know how to care for it, not to decide whether or not to continue her pregnancy (unless abortion is the only way to care for the needs of a very severely impaired fetus).

Projectivists, Ruddick argues, see pregnant women as making children, not nurturing them. A projectivist does the same things a maternalist does to ensure the health of the fetus, but the motivation is the fulfillment of her goal of parenting, not the health of the fetus for its sake. She has a specific vision for her future and the way motherhood fits into it. Her concern is the fulfillment of that goal, not the individual needs of the particular fetus she happens to be carrying. The fetus is, in a sense, replaceable. The goal can be fulfilled with another child; it does not have to be the child who would come from the particular fetus she is carrying.

Projectivists can draw from a broader array of reasons for abortion than the maternalist, who only aborts for the sake of the fetus. A projectivist might have a specific picture in mind of raising a child who will have a family of her own; this picture might cause her to choose to abort a fetus that would produce a child who would be sterile or who would not live long enough to reproduce. The projectivist may use prenatal testing and selective abortion to produce a child that best fulfills her goal. Contrary to the maternalist, she might not test for and seek to correct conditions that would cause her to have a spontaneous abortion, as her goal may not be to rescue a fetus
that might not properly develop in the first place. The maternalist’s actions are guided by the needs of the fetus. The projectivist’s actions are guided by the particular goal she has for her own reproduction.

Lastly, the familialist sees pregnancy not as simply nurturing or caring for a fetus or of fulfilling some project, but rather as starting or adding to a family in a way that serves her family’s other members. A woman may, for instance, hope a child will carry on her family’s enterprise (e.g. a family farm), name, etc. Like the projectivist, she thinks about something other than the needs of the fetus, but her goals are not singularly focused on her own reproductive plans. Instead, she thinks of the overarching projects and goals of her family and friends. A familialist might use prenatal testing for selective abortion when her fetus carries conditions that do not permit the fulfillment of these familial goals.

The familialist wants offspring that reflect the family’s interests. Interestingly, this view likely motivates those who actively select for disabilities like deafness or dwarfism when other members of the family share those traits. Some in these communities feel that their disabilities are cultural characteristics, like race and ethnicity. Bonnie Tucker notes that “… they insist that their culture and separate identity must be nourished and maintained … [they] claim the right to their own ‘ethnicity, with [their] own language and culture, the same way that Native Americans or Italians … bond together’” (162). The familialist wants a child who fits into her family in a specific way.

At the same time, the view probably motivates others who would select against those same traits (i.e. dwarfism or deafness) for the sake of family interests (e.g. one can imagine a family of basketball players or music lovers selecting against the traits).
familialist may select *against* disabilities so that the child fits in with the rest of the family. The motivation is not the care of the fetus or of one’s individual projects, but rather the needs and/or desires of the family.

The parental attitude argument seems to work only if the maternalist conception is assumed. Neither the projectivist nor familialist conceptions has it that one must “…appreciat[e], enjoy[], and develop[] … the characteristics of the child one has” (Parens and Asch 18); these views of motherhood mark as legitimate the desire to fulfill one’s individual or familial projects through certain kinds of pregnancy. Inasmuch as the projectivist and familialist conceptions are morally acceptable, the parental attitude argument fails. The question then is, are all of these views equally morally acceptable?

**4.3. Virtue Ethics & the Disability Rights Critique**

What would a virtue ethicist make of this discussion? There seems to me to be many relevant virtues. Clearly, a virtuous person would not act insensitively, thoughtlessly, or callously toward those with disabilities. They spurn prejudice and narrow-mindedness. They would not want to participate in actions that would hurt others. Nor would a virtuous person be motivated by selfishness when deciding to have a child. The virtuous person is courageous and imaginative. All of these virtues bear on the current discussion.

In terms of the expressivist argument, technical issues about meaning and communication aside, one should be concerned about how her words and actions are interpreted by others, especially when they can hurt someone. Clearly, many in the disabilities community feel that prenatal testing for conditions they possess and selective abortion for those conditions sends a message that they should not exist.
Hursthouse recounts a conversation she had with a woman who has a visual impairment who had participated in a group discussing abortion. The group began discussing disability as a justification for late-term abortions. According to Hursthouse, the woman said, “Their relationship to me and the way they were talking about it was really very bad. It actually negates my whole purpose in this life. I felt totally intimidated. I just sat and sort of cried inside” (Beginning Lives 214-215). Another woman with the same disability said, “The really awful thing is that they talk about abortion and disabled children as if you weren’t there … I do feel sometimes they are talking about me. I think that generally people do think disabled people shouldn’t be allowed to exist” (Hursthouse, Beginning Lives 215; original emphasis). No compassionate, kind, or thoughtful person wants to make anyone feel this way, and she is careful to make sure her words and actions do not unintentionally offend.

Hursthouse believes there is a real danger in words and actions that can be taken to devalue the lives of the disabled. One danger, for example, is that it generates and reinforces false beliefs about those who have disabilities. She notes that for many years she wrongly believed that the lives of those with spina bifida and Down syndrome were “entirely wretched.” Only through encounters with people with these conditions did she learn this not the case. These kinds of false beliefs should not be spread or reinforced. Another danger is that words and actions can make the lives of those with disabilities and those who raise them more difficult. For instance, it is sometimes said that abortion is the only humane response when one discovers her fetus has or will develop a disability. Women who carry and bear a child with a known disability, then, are considered inhumane, adding stress and social condemnation to their other challenges. Most women
who carry and bear children with a known disability do so courageously and compassionately. Their actions deserve commendation, not condemnation. The virtuous person does not want to make someone acting virtuously feel as if they have acted viciously.

The virtuous person wants to be extremely careful not to offend in word or deed. She does not want to be insensitive when performing actions that can hurt others, whether by intention or not. She cares about the way her actions are interpreted by others. Someone who does not care about how an abortion of a fetus with a disability can hurt others acts callously and selfishly. However, that an action can be interpreted in a way that some believe to be hurtful does not mean that one cannot perform it; surely, though, appropriate sensitivity must be shown in the action and care taken so that it is not misinterpreted.

4.4. Virtue, Abortion, & Fetal Disabilities

What then can be said about one who chooses to have an abortion because of a fetal disability? Surely, if the decision is made because a pregnant woman is prejudiced against the disabled, she displays a trait of character that is inconsistent with virtue. Similarly, if she decides to abort her fetus because she is afraid to raise a child with a disability, she is not acting courageously. There is no doubt that at least some women have had abortions for exactly these reasons, so one should say that these women, because of the prejudice and fear, acted immorally. The virtue ethicist believes that

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40 In my last chapter, I argue, however, that, in some serious cases, bringing a child with disabilities into existence is a moral failing.

41 Of course, in the end, it is probably better that women who are prejudiced against people with disabilities do not parent children with disabilities. These women, however, cannot be praised for their decisions. That we are glad that a child is not raised by a prejudiced mother, does not mean we should say a woman acted well in aborting a fetus with a disability, because she is prejudiced. Her prejudice prevents this action from being morally praiseworthy, even if we agree that it is better for the child that she does not raise him.
intentions and feelings matter morally. One can fail, then, by choosing to have an abortion because of her prejudices and fear.

If Parens and Asch are right that many choose to abort fetuses with disabilities because of misinformation and misconceptions, this is clearly something a virtuous person would avoid. One wishes to act wisely, not foolishly. To act because of misconceptions is to be unwise and unimaginative. The virtuous person is guided by wisdom. She does not allow herself to be driven by foolish, false beliefs.

In the previous chapter, I argued that, given the value of parenthood, it would be foolish to abort a child for trivial reasons. Similarly, if raising a child with disabilities can be very satisfying, it would be foolish to choose to have an abortion because one (wrongly) thinks it cannot be satisfying; one acts on misinformation that could easily be corrected. Wisdom is to guide the virtuous life.

Lastly, I want to return to Ruddick’s three conceptions of motherhood. Though he allows that his constructions may not be perfectly held by any one particular person, he means them to be descriptive claims about views of bearing and raising children. Though his concern is different from mine (i.e. he wants to know how these views of motherhood will affect the demand for prenatal testing), there are several features relevant to the argument I am making.

As I mentioned above, in order to overcome the parental attitude argument, the projectivist and familialist conceptions must be morally acceptable. The parental attitude argument assumes the maternalist conception of motherhood—i.e. that one should care for and be happy with any potential child they may have. Parens and Asch understand Ruddick’s claim to be normative, not merely descriptive: “… he points out that there are
other legitimate conceptions of pregnancy and motherhood that do not depend on or give rise to [the maternalist assumption that a woman should want any child she gets]” (19; emphasis added). Ruddick, however, does not seem to be making a normative claim. He does not seem to me to be saying that the conceptions of motherhood are each morally praiseworthy. In fact, he speaks as if the conceptions as he describes them are prone to excess. He notes that most women mix the concepts, and this is good, because “…conceptual mixing subverts single-minded excesses” (W. Ruddick 104). I take him to mean that focusing on any particular concept exclusively is not morally desirable.

When one considers virtue in general, it appears that some conceptions (or conceptual mixes) of parenthood fair better than others. The maternalist and familialist conceptions accord very well with several virtues like compassion, care, generosity, selflessness, benevolence, temperance, etc. This is especially true when the two conceptions are mixed in a way Ruddick seems to believe is common—i.e. when a potential mother is both concerned with the care of her fetus and with how bearing a child will affect the projects of others, especially her family’s projects.

It is more difficult to find virtue in the projectivist conception of parenthood, at least in its pure form. In Ruddick’s description, the concerns of the pregnant woman are all self-interested. One behaves like one who cares for or nurtures her fetus, but the motivation is utilitarian; it does not arise naturally from the character of one who possesses virtue.

Surely, Ruddick is right that some women (and men) have a projectivist conception of pregnancy (and having children in general) to one degree or another, but this does not mean this conception is “legitimate” as Parens and Asch have it (or, at least,
in how they interpret Ruddick). Again, it is not clear that Ruddick argues that the conceptions are morally legitimate. For the virtue ethicist, only conceptions of parenthood that align with the virtues are morally acceptable, and it is unclear that projectivism does. It seems to promote self-interest over any of the virtues associated with the other two views. I agree, therefore, with Asch and Wasserman who believe the projectivist conception of motherhood “… is a posture we should gently discourage” (Asch and Wasserman, "Where Is the Sin in Synecdoche?: Prenatal Testing and the Parent-Child Relationship" 203).

I suspect that Ruddick is right that women typically mix the conceptions, and that no one is actually a purist in any of the views. I would be surprised if any particular woman was not motivated by aspects of all three conceptions. Still, it seems to me that some conceptions are more morally commendable than others. I find much to commend in a combination of the maternalist and familialist conceptions. While the projectivist conception does not seem to me to accord with the virtues, it does not mean that it cannot make up part of what a woman finds desirable about parenting. Just as one who gives charitably out of virtue may enjoy the accolades of those who know of her charity, but who is not motivated by the praise she receives, but rather by reasons associated with virtue, so one who has a child out of virtue may enjoy the thought of fulfilling a specific parenting project, but the motivation should be reasons associated with virtue, not those self-interested projects.

What, then, if the projectivist view is rejected as a “legitimate” conception of parenthood? Might the parental attitude argument be used in the context of virtue ethics
to condemn abortion because of fetal disability? What would the argument look like if reformulated by a virtue ethicist?

The parental attitude argument is probably too strong as stated by Parens and Asch, but it seems to me to get something right when softened and reinterpreted in the terms of virtue ethics. Surely, thinking of children as commodities meant to please their owners is inappropriate. Exercising care means responding to the needs of the object of care because the object needs care, not for self-interested or utilitarian reasons. While utilitarian reasons may make up part of one’s motivation for caring for something, the needs of the object itself, for the object itself, is a crucial motivation for the exercise of the virtue (e.g. a virtuous person might say, “I must care for this chicken because it needs care, but also because my family can benefit from the eggs it produces.”). Inasmuch as a parent rejects a potential child because it fails to satisfy some consumerist desire, she fails to exercise the virtue of care.

Additionally, desires to always control, to be closed to the unbidden, demonstrate a lack of humility and courage. One must appreciate her inability to mold the world and her circumstances to her preferences. A virtuous person recognizes her limitations and appreciates the opportunities for growth and character development in the reasonable challenges of circumstances she cannot control. Though she does not necessarily go out to find ways to be challenged or pushed to her limits, she does not fear the challenges of the unbidden.

The virtue ethics version of the parental attitude argument, then, is that sometimes when one decides to abort a fetus because it possesses a disabling trait, she is demonstrating an inappropriate attitude toward parenting. Specifically, she is
demonstrating an attitude that does not accord with virtues like care, compassion, wisdom, humility, courage, generosity, selflessness, benevolence, temperance, etc. Her attitude, instead, might reflect selfishness, pride, and foolishness. It is by the virtues and vices that attitudes, and thereby character, is judged.

I mentioned at the beginning of this chapter that a non-trivial number of women abort because they are concerned about the health of their fetus, which I understand to mean, at least partially, because of fetal disabilities. At the same time, I noted that I do not believe many women err morally by aborting because they discover their fetus has a disabling trait. How, then, do women typically avoid the moral errors I identify above?

4.5. Traversing the Potential Moral Pitfall

I believe that few women actually act viciously when choosing to abort because a fetus possesses a disabling trait. I believe most women rightly assess their own dispositions, and they rightly base their decisions on their dispositions, not on improper attitudes toward those with disabilities.

To explain what I mean, I return once again to a farming metaphor; this time, viniculture. In the movie Sideways, Maya (played by Virginia Madison) speaks to Miles (Paul Giamatti’s character) about wine. Throughout the movie, Miles continually extols the virtues of his favorite wine, Pinot noir. Maya is curious about his strong preference.

Maya: You know, can I ask you a personal question, Miles?
Miles: Sure.
Maya: Why are you so in to Pinot?
Miles: [laughs softly]
Maya: I mean, it's like a thing with you.
Miles: [continues laughing softly]
Miles: Uh, I don't know, I don't know. Um, it's a hard grape to grow, as you know. Right? It's uh, it's thin-skinned, temperamental, ripens early. It's, you know, it's not a survivor like Cabernet, which can just grow anywhere and uh, thrive even when it's neglected. No, Pinot needs constant care and attention.
You know? And in fact it can only grow in these really specific, little, tucked away corners of the world. And, and only the most patient and nurturing of growers can do it, really. Only somebody who really takes the time to understand Pinot's potential can then coax it into its fullest expression. Then, I mean, oh its flavors, they're just the most haunting and brilliant and thrilling and subtle and... ancient on the planet.

In the film, the grape is a metaphor for Miles. He is hard to deal with, but fragile. He needs constant care and attention from a lover (potentially Maya); he needs one who is extremely patient and nurturing. He has been hurt before by someone who did not understand or did not have it in them to provide what he needed.

To extend this metaphor outside of the movie, some children are Pinot grapes and some are Cabernet grapes. Some parents have it in them to patiently nurture and care for Pinot grapes, and some parents do not, through no fault of their own, but just because of who they are. The same study that Parens and Asch use to demonstrate the value those who raise children with disabilities experience also “… acknowledges that working parents of children with special medical or behavioral needs find that meeting those needs takes more time, ingenuity, and energy than they think they would have spent on the needs of nondisabled children” (22). While the families report that it is rewarding to raise children with disabilities, they also note that doing so carries with it many difficult challenges as well. Steinbock describes some of the challenges the parent of a child with a disability might face. She notes that most people with mental retardation live at home and thereby require care that demands someone (and almost always the mother) to give up a career. It is not uncommon for intensive care to extend well beyond what is typical for parents. Parents in their eighties are often responsible for children with Down syndrome in their fifties. She notes that “[t]hese are not trivial burdens, and the desire to avoid them does not indicate a character flaw …” (Steinbock, Disability & Prenatal
Raising a child with a disability can be quite difficult and trying to avoid that difficulty does not demonstrate a defective character. It may demonstrate a wise assessment of one’s capacities for giving care.

Some women evaluate themselves and determine that they are up for the challenges of raising a child with disabilities. People like this, by nature and will, possess “… a rich acceptance of experience, an ability to love [raising a child with disabilities] in its good and in its bad aspects” (Hursthouse, Beginning Lives 332). These are admirable traits to be sure, but not traits that everyone has. One is not morally deficient simply because she tires easily, has little available time, etc. She is wise, then, who recognizes her limitations, who rightly evaluates that her time, ingenuity, and energy are not sufficient to the task before her in raising a child with disabilities.

Rightly evaluating one’s dispositions, her abilities, her limitations, etc. is a sign of wisdom. Sure, one can, because of fear, wrongly evaluate her abilities and limitations; she might be too quick to think the task impossible or too tough for her. One might also base her evaluations of herself on misinformation and misconceptions about raising a child with disabilities. These cautions, described above, must still be heeded. It must also be the case, though, that one can rightly acknowledges her limitations in this regard. Far from being a foolish decision, a callous, inconsiderate choice, it can be wise decision, made in humility, to avoid getting oneself into a situation she cannot handle. A woman who rightly understands the value many find in raising a child with disabilities, but also rightly evaluates her particular limitations in terms of time, ingenuity, and energy, understands that having a child with disabilities would not be beneficial to her, the child,
or to any partner or other family she may have. Her decision to abort is in accordance with virtue.42

More than simply acting wisely or avoiding vice, one may be demonstrating compassion in having an abortion because of a disability. Though I think she may overstate it, Hursthouse writes, “If one’s reason [to abort a fetus with a disabling trait] is a genuinely altruistic desire that new lives should not begin disabled because, far from being callous, one is sensitive to suffering, and, far from being light-minded, one is very conscious of how momentous a thing it is to bring a new person into the world, then opting for abortion need show no disregard for the fact that it is the destruction of a new human life” (Beginning Lives 331). While Hursthouse does not limit what she takes to be praiseworthy “altruistic desire” to particularly severe conditions, it is probably more appropriate to do so. One might rightly counter her unlimited statement by pointing out that it would be wrong of a woman to think a disabling trait introduces only suffering or even more suffering than pleasure. Very few people with disabilities believe it would have been better had they never existed. Most people with disabilities report being quite happy with their lives on the whole. Still, though, there is something right about the idea that one can act compassionately, out of concern for her fetus, when choosing to have an abortion.

42 Asch and Wasserman note, however, how differently a condition like multiple births is treated than fetuses discovered to have a disability. They write, “One hardly needs to read the literature on families with disabled children to recognize that raising three or four, let alone seven or eight, concurrently born children demands at least as much time, effort, and money as raising one severely impaired child” (Asch and Wasserman, “Where Is the Sin in Synecdoche?: Prenatal Testing and the Parent-Child Relationship” 181). Raising multiples is often much more difficult than raising a single child with a disability, but rarely is the former viewed in the same way as the latter. People often consider multiples a blessing, in spite of the tremendous effort it takes to raise them, whereas they typically think of raising a child with a disability as a burden, even when less effort is required. A virtuous person must carefully consider social stigmas and how she might be affected by them.
A woman who finds out that her fetus suffers from a truly terrible condition, like Tay-Sachs or severe Lesch-Nyhan, may truly be exercising altruism in having an abortion. In fact, in my last chapter, I will argue that such a woman may actually be acting viciously by not having an abortion. Here, though, I only wish to make the less controversial claim that a woman can decide to have an abortion because of a fetal disability for reasons that accord with the virtues.

But, what of the offense some who live with disabilities take at selective abortion because of disabilities like their own? Surely, the virtuous person should not be insensitive to those who feel hurt by their actions. One should be moved by those who feel that one’s act says to them “we don’t want your kind here.” Arguing that one has no reason to take offense at prenatal screening and selective abortion or that there is really nothing expressed by this act seems perhaps to “win” on a technicality. Whether or not one should not be offended or identify a theory of meaning that properly grounds her feeling of offense, she still feels hurt. A compassionate person cares how her actions affect others.

But, what should a compassionate person do when she has very good reasons for aborting a fetus because of a disabling trait? Is she to disregard her own desires about something as significant as motherhood to avoid offense? Aren’t there some limits to how much a virtuous person must sacrifice for the sake of compassion?

To possess a virtue is not to simply act according to a naïve understanding of the trait. It is to know how to exercise the virtue properly in a given situation. In my first chapter, I noted that virtue ethicists commonly criticize proponents of consequentialist and Kantian ethics, because of their insistence on impartiality, for preventing them from
fulfilling their life projects. According to Williams, life projects are what “… propel [us] forward, and thus … give [us] a reason for living [our] li[ves]” (Williams 15). I suggested that a moral requirement of impartiality is tantamount to a demand that one live a life that is no longer distinctively human. If the virtue ethicist sees no limit to the requirement of compassion, she has replaced the impartiality demand of consequentialist and Kantian ethics with a master equally as harsh.

The virtuous person must respect her life projects. She cannot completely abandon her own projects for the sake of others. A virtuous woman who, for good reasons, does not desire to be the mother of a child with disabilities is not required to act against her desires simply to avoid the possibility of offense, especially when it is unlikely that her particular act will cause any offense in the first place.

Abortions are not public acts. James Lindemann Nelson contrasts acts like displaying a Confederate flag with abortion, noting that “Amniocentesis is a different sort of deed than is hoisting a banner; abortions are not flags” (197). Similarly, Kittay notes women who have abortions because of a fetal disability rarely say, “Listen up, world. I am having an abortion based on a diagnosis of fetal abnormality …” (172). Women do not have their abortions in the public square. A woman who is acting according to an important life project by having an abortion and who does so in a private way does not seem to act callously or cruelly. Her actions seem perfectly consistent with compassion.

One is tempted to say that a virtuous person can avoid hurting another’s feelings simply by keeping the “offensive” act secret. Thinking that one can completely avoid the moral error of offending another simply by doing something privately, however, is short-sighted. There is more to consider. While abortions are indeed private matters, they are
part of public policies and procedures. One cannot hide behind the fact that her participation in a public system is anonymous when the system is not. Nelson helpfully notes that it is “… at least possible that ‘selective abortions,’ or policies that promote their occurrence, can have semantic properties in a way that does not essentially refer to mental states, open or hidden, of those choosing to terminate pregnancies or institute the relevant prenatal testing practices” (199). In other words, the systems themselves can communicate a message, and participation in systems that hurt others can be just as insensitive as making actions one knows will hurt others public.

Women have many possible motives for choosing to abort a fetus with a disabling trait; as I have suggested, some are in accordance with the virtues and others are not. It is easy (too easy, I think) to suggest that medical professionals and insurers (public and private) offer prenatal testing and selective abortion simply to meet the demand for them, which again can be motivated by good or bad reasons. If this were the case, the system would be saying nothing more than that it abides by capitalism. There is a demand for a service, so the service is provided. It would be very surprising, however, if that was the whole story.

One cannot ignore the context in which institutionalized prenatal testing and selective abortion has arisen. The industrialized societies in which selective abortion is a viable option have a long history of mistreatment of people with disabilities. It is easy to forget that as late as 1927, the Supreme Court upheld forced sterilization of people with mental disabilities. Though the practice declined throughout the 1940s and 1950s, it continued in some places until the 1970s. Over 60,000 US citizens underwent forced sterilization.
What then is the proper response for someone who is thoughtful, sensitive, and compassionate? Obviously, she will engage in careful introspection to ensure that if she does participate in the system in which some take offense, her motives are in accordance with the virtues. More than this, though, the thoughtful, sensitive, and compassionate person works against all abuses of systems in general. If a system that can cause offense has been put into place for inappropriate and unjust reasons, those who participate in those systems for appropriate and just reasons should make their opposition to misuses of the system known, and correct inappropriate and unjust attitudes when she can. There is an additional responsibility added to those who participate in systems that can be seen to promote vice. To avoid moral error, those who utilize the services “…need to send a clear signal that [they] do not have the ugly attitudes about disability” (J. Glover 35) behind the systems.

Aborting a fetus because of a disabling trait is a potential moral pitfall that is extremely difficult to avoid. The virtuous person is marked by wisdom, compassion, and care, and there are many opportunities to fail in exactly those areas when having an abortion because of a fetal disability. Not only must one ensure that she is not acting foolishly, callously, or out of fear, but she must also consider the feelings of those who find abortions for reasons associated with disability personally offensive.

Ultimately, though, virtue demands that a woman wisely assesses her dispositions. She must know her abilities and limitations. She must not get herself into a situation that harms herself, her family, or the child she brings into existence. Decisions related to aborting fetuses with disability are wrought with potential moral failing, and it takes a great deal of wisdom to successfully navigate a virtuous path.
In recent years, the issue of fetal pain has emerged as a central feature of abortion debates. As of 2015, over a dozen states\(^{43}\) have passed or attempted to pass anti-abortion laws that ban abortions after 20 weeks. A federal ban passed the House of Representatives in 2013 but failed in the Senate.

Proponents of the bans justify them by suggesting that fetuses have the ability to suffer at this stage of development, so must be protected from that suffering. The federal bill, H.R. 1797, is named the “Pain-Capable Unborn Child Protection Act.” Advocates argue that the capacity to suffer, not viability, should mark the point at which late term abortions are prohibited. They believe that this capacity emerges before viability (which is typically thought to be around 24 weeks’ gestation), probably around 20 weeks, thereby drawing an earlier line after which late term abortion should be illegal.

Whether or not a fetus can feel pain is certainly relevant to the issue of abortion, especially if one approaches the issue from the perspective of virtue ethics. Causing pain and suffering should concern anyone who is compassionate. There are at most only a few instances in which causing pain and suffering for reasons other than the good of the person who experiences the pain can be morally justified. Causing one to physically suffer is cruel. Acting cruelly by causing pain or suffering should be avoided as much as possible. If fetuses can feel pain during an abortion, it is hard not to conclude that one who terminates a fetus in this way is acting cruelly or, at least, callously toward the fetus.

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\(^{43}\) Alabama, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, and Texas. West Virginia’s governor, Ray Tomblin, vetoed a ban in 2014.
In what follows, however, I will argue that there are very good reasons to believe that fetuses cannot feel *morally significant* pain (certainly not before 25 weeks’ gestation, but probably not after that, at least as their *own* pain). First, I describe the timing of the development of nociceptors, which are considered physiologically necessary to experience pain (even by proponents of fetal pain legislation). Next, I argue that there is a distinction between nociception and pain. There is a psychological element to pain that must be added to nociception for something to be experienced as painful. I then suggest that, even if the experience of pain is possible for a mature fetus, the methods of late-term abortion do not produce morally significant pain. Lastly, I suggest that fetuses of all stages of gestation likely lack the mental capacity to experience pain as their own pain—i.e. that which makes the experience of pain as *personal* pain impossible. I argue that, in the case of abortion, personal pain is the only kind that is morally significant. I will suggest that the arguments of those who suggest fetuses feel morally significant pain during an abortion procedure portray an incomplete understanding of what is involved in the experience of personal pain and suffering.

The issue of cruelty in having an abortion, however, cannot be settled simply by making a convincing case that fetuses cannot suffer. That fetuses cannot experience pain, does not mean that one cannot demonstrate cruelty in having an abortion. I will argue that if one *believes* she is causing fetal pain in having an abortion (which is a misconception one could easily have, given the public information being disseminated in the anti-abortion bans currently being pursued), she has failed morally, all things being equal, even though her belief is false. If one has an abortion she believes to be cruel to a fetus, she is not acting virtuously.
Of course, if fetuses cannot experience pain and suffering and one does not believe they are inflicting pain and suffering on a fetus, she has not demonstrated characteristic cruelty in having an abortion, at least in terms of cruelty associated with intending to inflict pain (which is the only sense to which I will speak\textsuperscript{44}) or being calloused toward physical suffering. Cruelty in abortion is attitudinal. One only errs morally when she believes her act of having or performing an abortion is cruel.

Appendix I covers common abortion procedures in detail. I feel this kind of description is important as it seems to me there are a lot of misconceptions (on both sides of the debate) about abortion that are relevant to whether or not abortions are cruel. I believe a detailed description like I have provided helps to identify where suffering might and might not be involved in abortions. Readers unfamiliar with the way abortions are performed might desire to familiarize themselves with the information I provide in that appendix.

All abortions involve killing a living, biological human being and as such, at least, appear violent. Late-term abortions are quite graphic in terms of the procedures for removing fetuses from a woman’s womb (though, here, I will dispel a common misconception about the death of the fetus in late-term abortions). Graphic images of late-term abortions have been very effectively utilized in anti-abortion campaigns. I believe it is good to understand the procedures that produce those images, as the story the images seem to tell may be misleading.

\textsuperscript{44} There are other ways one can be cruel without inflicting pain, of course. It would be cruel to remove life support from a parent in a temporary coma with an otherwise decent prognosis just because one desires his inheritance, even though this would not inflict pain. While this type of cruelty might be relevant to abortion, in this chapter, I am only concerned with cruelty associated with inflicting pain.
I will argue that concerns about fetal pain in abortion are misplaced. In the majority of abortions, fetal pain is physiologically impossible, because nociception (a physical process associated with pain) is impossible. In the cases in which nociception may be physiologically possible, I argue (a) that it is unlikely that a fetus’ brain is developed enough to possess the psychology needed to experience nociception as pain, (b) that late-term abortions can be (and typically are) performed in such ways that they do not inflict morally significant pain on fetuses, if fetuses can experience pain in the first place, and (c) morally significant pain is probably not psychologically possible in fetuses at any gestational age. The last of these claims is the most controversial, but even if it is unconvincing, I believe the other two address the issue sufficiently for my purposes.

I begin with a discussion of the significance of neural development and the experience of morally significant pain. I argue that while fetuses may have the physiology to experience nociception (a physical process associated with pain) earlier than 25 weeks gestation, their brains are likely not developed enough to possess the requisite psychology to experience nociception as pain until sometime after 25 weeks. While there seems to be a general consensus about this timing, some have challenged it. I grant, for the sake of argument, that fetuses can experience pain at 20 weeks. I suggest that even if we grant that late-term fetuses can experience pain, the way late-term abortions are performed makes it unlikely. Lastly, I turn to the ethical implications of the discussion. I ask what a virtuous person would make of the issue of fetal pain. I attempt to explain how a virtuous person could avoid cruelty in having even a late-term abortion.
5.1. Neural Development & Pain

In Appendix II, I briefly review the basic biological facts of embryology. I focus primarily on the first seven weeks of development, as this is the time period in which over 60% of abortions are performed. No plausible argument has been made for fetal pain before seven weeks, for reasons I describe below.

Though a lot occurs in regard to fetal development after the first seven weeks of embryonic development, the area that stands out as particularly relevant for the ability to feel pain is the development of the central nervous system (especially the brain). The development of the central nervous system (and, particularly, the brain), continues past birth. There are several stages of fetal central nervous system development that are relevant to the ability to feel pain.

Pain is typically associated with nociception, though the two are distinct. Nociceptors are sensory receptors that respond to stimuli that are potentially harmful to the organism—e.g. burning, freezing, breaking, cutting, etc. Nociceptors begin to form around the fetus’ mouth at about seven weeks’ gestation. By 11 weeks, they have developed in the rest of the face, palms, and the soles of the feet. They are present in all of the skin by 20 weeks. At the early stages, nociceptors connect to the spine or thalamus, but importantly not to the cerebral cortex (though some have argued that some neurons with functioning synapses connect the thalamus and cortex from 20 weeks (Myers and Bulich 1-2)). In 2009, the British Minister of State for Public Health tasked a working group of the Royal College of Obstetricians and Gynaecologists with reviewing scientific literature and relevant clinical practice for the purpose of establishing a bottom limit at which fetal pain is possible. The group concluded, “In reviewing the
neuroanatomical and physiological evidence in the fetus, it was apparent that connections from the periphery to the cortex are not intact before 24 weeks of gestation …” (Royal College of Obstetricians and Gynaecologists viii).

Why might this description be important? The general story of what it means to feel pain starts with nociception. Imagine that someone is poked on the tip of the finger with a pin. The nociceptors in that area fire and send a message to the spinal column. The spinal column sends two messages, one to the area of the firing nociceptors and one to the lower brain. The message to the area of the firing nociceptors is a reflex response that causes the hand to jerk away, even before the person feels the pain and consciously reacts to it. The message to the lower brain is transmitted to the higher brain, where one “experiences” pain.

While the general story serves well as an overview, it is inadequate for a precise understanding of pain. The most noteworthy difficulty with the story is that pain and nociception are not identical, at least when one thinks of all pain as bad. Nociception may be a necessary condition for experiencing physical pain, but it is not a sufficient condition. In other words, one may experience nociception without experiencing physical pain, or at least in a way that one considers bad.

Adam Swenson gives five examples that illustrate the separation of nociception and pain as something bad: the weightlifter (Kylie), the coffee drinker (Natalie), the ascetic (Frances), the masochist (Melissa), and the spicy food eater (Meena). Swenson’s imagined weightlifter, Kylie, likes to feel the burn when she works out. She does not simply see pain as something she must endure to build muscle; she enjoys it and looks forward to the burn, even though she admits that it hurts. If she were given a drug that
suppressed the burning sensation but still allowed her to assess the rigor of her workout, she would enjoy her workout less. Natalie loves her morning coffee. One of the things she enjoys about it is when it burns her lip at the first sip. When she is given a colder cup of coffee, she enjoys it less, even though she admits that her burning lips hurt. Frances, the ascetic, loves her scourging because of the pain. The masochist, Melissa, enjoys pain in certain contexts and would not enjoy the same activities without the pain. Lastly, Meena loves spicy food; the spicier, the better. Though she admits that it hurts her lips and tongue, she would not enjoy the food as much if it was not spicy (Swenson 200-201). Similarly, “cutters” (i.e. those who cut themselves) often experience the pain of the blade as something welcomed as a release.

In all of these cases, one might experience exactly the same “pains” in another context and not enjoy them. Swenson imagines Kylie getting the exact same kind of muscle tear that causes the burn she enjoys as part of her workout, but not enjoying it in another context (e.g. she catches herself on the stair railing entering the gym to avoid a fall and does not enjoy the pain). He also imagines Frances experiencing the exact same level of nociception from scourging but in the context of being kidnapped and scourged by state police to get information (201). In this context, though, Frances definitely does not enjoy the pain he experiences. The nociceptive experiences in both cases are the same, but the experiences of pain are different in both. The sensations did not change, only the way the person experienced them. There is, then, a psychological aspect to the experience of physical pain as bad. It is not simply raw nociceptive sensation that makes pain something undesirable.
Many have made this same point—i.e. that pain involves a psychological component. A panel of scholars with expertise in anatomy, neuroscience, gynecology, pediatrics, and anesthesia reviewed articles about fetal pain and concluded that the consensus of the articles was that pain is “… a subjective sensory and emotional experience that requires the presence of consciousness to permit recognition of stimulus as unpleasant” (Lee, Ralston and Drey 948; emphasis added). The Royal College of Obstetricians and Gynaecologists concluded, “…connections [of nociceptors] to the cortex are necessary for pain experience but not sufficient, as experience of external stimuli requires consciousness” (Fetal Awareness viii). Even some who argue that it may be possible for fetuses to feel pain from 20 weeks acknowledge that consciousness is a necessary component of the experience of pain. Vivette Glover and Nathan Fisk, two of the most cited experts claiming that fetal pain may be possible around 20 weeks,45 note that “[t]o feel pain, or suffer discomfort, one needs to be conscious, to be aware” (Glover and Fisk 881). To experience physical pain (at least as something that is bad or unpleasant), then, there must be (i) a nociceptive sensation and (ii) a consciousness to interpret the sensation as painful. Without both, one cannot experience physical pain.

At what point, then, does a fetus develop the psychology/consciousness to experience pain? Scholars disagree about specific points. Glover and Fisk, citing Greenfield, suggest that “…one should not think of consciousness as an all or none phenomenon, rather that it may come on like a dimmer switch” (881). Whatever the actual point at which consciousness begins (or whether there is a single point at which it

45 I am familiar with personal correspondence from Fisk that indicates he may have changed his opinion on the bottom limit for fetal pain after the March 2010 publication of Fetal Awareness by the Royal College of Obstetricians and Gynaecologists. As far as I am aware, however, he has published nothing disavowing his previous position. Glover, on the other hand, is skeptical of the findings of the publication.
begins at all), it is typically agreed that reaching that point (or range) has something to do with brain development. Reducing psychology or consciousness to brain activity, however, is problematic, so the association is more complex than one might initially think.

Few question that there is some association between the complexity of the brain and consciousness. One cannot help but note that, with non-human animals, the more complex the brain, the more complex the psychology of the animal. Few would suggest that ants or worms have robust consciousness (if any), but it is hard to deny the conscious abilities of dogs, great apes, or humans. The major difference seems to be the complexity of the brains of these animals.

A more convincing case for the association between the brain and consciousness is often made by evidence from brain damage cases. Damage to the brain typically results in disruptions of consciousness (depending on the location of the damage), and the destruction of the cerebral cortex results in a complete absence of conscious ability. David Boonin helpfully describes what is uncontroversial about the association between consciousness and the brain (specifically, a functioning cerebral cortex). He writes, “The relation is simply that without the latter, we do not have the former” (Boonin 103). While one could write (and many have written) entire books on this topic, I think this is all that is needed to continue the present discussion.

What one wants to know is what level of complexity or function must a human brain achieve before one has reason to think the entity possessing the brain is capable of experiencing pain? This is a complex question, and I will only suggest answers I think are plausible. It is still very much an open question in the philosophy of mind.
As I mention above, embryos develop a neural tube at approximately 22 days. A very primitive brain has developed by 25 days or so. Corpses have brains, though, and do not experience pain, so it must be more than mere possession of a brain that is crucial. The important difference between corpses and those who can experience pain, one might note, is the presence of a functioning brain. This only raises the question, though, of what constitutes a functioning brain.

Mere function does not seem too difficult to identify. Functioning brains sit in an entity’s skull and produce electrical activity that moves throughout the brain and the rest of the body. A non-functioning brain ceases to produce electrical activity. Just like hearts pump blood as their function, so brains produce electrical activity.

When do fetal brains begin producing electrical activity? This is controversial. Many who oppose abortion suggest that electrical activity begins as early as nine weeks (I have seen some suggest six weeks). Harold Morowitz and James Trefil were surprised by this claim, given what is known about the development of synapses in the brain, so they traced the references for this claim back to a study by two Finnish abortion providers. The surgeons performed Cesarean abortions from 8½ to 22½ weeks’ gestation. They removed living fetuses from these women (!) and inserted electrodes into the fetuses’ brain stems, hypothalami, and the tops of the cortices. The surgeons recorded a “time-varying electrical potential of a few microvolts” in the brain stems of the fetuses. In fetuses 12 weeks and older, they occasionally noted electrical activity in the brain stems connected to touching around the mouth. In a few of the oldest fetuses, they recorded a few instances of activity in the hypothalami. Significantly, “… no signals whatsoever were recorded from the cortex” (Morowitz and Trefil 124).
One must cautiously interpret these results. Morowitz and Trefil point out that “… the mere presence of an electrical signal has nothing to do with normal brain activity … [as] every cell exhibits some sort of electrical activity” (124; original emphasis). The surgeons even recorded electrical activity in the stimulated leg muscles of the fetuses. “… [A]n electrical signal from cells just tells you they’re alive” (Morowitz and Trefil 124).

Simply finding electrical activity in a fetus’ brain is not enough to warrant the conclusion that the fetus is conscious.

If simple electrical activity is not enough to draw conclusions about consciousness, what might be? I already noted that location in the brain is important. Most connect the cerebral cortex with conscious activity. Another feature, though, may be the type of electrical activity one finds in the cerebral cortex.

David Boonin notes that electrical activity in the brain can either be organized or unorganized. Unorganized activity cannot give much information, since all cells produce some kind of electrical activity. Organized activity, however, may be more telling. Boonin writes, “Although we don’t know exactly why, different patterns arising from [organized] electrical activity in the cerebral cortex turn out to correspond to different mental states …” (107). These patterns can be measured by an electroencephalograph (EEG). Perhaps, the presence of these types of patterns can serve as a possible indication of consciousness.

Neurologists identify four kinds of patterns described by wave frequency. Delta waves are measured when someone is in a deep sleep. To count as a delta wave, EEGs must record less than 4 cycles per second. Theta waves are measured when someone is falling asleep or very tired (EEGs record 4-7 cycles per second). Alpha waves are
measured when someone is resting (EEGs measure 8-13 cycles per second). Beta waves are measured when one is alert and thinking. To count as a beta wave, EEGs must record more than 13 cycles per second.

When can these patterns first be observed? In Understanding the EEG, Donald Scott writes, “Attempts have been made to record cerebral activity of premature infants and they have succeeded (only) if the gestational age was 25 weeks or more” (Morowitz and Trefil 122). These studies seem to suggest that there are no measurable organized, recognizable brain waves until 25 weeks’ gestation at the earliest. Others put the date between 30-35 weeks. I will say a little below why I believe these dates are too early for the purpose of establishing the psychology needed to experience pain as one’s own, but this is enough to make several points relevant to fetal pain.

5.2. Cruelty, Fetal Pain, & First Trimester Abortions

At this point, I can pull together the strands of data I have covered above. A worry a virtuous person might have is that having an abortion would be cruel to the fetus, as an abortion involves killing a fetus in ways that would produce pain and fear in others like herself. If a fetus experiences pain and fear in being aborted, this should affect the virtuous woman’s decision. It might not prohibit her from having an abortion, as her reasons for having it might override the pain and fear of the fetus, but it would probably mean that only the most serious reasons would justify her actions.

Typically, inflicting pain on someone for reasons that have nothing to do with her own good is a cruel or callous act. The virtuous person, however, is moved by the suffering of others and tries to avoid causing pain whenever possible. Abortion, if it causes fetal pain, seems antithetical to compassion and kindness.
Do abortions cause fetuses to suffer physical pain? I will start with the easy cases before addressing the more difficult ones. Recall that the vast majority of abortions (91.7%) occur before 14 weeks’ gestation, with 64% occurring before 8 weeks. Even if pain were simply nociception, fetuses killed in these first trimester abortions would not experience pain, as they simply have not developed the physiology for it. As Ronald Dworkin helpfully notes, “… there is no ground for supposing that pain is possible before a connection is made between the fetus’s thalamus, into which peripheral nerve receptors flow, and its developing neocortex; and though the timing of that connection is still uncertain, it almost certainly takes place after mid-gestation” (17).

If there is a psychological/conscious element of pain, as most suggest, then neither a zygote, embryo, nor early fetus can feel pain, as these entities do not possess brains complex enough for consciousness. Zygotes, embryos, and early fetuses do not have the mental consciousness necessary to have any experiences, painful, pleasurable, or otherwise. One can no more act cruelly to one of these entities (in the sense of inflicting pain) than one can to a plant or can of soda.

5.3. Physiology & Fetal Pain in Mature Fetuses

What about abortions after 25 weeks (or after whatever time it is uncontroversial that organized brain activity can be detected)? These fetuses demonstrate signs of consciousness, at least inasmuch as it can be inferred from organized activity observed by EEGs. Is it not cruel to abort these fetuses?

It should be noted first that abortions after 25 weeks are extremely rare. Only 1.3% of all abortions occur after 21 weeks, so it is likely that the total number of abortions at 25 weeks or later is less than 1% of all abortions. Few abortions (probably
less than 7,500 a year) occur during the earliest possible time some have suggested fetuses have organized brain activity consistent with consciousness. If others who locate the earliest time at 30 weeks or later are correct, then even fewer abortions occur during this time. 46 Not many women will find themselves in a situation in which they have a legitimate worry that their actions are cruel to a fetus.

Should women worry about fetal pain in late-term abortions? If so, should the worry prevent them for having a late-term abortion to avoid cruelty or callousness?

There are a few ways to respond to this.

**5.4. Fetal Pain & Abortion Procedures**

Shockingly, to me, what I believe to be one of the most salient features of late-term abortion procedures in regard to fetal pain is, as far as I know, wholly absent from the bioethical literature on abortion. When described, late-term abortions are portrayed in such a way that one is led to believe that a living fetus is either taken apart limb-by-limb (e.g. in a non-intact dilation and extraction (D&X) procedure) or mostly delivered, killed, then extracted (e.g. in an intact D&X procedure, thought to be illegal in the US47).

Steinbock, for example, writes, “The truth is that any method of killing and removing from the uterus a fully formed fetus will be unpleasant. Whether the method is correctly characterized as brutal and inhumane depends on whether it inflicts pain …” (Life Before Birth 106). Similarly, Glover and Fisk worry about fetal pain in late-term abortions. They write, “Late terminations may cause pain to the fetus if they involve an invasive

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46 If one subtracts fetuses with severe neurological disorders, like anencephaly, since these fetuses would not produce organized brain activity, then the number of abortions involving fetuses with organized neurological activity is even smaller still than I have indicated.

47 See Appendix I for a discussion of the legality of this procedure and its relation to what is known as “partial birth abortions.”
procedure, such as surgical dismemberment” (Glover and Fisk 884). Both accounts assume that D&E procedures are performed on living fetuses.

Given this common assumption, I was surprised when I came across the opening line of the abstract of a 2010 paper outlining clinical guidelines for abortions. It read, “For decades, the induction of fetal demise has been used before both surgical and medical second-trimester abortion” (Diedrich and Drey 462). ‘Inducing fetal demise’ is, of course, a clinical description of killing a fetus. The authors note that “In the last several years, induction of fetal demise has become more common before second-trimester abortion, as well as for selective fetal reduction” (Diedrich and Drey 462). They state that since the Supreme Court’s ruling in the case of Gonzalez v. Carhart “…many abortion providers have begun to induce and document fetal demise before an abortion begins, to avoid any potential accusations of intending to violate the law.” (Diedrich and Drey 462). A 2012 paper by different researchers adds, “Feticidal injection of digoxin before dilation and evacuation (D&E) abortion has become common in recent years and is now a standard policy at some abortion clinics” (Grimes, Stuart and Raymond 140). A 2010 report of the Royal College of Obstetricians and Gynaecologists suggests, “…when a decision has been reached to terminate the pregnancy for a fetal abnormality after 21+ weeks, feticide should be routinely offered” (Termination of Pregnancy ix).

It appears that this was common practice even before the US Supreme Court ruling. A group studying the efficacy of a specific method of inducing fetal demise wrote, “For many years prior to the 2003 [“Partial-Birth Abortion Ban”] legislation, clinicians at our site had been using digoxin to facilitate second-trimester termination of
pregnancy for other potential benefits\(^{48}\)” (Steward, Melamed and Kim 150). Still another group wrote, “Since the 1980s, physicians have used digoxin to induce fetal demise before dilation and evacuation (D&E) abortion for a variety of reasons” (Dean, Colarossi and Lunde 144).

The important point here is that the assumption that fetuses are alive to experience “gruesome” abortion procedures seems to be mistaken, at least in the common practice of many abortion providers. Typical, contemporary practice is to induce fetal demise before an abortion procedure. There are many methods for accomplishing this (the most utilized are injections of potassium chloride or digoxin when dilators are inserted the day before an abortion and cutting the umbilical cord and waiting for the fetus’ heart to stop).

Regardless of the method, the fetus is not alive during its extraction.

This, of course, does not solve the problem of fetal pain. One can ask about the possible pain involved in the methods for terminating a fetus before extraction. Even Glover and Fisk, however, appear to suggest that suffering is less likely or uncertain when these methods are employed. They write:

Modification of the technique [for abortions after 20 weeks], such as preparatory occlusion of the umbilical cord, may be appropriate. Whether potassium-induced termination of pregnancy at a viable gestation or the hypoxaemia caused by uterine contractions in terminations induced by prostaglandins cause pain or discomfort is hard to assess. It does, however, reduced the perceived brutality of a late-term abortion” (Glover and Fisk 884).

Even if the methods described could inflict pain, it seems unlikely that they could cause significant pain, at least to the degree feared by those who believe fetuses are alive at the time of their extraction from the womb.

\(^{48}\) They specifically describe the softening of tissue and bone to ease evacuation and the preference of fetal demise before abortion among many patients.
5.5. Fetal Pain & Anesthesia

Some have suggested that giving a fetus an anesthetic before a late-term abortion can solve the problem of fetal pain. Steinbock, who holds that sentience is the crucial feature of moral status and that pain “… is arguably the most primitive form of conscious experience,” writes:

The recognition that fetuses might be capable of experiencing pain after 20 weeks has potential implications both for how late abortions are performed, and whether they should be performed at all … If [abortions after 20 weeks] are to be performed, it is important that they not inflict severe pain. And if sentience is possible earlier, it might be advisable to administer analgesia for earlier second-trimester abortions. (Life Before Birth 46-47)

Others have expressed similar sentiments.

Since most fetuses are not alive at the time of extraction, the use of an anesthetic would be to offset any pain that arises from feticide by one of the methods described above. It is unclear, however, that these methods inflict pain at all, much less the “severe pain” that might be morally troublesome. The risks inherent in administering analgesia may outweigh any benefit it could offer.

Because the fetus is *in utero*, the surgeon has very limited access to it. One can only administer analgesia by two routes\(^9\): (i) injection directly into the fetus or umbilical cord, or (ii) by giving the woman anesthesia that passes through the placenta to the fetus. Both present risks and problems. Direct injection, obviously, involves inserting a needle into the fetus. If one is worried about fetal pain, it is unclear that the pain of injecting anesthesia is any less painful than the methods of inducing fetal demise. Because many anesthetics cross the placenta poorly, “… to achieve high fetal levels of an analgesic,

\(^9\)“Lack of access to the fetus in utero limits ability to provide fetal analgesia. Two routes are available, either injection directly into the fetus or cord, or transplacental, following administration to the woman” (Royal College of Obstetricians and Gynaecologists 16)
such as morphine, the mother would be exposed to the risks of opiate overdose, including respiratory depression” (Fetal Awareness 17).

If a late term abortion was to be performed on a live fetus, perhaps an anesthetic would be advisable. Given the risks of anesthetization, however, it would appear that feticide would be more advisable and just as humane. Given the uncertainty of fetal pain in the first place, it is difficult to imagine a scenario in which an anesthetic would be morally required.

5.6. Fetal Pain & Unified Consciousness

In making the case that fetuses cannot experience pain at any gestational age, I will argue that there is a complex psychological component to the experience of pain as one’s own pain and that fetuses do not possess the mental complexity required. Fetuses might exhibit pain behaviors, but not feel pain per se. Even if I am wrong about the psychological requirements for experiencing morally significant pain, however, it is unlikely that abortions inflict significant suffering on fetuses.

Even the few women who have abortions after 25 weeks’ gestation may not have to worry about fetal pain, however. Even if organized cortical activity indicates consciousness, it is unlikely that a fetus possesses a unified consciousness at this stage. It may well be, then, that fetal pain may not be bad for the fetus. This, of course, requires further explanation that tracks several different strands of philosophical thought and neurological findings. I will only be able to briefly summarize some of this material.

I start by presupposing some form of physicalism in terms of the mind-body problem (either reductive or non-reductive physicalism will do). Minds supervene on

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50 This should not be too controversial for most philosophers, for whom some form of physicalism is preferable to Cartesian dualism.
brains or some other organization of matter. The human brain is composed of interconnected neurons that send electric signals back and forth between patches of tightly connected neurons. The connectedness of the neurons and their efficiency in sending signals develops over time.

The first significant factor in brain development is the formation of synapses—i.e. junctions between cells that make it possible to send electric signals to one another. While brain cells are produced very early in the fetus’ development and a few synapses are formed, the process really does not begin in earnest until about 21 weeks (Morowitz and Trefil 117). Combining studies of the visual cortex in humans and from more extensive studies in primate brains “… leads to a picture for humans in which there is a period between twenty-five and thirty-two weeks when the cortex is coming into existence as a functional entity” (Morowitz and Trefil 119). Inasmuch as consciousness relies on brain development, this fits perfectly with the suggestion that consciousness is not possible until 25 weeks or later.

There is another significant physical process, though, that is likely relevant to consciousness—i.e. myelination. While the neurons of the brain are fairly robustly connected by synapses in the fetal brain around 25 weeks’ gestation, they do not yet transmit signals quickly. “The efficient and rapid transmission of electrical signals in the [central nervous system] is facilitated by the sheaths of myelin that encase the axons of neurons” (Stiles 289). Myelin sheaths allow the neurons to transmit signals faster.

The process of myelination begins as early as 12 to 14 weeks’ gestation in the spinal column, but does not begin in the cerebral cortex until the third trimester. It takes

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51 Morowitz and Trefil come to this conclusion mostly from studies involving primates.
a relatively long time before the process has even neared completion. In How the Body Shapes the Mind, Shaun Gallagher concludes that several disparate studies of infants concludes that a sense of self as a unique individual apart from others does not emerge until “… some time between 6 months and … 18 months [after birth]” (Gallagher 83). I want to suggest that the process of myelination is the physical underpinning for the emergence of what philosophers call a unified consciousness.

Tim Bayne describes a unified consciousness as follows: “Let us say that a subject has a unified consciousness if, and only if, every one of their [sic.] conscious states at the time in question is phenomenally unified with every other conscious state” (Bayne 15). This is in contrast to a subject with a disunified consciousness in whom there is “… no single conscious state that ‘subsumes’ each of [her] specific conscious states” (Bayne 15). The idea of a disunified consciousness is helpful for understanding a unified consciousness. Erik Olson imagines a human biological organism whose consciousness is “… no more unified than yours is with mine,” and suggests that “[t]his might happen in an extreme case of multiple personality [disorder]” (46). We are to imagine, then, a single human organism whose mental states are so divided into different personalities that the mental states of the two personalities are as disunified as my mental states are to my readers’. So, for example, just as I might see another person’s hand get slammed in a car door but not experience the pain, so one consciousness in a human organism might know that another consciousness in that same organism is depressed without experiencing that depression. The unity of consciousness, then, is the bringing together of all conscious states into one experience.
If, as in many understandings of the relation between the mind and the body, minds supervene on complex physical structures, and specifically neurophysiological structures in humans and other animals, and it is known that patches of neurons cannot send electric signals rapidly until myelination has occurred, then this may give an interesting physical representation of a disunified consciousness in developing fetuses and infants. In other words, many hold that it is the tight connection between the neurons in the brain that gives rise to consciousness. During brain formation, the neurons of parts of the brain become tightly connected, but cannot efficiently communicate with other patches of tightly connected neurons until the process of myelination has progressed significantly. If this general story about brain development and the supervenience of the mental on the physical is (roughly) right, then there is good reason to believe that fetuses (and even young infants) possess a *disunified* consciousness. There may be scattered pockets of conscious experience, but these experiences are not unified by a single consciousness. There is, then, likely no single consciousness at all to bring together the disparate experiences.

Typically, when we think of an agent, we think of a unified consciousness. In the case of extreme multiple personality disorder, we may rightly speak of multiple agents. If a consciousness is disunified in fetuses, in that there are pockets of conscious experiences that are not unified by a single consciousness, then there is no *agent* experiencing the “painful” conscious experiences. In other words, there is conscious experience of pain, but not single unified consciousness (i.e. no agent) experiencing the pain as her own. The fetus does not experience pain as *her* pain.
If this is correct, it would mean that one is not being cruel to her rather mature fetus in having an abortion, because the fetus does not experience pain as personal pain. The pain is disassociated from an agent altogether. Pain is experienced, but it is not experienced by any agent. No one is an object of cruelty, because no one exists until there is a unity of consciousness. The virtuous woman, then, is not inflicting pain on her fetus and, therefore, not acting cruelly toward her fetus.

5.7. Complex Knowledge & the Virtuous Woman

The story I have outlined above is complex, and I have only skimmed the surface of the most important topics. This raises a problem, however. It requires that the virtuous pregnant woman considering a late-term abortion has to have some kind of knowledge of this complex story (or one like it) in order to avoid acting cruelly or callously (for as I argue below, and have mentioned above, one’s intentions matter in terms of whether one is acting cruelly or not—i.e. if one means to inflict pain, thinks she is doing so, but really is not, she is still demonstrating a cruel or callous character).

Rosalind Hursthouse claims that the morally-wise, fully-virtuous person need never be aware of complex scientific and/or philosophical knowledge in order to make the right moral decision. She believes the claim that complex knowledge is not required in order to make correct moral judgments is an essential element of virtue ethics for at least two reasons. First, she argues that requiring complex knowledge is elitist and places moral guidance beyond the grasp of many otherwise virtuous persons (Hursthouse, Virtue Theory and Abortion 236-237; n. 11). Second, she believes complex knowledge is an inappropriate requirement for practical wisdom, and it is practical wisdom, not the possession of complex knowledge, that is the trait upon which virtue ethics relies in order
to be action-guiding. If one must have complex knowledge in order to make the right moral decision about certain issues, the virtue ethicist must maintain that the virtuous person is one who is both morally wise and is also the possessor of relevant complex knowledge, and thereby exclude many less informed (but otherwise seemingly) virtuous agents.

A condition of acting virtuously is that one must act for the right reasons. For Hursthouse, this means that one acts for at least one of a range reasons typical of a specific virtue or virtues and does so from a fixed and permanent state of her character (On Virtue Ethics 126-136). For example, when asked why she anonymously gave money to a co-worker in financial need, a virtuous person acting from generosity and compassion might say, “Because I was worried he wouldn’t be able to pay his rent this month,” or “Because I heard he needed money,” etc. There are a range of reasons she could give that correspond to these virtues that she possesses that would constitute acting for the right reasons. At the same time, there are reasons that would not correspond to these virtues. For example, the same (but non-virtuous) person could have answered, “Because I knew people would find out about it, and I think that will help me get a promotion,” or “Because I know he’ll find out about it and will be in my debt in the future,” etc. Someone with these reasons would not be acting virtuously.52

The reasons given by virtuous people are important because they indicate “. . . what the agent took as relevant or salient, advantageous or disadvantageous, good or evil, decisive or compelling, about the action or the situation or both” (Hursthouse, On Virtue

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52 Hursthouse also believes that someone who acts for the right range of reasons, but does so uncharacteristically, is not acting virtuously because it is not from a fixed an permanent state of her character.
In other words, the reasons the morally-wise, virtuous person gives allow us to understand what really matters in making these specific moral decisions. This is, presumably, exactly what makes the virtuous person virtuous—i.e. they recognize the relevant features of the act or situation.

It is on this point that the issue of complex knowledge seems to me to become particularly important. Hursthouse wants to distance herself from what Sarah Broadie has called “the Grand End theory.” This is the fallacy of “. . . ascrib[ing] ludicrous philosophical sophistication [in regard to moral motivation] to people who have never studied the subject . . .” (Hursthouse, On Virtue Ethics 137). Hursthouse says philosophers “. . . tremble on the verge of implying that our ideal agents have beliefs or capacities or ideas . . . that are far too fancy” (On Virtue Ethics 137). This is not an unwarranted concern. Many philosophers have set an unreasonably high standard for the knowledge necessary to make ethical decisions. In discussing how a woman should come to a decision about having an abortion, Daniel Callahan, for example, lays out a very complex set of intellectual requirements:

The biological evidence should be considered, just as the problem of methodology must be considered; the philosophical assumptions implicit in different uses of the word ‘human’ need to be considered; a philosophical theory of biological analysis is required; the social consequences of different kinds of analyses and different meaning of the word ‘human’ should be thought through; consistency of meaning and use should be sought to avoid ad hoc and arbitrary solutions. (495)

It should be obvious that this is an unreasonable standard for most women (and men). Given that the virtuous agent’s reasons are supposed to demonstrate that she knows the relevant features of an act or situation, however, it seems that, if the relevant features of the question do require some kind of complex knowledge, she would need to have this kind of knowledge in order to act for the right reason(s). Hursthouse, however,
explicitly denies this. She writes, “. . . the sort of wisdom that the fully virtuous person has is not supposed to be recondite; it does not call for fancy philosophical sophistication, and it does not depend upon, let alone wait upon, the discoveries of academic philosophers” (Hursthouse, Virtue Theory and Abortion 235). In other words, for Hursthouse, it is too much to ask of the virtuous agent that she possesses complex knowledge.

While I am sympathetic to Hursthouse’s worry, it seems to me that complex knowledge of what is involved in the experience of pain (and particularly fetal pain) is especially relevant to making a virtuous decision for late-term abortions. Say that a pregnant woman considering a late-term abortion for good reasons has had some experiences with infants around the same stage of development of her fetus (e.g. a prematurely born infant or just a young infant). She has noticed that these infants perform certain actions when something is done to them that would cause pain in adults. She has noted, for instance, that when the heel of a neonate is lanced for a procedure, the fetus’ face reacts in ways similar or identical to adult facial expressions when experiencing pain. Lee, et al., note that these expressions are observed in neonates at 28 to 30 weeks postconceptional age (PCA)\(^53\) (950). Without complex knowledge of the sort I describe above, one might incorrectly infer that a fetus at a similar stage of development as the neonate can experience pain, and make the wrong decision (or give another incorrect advice) about abortion.

I would like to argue, however, that even though complex knowledge is necessary for making the right moral decision in certain cases, this problem is not as troubling for a

\(^{53}\) Postconceptional age is the gestation age plus the number of weeks after being born.
virtue ethics’ perspective on abortion as Hursthouse might worry it is. In fact, it seems to me that this requirement can, rather easily, be accommodated to the virtue ethicist’s concern about abortion and fetal pain. The morally-wise agent still plays a central role in moral decision-making in spite of the requirement. She is the one who identifies the morally-relevant factors in an action. The possessor of specific, morally-salient complex knowledge may not even be aware that these bits of knowledge are morally significant at all. In fact, the possessor of specific complex knowledge will not be aware of the moral significance of this knowledge if he is not a virtuous person. The morally-wise person is necessary to point out the morally-relevant features of an action even when those features are pieces of complex knowledge she does not possess.

Furthermore, there is no reason to think a virtuous person less virtuous when she correctly identifies the relevant features of a moral act while acknowledging that she does not have the specific complex knowledge necessary to judge whether the act is morally advisable. She displays her virtue and wisdom both in noting the relevant features and in admitting that they are beyond her current knowledge. If she is the one seeking to perform the right action, she can attempt to learn the needed complex knowledge through some kind of ‘research’ (even if this means only that she asks others who she identifies as having or knowing where to look for the needed complex knowledge). If she is being asked for guidance by another, she can help him conduct his own research. Either way, the morally-wise person is central to making the right moral decision even when complex knowledge is needed. Requiring that she conduct or direct this kind of ‘research,’ does not seem to me to be an inappropriate requirement, and I suspect that this is, in fact, how most virtuous people (and most of those who come to them for guidance) already behave.
5.8. Maternal Attitudes, Cruelty, & Callousness

The argument I have attempted to make is that a virtuous person would be concerned that her abortion might cause her fetus pain. If her fetus experiences pain in an abortion, this should be a major factor in her decision of whether or not she should have the abortion, as a virtuous person does not want to inflict pain on another for reasons insufficient to justify it. As it turns out, however, there is little question that the vast majority of abortions, which occur in the first trimester, does not inflict pain on fetuses, as fetuses lack even the physiology necessary for the experience of pain. More developed fetuses, though, do possess the requisite physiology, but may not, I have argued, possess a unified consciousness, which is likely necessary for the experience of pain as one’s own. It unlikely, then, that abortions, regardless of the stage of fetal development, cause fetuses pain.

I have mentioned several times throughout this chapter, however, that whether or not a fetus feels pain is not determinant of whether or not one demonstrates a callous or cruel character. Imagine, for example, a twisted variation of the infamous Milgram experiment. The original study examined typical human responses to authority. Stanley Milgram devised an experiment in which an authority figure told a volunteer to teach another volunteer (who was actually a paid actor) a list of word pairs. The true volunteer would then test the actor (who he or she believed to be another volunteer) on the pairs (the actor would press a button to indicate which word belonged to its pair on the list). If the actor got the answer wrong, the volunteer was instructed to administer a shock to the actor. The voltage of the shock increased with each wrong answer. The actor would display signs of increased pain and would ask the volunteer to stop. The authority figure
would tell the volunteer to continue, and many complied.

Milgram’s was not a test of moral character. Presumably, humans are prone to follow the orders of an authority figure even if they are troubled by the orders they receive. One can imagine, though, another variation of this experiment in which there is no authority figure. In this experiment, there is only a volunteer and an actor. The volunteer is told that he can inflict, through an electric shock, as much pain as he wishes to another volunteer (who is actually an actor, but believed by the volunteer to simply be another volunteer). Imagine the volunteer who repeatedly increases the “charge” he believes he is giving to the secret actor. The actor writhes in pain, begs for release, etc., while the volunteer continues to increase the charge.

Surely, it does not matter, in regard to assessing character, that the volunteer is not actually inflicting pain; he believes he is. The volunteer is demonstrating cruelty and callousness, even though he is wrong about the fact that he is inflicting pain. His belief that he is inflicting pain makes his action cruel and/or callous, not the empirical facts.

Similarly, I believe that a woman, who believes she is inflicting pain on her fetus, even if she is not, may be acting cruelly or callously in having an abortion. If she believes she is causing her fetus to suffer physical pain and does not have reasons sufficient for having an abortion if she actually was inflicting pain, she is acting cruelly or callously, even though she is wrong. Only weighty reasons (perhaps like the ones I mention in the next chapter) can justify physically harming another for purposes unconnected with the good of the one experiencing pain.

I believe this is a real concern for contemporary women who are considering having an abortion. There is, unfortunately, a lot of misinformation concerning fetal pain.
being disseminated to the public by those who oppose all abortions. One cannot be blamed for being influenced by this misinformation, especially as it seems to readily accord with common sense about pain (e.g. the reflex withdrawals and facial expressions of neonates seem to indicate fetal pain). It is easy to form a belief that fetuses experience pain, even if they do not. One is, however, responsible for her actions based on her beliefs. This is truly a potential moral pitfall for contemporary women seeking abortions.

5.9. Traversing the Moral Pitfall

How might this potential moral pitfall be traversed? I think there are two paths. Either the virtuous woman considering abortion must understand that her fetus cannot experience pain (which, as I have argued, requires complex knowledge about fetal pain; knowledge that often contradicts common sense) or she must have sufficient reasons for causing (perhaps significant) pain to her fetus. In other words, there is a moral requirement for those who do not have complex knowledge about fetal pain that does not apply to those who do have that knowledge. The potential pitfall is relatively easy to traverse if one has complex knowledge, but extremely difficult if one does not.

This chapter is heavy on empirical data and skims over extremely complicated and controversial philosophical problems. Fully elucidating this argument would require a monograph of its own. Each section above could serve as an outline of an individual chapter devoted to that topic. I do not think, however, the lack of details and argument in this chapter is detrimental to its main point—i.e. that a woman can be acting cruelly or callously in having an abortion. This point stands even if I have not sufficiently argued that fetuses cannot feel pain. I look forward to providing more substance to this

54 In fact, my original idea for my dissertation was an exclusive focus on this argument. Ultimately, however, I felt a broader focus was truer to the spirit of virtue ethics.
argument in my future work.
6. Chapter Six: Virtuous Abortions

In this final chapter, I turn from cases in which a pregnant woman might fall into moral error by having an abortion to errors into which she might fall by not having an abortion. Specifically, I am going argue that in some cases not having an abortion (i) wrongs the woman having the child, (ii) wrongs others, or (iii) wrongs the child. The argument I will be making then is that one can err morally, in certain circumstances, by having a child when doing so harms herself, others, or the child she bears.

6.1. Child-bearing & Personal Wrongs

In deontological ethical theories, one speaks of some actions as supererogatory. These are actions that are morally praiseworthy, but not morally required. A supererogatory act goes “above and beyond the call of duty.” In virtue ethics, a close parallel, though distinct in important ways, is acting heroically. One does not err morally just by failing to act heroically. Rosalind Hursthouse writes, “… people who do not achieve heroism are not necessarily vicious” (Virtue Theory and Abortion 240). Heroism is morally praiseworthy but, like supererogatory action, is not something that is held against someone for failing to achieve or perform.

Hursthouse gives the following example of what she considers a possible heroic act in relation to bearing children: “To go through with a pregnancy when one is utterly exhausted, or when one's job consists of crawling along tunnels hauling coal, as many women in the nineteenth century were obliged to do, is perhaps heroic …” (Virtue Theory and Abortion 239-240). She believes that going through with a pregnancy when it is particularly dangerous or difficult to do counts as heroic. A woman facing such difficult circumstances to give birth does something beyond the demands of virtue.
Others have described heroism in regard to pregnancy in other ways. In 2005, the Roman Catholic Church praised Rita Fedrizzi, an Italian woman who refused treatment for melanoma because it would require her to abort her child. She died three months after giving birth. A story in the semi-official Roman Catholic newspaper, *L’Osservatore Romano*, called Fedrizzi’s action “a courageous gesture ... a gesture of love and faith in order to let life win” (Glatz). The article compared Fedrizzi to another woman, St. Gianna Beretta Molla, who was canonized about a year before Fedrizzi’s decision “…for having put her unborn child's life before her own during her struggle with a benign uterine tumor” (Glatz). Both were held up as doing something exceptional, something heroic.\(^{55}\)

I am hesitant to condemn the actions of any of the women mentioned in the examples above. As I stated in the introduction to this dissertation, knowing the right thing to do in all cases of reproduction would require perfect virtue, which I do not possess. What I want to suggest, though, is that it is possible that when a woman sacrifices her happiness, health, or life for a fetus, her action is far from heroic; in fact, it is possible that she does something wrong.

Since the relevant character trait is heroism, I believe Aristotle’s discussion of bravery, cowardice, and rashness/foolhardiness is instructive. As is well-known, Aristotle believed that virtues are found on a scale between excesses. The virtue is the Golden Mean between two related vices. Bravery, cowardice, and rashness concern reactions to frightening things. The rash person expresses *excessive* fearlessness. The coward expresses *deficient* fearlessness. The brave person “… fears the right things, for

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\(^{55}\) I am indebted to Bonnie Steinbock for making me aware of these cases.
the right end, in the right way, at the right time, and is correspondingly confident …”

Heroism is similarly concerned with reaction to something frightening. It does not fit very well in the Aristotelian scheme, however. It is something more than ordinary courage/bravery, but less than rashness. As Hursthouse notes, someone who possesses the virtue, courage, need not act heroically, but heroic action is admirable. If we can borrow from Aristotle’s scheme, without being a slave to it, we might say that, because heroism is closer (on the scale of excesses and deficiencies) to rashness than ordinary courage is, we must carefully consider whether an act is heroic or rash. In other words, when attempting to act heroically, it is easier to fall into rashness than when simply acting courageously.

Certainly, some women act heroically when they endure or risk harm for the sake of a fetus. Recall, the ‘maternalist’ view in Ruddick’s description of the different ways in which women can think about their pregnancy. He believes that one of the key features of the maternalist perspective is that “[m]aternalists date motherhood from the moment of conception. Hence maternal responsibilities of care and protection begin as soon as they know or even suspect that they are pregnant” (W. Ruddick 97). The maternalist thinks of herself as a mother to her fetus and of the fetus as her child. There is nothing improper about this view. A woman is not irrational for thinking of her fetus as her child. A parent who risks death to save a child can act heroically, so there is no reason to think that a maternalist who risks death for her fetus has not similarly acted heroically. The argument of this chapter is not that all women err morally when they endure or risk harm for the sake of a fetus. It is only that women can err by doing so.
If it is possible for a woman to act heroically by enduring or risking personal harm for the sake of her fetus, surely it is possible that she could act rashly as well. A soldier could heroically jump on a grenade to save her fellow soldiers, or she could rashly do so (e.g. if she could have saved them without jumping on the grenade by kicking it into a deep trench). In the same way, I believe a woman can heroically endure or risk harm or rashly do so. It seems to me that there are, at least, two different attitudes that could make these kinds of actions rash instead of heroic: fanaticism and sentimentalism.

The fanatic opponent of abortion, whether for religious or secular reasons, might radically reject abortion in all cases. Perhaps, she believes the life of a fetus is always more valuable than the life of an adult. She might think that fetuses are more innocent or helpless than an adult and that this makes them more worthy of protection. She might have internalized a religious message that exalts self-sacrifice and/or criticizes self-interest and self-esteem, leading her to believe her life is of little value. She might believe that there is some kind of eternal reward for self-sacrifice. There are a variety of reasons that might lead one to fanaticism when it comes to abortion.

The sentimentalist expresses excessive feelings of concern for entities that do not warrant that level of concern. In this way, sentimentalism is expressed in the way a child feels bad for the car that sits out in the snow because it must be cold. It is similar to the person who refuses to kill the ants that have invaded her home, because she does not want them to suffer. In both cases, the sentimentalist wrongly attributes feelings she might have to something incapable of having those feelings. A sentimentalist in regard to fetuses might imagine what it might be like for her (i.e. an adult human) to be in a womb and then pulled apart by suction or with surgical instruments. Perhaps, she might try to
imagine the joys and pleasures she would have missed had she been aborted and project those feelings onto a fetus. She does not understand how different fetuses are from adult humans. She does not understand that her projections of pain, fear, loss, etc. are inappropriate; the fetus experiences none of these.

Neither attitude, fanaticism nor sentimentalism, warrants extreme self-sacrifice. Both demonstrate a weakness of mind unsuitable for a virtuous person. The fanatic is driven by blind devotion to simplistic dogma or ideals. The sentimentalist is motivated by inappropriate concern over entities that do not warrant those concerns. These inappropriate attitudes cannot serve as the motivation for heroic action (or any virtuous action).

Did Rita Fedrizzi and St. Gianna Beretta Molla act rashly or heroically? One needs more information to say for sure. If either of the women acted from fanaticism or sentimentalism, then her actions were likely rash. There are, of course, situations in which the same actions would be considered heroic, but it is not impossible to imagine situations in which those actions should be considered rash.

For example, I could imagine a weird variation of the real-life story of Lisa Nash. Nash’s daughter, Molly, has a genetic disorder, Fanconi anemia. Those who suffer from this disease typically develop leukemia, and almost all affected develop bone marrow failure by age 40. The most effective treatment is a bone marrow transplant from a matching sibling donor. Lisa and her husband, Jack, used genetic screening and in vitro fertilization to conceive a child that was healthy and matched Molly’s human leukocyte

56 Although I describe Nash’s heroism in terms of my “weird variation,” I personally believe the real story (sans my variation) is one of heroism. I give my variation only because I believe it is less controversially heroic, not because I do not believe the true story does not reflect heroism.
antigen type. It took several IVF attempts and, when Lisa finally became pregnant, she was bedridden for months. Fortunately, Lisa successfully delivered her son, Adam, whose cord blood provided Molly a perfect match for a marrow transplant (Belkin). In my imagined variation of the story, instead of merely having a difficult pregnancy, Lisa Nash could have faced something like Rita Fedrizzi—i.e. she would have to choose between a life-saving treatment for herself that would kill her fetus or forgoing the treatment long enough to bear her child but at tremendous risk to herself. Lisa would choose between her life, on the one hand, and (probably) the lives of her 6-year-old daughter and her developing fetus, on the other.

In this contrived scenario, self-sacrifice for one’s young daughter does not seem rash at all. Few would be willing to describe this as anything other than heroic. In this case, though, the difference is Molly. Lisa’s self-sacrifice is for her. It mattered to Molly that she lived or died, and in this way she is very different from a fetus. It does not matter to fetuses whether they live or die, as there is no agent for which anything matters. Dying for something for which life does not matter is very different than dying for a child for whom continued existence does matter.

So, what of women like Fedrizzi and Molla? It seems more likely to me that the women acted rashly than heroically. Their religion, Roman Catholicism, teaches a radical form of sentimentalism about conceptuses (extending to a lesser degree even to gametes). While there may be more to the women’s stories that I do not know that makes

57 The latest article I could find with information about Molly is an October 2012 story about her and her family. Molly was 18 at the time of the article and doing reasonably well (http://www.villagerpublishing.com/molly-nash-deals-with-lifes-challenges-with-a-smile/).

58 Again, this is not to say that dying for a fetus is never heroic. A woman who thinks of her fetus as her child, as I described above, can act heroically by sacrificing herself for the sake of her fetus, as she could by sacrificing herself for one of her children.
the actions heroic (e.g. they could be maternalists who thought of their fetuses as their children), I am hesitant to think of their actions as such. I suspect that they both made rash decisions based on sentimentalism or religious fanaticism. It made no difference to their fetuses that they lived or died. The fetuses’ lives served no higher purpose as did Lisa Nash’s fetus in my imagined scenario. It mattered (or should have mattered) to Fecrizzi and Molla that they continued living. I worry that they did not properly value their own lives. The “sacrifice,” I believe, was disproportionate.

In chapter three, I argued that parenthood is extremely valuable. Some, even significant, sacrifice is sometimes warranted, just because parenthood is so valuable. Many women undergo a great deal of suffering and inconvenience to bear a child, and they often demonstrate courage (and probably heroism at times) to protect their developing fetuses. The value of parenthood justifies this kind of sacrifice. If a woman acts, though, not because the value of parenthood, nor because of an appropriate sense of wonder over fetal develop, nor because of some other worthy reason, her action does not count as an act of virtue. If she acts from sentimentalism or fanaticism, she acts viciously. It is possible, then, that some women err morally when they sacrifice themselves to save their fetuses.

6.2. Child-bearing & Wrongs to Others

What about cases in which not having an abortion wrongs others? Hursthouse imagines severe conditions “… in communities in which life is a great deal tougher for everyone than it is in ours.” In these communities, “… having the right attitude to human life and death, parenthood, and family relationships might well manifest itself in ways that are unlike ours.” Specifically, she suggests that “… selective abortion or infanticide
might be practiced … for the sake of the community and not, I think, be thought callous or light-minded” (Hursthouse, Virtue Theory and Abortion 240). Similarly, Mary Anne Warren, speaking specifically about infanticide and approaching the question from a Kantian perspective, believes that, in extreme conditions, when “… it is impossible successfully to rear all of the infants that are born, or all those that are severely abnormal, a tolerant attitude towards early infanticide is kinder and more just than the persecution of parents who choose it as a lesser evil” (Moral Status: Obligations to Persons and Other Living Things (Issues in Biomedical Ethics) 165). Hursthouse stops short of calling these abortions (and acts of infanticide) virtuous, because she believes the conditions are such that there really is no virtuous choice to be made. She writes, “But this does not make everything all right; as before, it shows that there is something amiss with the conditions of their lives, which are making it impossible for them to live really well.” (Hursthouse, On Virtue Ethics 240). Like Aristotle, Hursthouse believes that to live virtuously moral luck is involved. Some situations do not provide virtuous choices.

More than simply being not vicious, though, it seems to me that some abortions that prevent wrongs to or suffering for others are virtuous. They demonstrate compassion, thoughtfulness, selflessness, and courage (perhaps to the level of heroism). It may be that, in every case, there is “something amiss with the conditions” of the society that makes the abortion necessary, but the social ‘problems’ are not always clearly the result of moral failure.

One can imagine, for instance, a tribal group in a technologically underdeveloped country that lives in a remote area, far removed from an organized, modern social structure. They fall outside of the country’s social security system, do not know of the
country’s major cities, do not see roads or bridges, etc. We could further imagine that life is very hard for this tribe. They are nomadic, hunter-gatherers who scrape subsistence from the land.

While those who live in modern societies feel sorry for the plight of these people, it is not clear that “something is amiss” with their conditions. To say something is wrong with their conditions is to say that only societies that possess modern conveniences live in proper conditions. I see no reason to believe that the tribe’s social situation is flawed; it simply is. There is no reason to think that humans living in that kind of structure cannot properly possess and practice the virtues. Most humans throughout history have lived more like these tribes, not like people in contemporary, developed countries.

One can think of a woman in this imagined tribe who becomes pregnant. She is a mother of three young children already. Though she does not possess technical knowledge of fetal development, she possesses an appropriate sense of wonder over the parts of which she is aware. She values motherhood appropriately. She has proper attitudes toward those with disabilities. She does not believe fetuses feel pain. Life is very difficult for her and her family. The tribe shares responsibilities in caring for children, but they have reached their maximum capacity of care. For the sake of her children and her tribe, the woman attempts to miscarry through strenuous labor.59

While one may be tempted to say that the conditions in which this woman lives makes virtue impossible in this situation, it is very hard to maintain this thought. It would be extremely odd, indeed, if conditions so similar to those in which humans originated would be unsuited for human virtue (especially if one holds some kind of

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59 There is a long history of women in unindustrialized countries engaging in strenuous activities in order to cause themselves to miscarry.
moral naturalism like I describe in my first chapter). If there is nothing wrong with the conditions in which this woman lives in terms of providing opportunities to develop character and practice virtue, it is difficult to describe her act as anything other than virtuous.

The woman in this imagined scenario wisely assesses her situation and that of her tribe. Her compassion guides her action, never wanting to make things more difficult for those she loves. She selflessly decides to forgo the pleasure she would have in bearing and raising another child, because she does not want to burden others. Finally, she courageously engages in activities in which she harshly treats her body to induce a miscarriage. This is more than just the absence of vice. The woman’s conditions are not so unfortunate that she only has bad decisions from which to choose. The woman simply acts well. The woman has a virtuous abortion for the sake of others.

But, I do not think it is only in these kinds of imagined scenarios that a woman can act virtuously. More commonly, women are faced with harsh conditions that are the result of injustice, not simply as a result of lack of technological development. Women may find that they are too poor, overworked, or too stretched by raising their other children to properly care for a new child. If they are living in a wealthy society like the US, all of these conditions can be traced back to unjust social distribution of resources. If a just society is anything like John Rawls describes in *A Theory of Justice*, or T.M. Scanlon describes in *What We Owe Each Other*, or any of the other liberal theories that dominate political philosophy, that society (inasmuch as its resources allow) would not permit the kind of poverty that many women face, nor do they relegate people to work that is so taxing they cannot raise children. A just society would provide reasonable pay
for reasonable work. Perhaps, also, a just society would either provide opportunity for parents to take care of their children through paid leave or view the raising of children as a communal undertaking.

Hursthouse presents the unjust social conditions as making up what she, elsewhere, calls a ‘tragic dilemma.’ She defines tragic dilemmas as situations in which all available actions are terrible; they are “… those from which, as the familiar saying goes, ‘it is impossible to emerge with clean hands’” (Hursthouse, On Virtue Ethics 71). In the case of the woman who has an abortion because of adverse social conditions, no available action is right. This does not mean the woman errs, it simply means that it is inappropriate to call her action good.

It does not seem to me, however, that these cases truly form tragic dilemmas. In a tragic dilemma, a virtuous agent must choose between two or more actions that are morally wrong. There is no reason to think, though, that abortion is immoral. Hursthouse seems to disagree. This can be seen in the following statement from Beginning Lives:

“If the decision [to abort] is made with due recognition of [the fact that abortion is a decision to kill], seriously, and for serious reasons involving an understanding of the intrinsic value of being a parent, it would often, I think, be the right decision—the one that the perfectly virtuous and wise woman would make—but not thereby a decision that was not regrettable, in that it would be appropriate to regret that circumstances made it necessary to do this thing. That circumstances may make it necessary to do what is, in itself, wrong, is not peculiar to abortion…” (Hursthouse 335; emphasis added).

This is a difficult passage to understand. On the one hand, it appears that Hursthouse is merely saying that a decision to abort because of unjust conditions is regrettable, because

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60 Her definition comes with the caveat that in some situations a person does not “emerge” at all—e.g. a person may sacrifice herself to avoid killing another.
one would benefit from having a child if the unjust circumstances were different. Surely, that is correct. On the other hand, though, she seems to connect abortion with wrong action *per se*, linking the regret to that. Because it is wrong, the woman finds herself in a tragic dilemma. She can either have the child, which wrongs others, or have an abortion, which is wrong in general. No choice can be considered right, even though some choice must be made, but in neither does the virtuous person act viciously. Hursthouse writes of tragic dilemmas generally, “… we are not forced to say that the virtuous agents faced with tragic dilemmas act badly … if a genuinely tragic dilemma is what a virtuous agent emerges from, it will be the case that she emerges having done a terrible thing … [a]nd hence it will not be possible to say that she has acted *well*” (On Virtue Ethics 74; original emphasis). A virtuous person acting in the case of a tragic dilemma can neither be said to act well or to act badly.

Again, though, this seems to assume that abortion is a *prima facie* moral wrong. If abortion is not typically wrong, though, there is no reason to suggest that a woman, who decides to abort to prevent wrongs to others (as long as she avoids other potential moral pitfalls), does not simply act *well*. A woman, who is too poor, overworked, or too stretched by her responsibilities to her other children, appears to act virtuously when she aborts. She *wisely* assesses her limited resources and her ability to care for herself and her existing family. She *compassionately* desires to give her other children the attention they need. The tragedy is that she cannot have a child she would otherwise welcome, not that she does something wrong by having an abortion.

In a 2005 study by Guttmacher Institute, 73% of women having an abortion indicated a primary reason for their decision was that they “can’t afford a baby now”
(113). The survey does not make the further distinction of whether this was a self-interested concern or a concern for the finances of a family or society, but surely these other-regarding reasons were present for some portion of these women. Additionally, 32% of women (they could choose multiple reasons), said they were choosing to abort because they have other dependents to take care of (Guttmacher Institute 113). These are reasons directly related to potentially wronging others, whether financially or by lack of availability of time. These other-regarding actions seem to be in perfect accord with the virtues. Some women who choose to have an abortion to avoid harms to others certainly seem to me to be acting virtuously.

6.3. Child-bearing & Wrongs to (Potential) Children

The most interesting cases for what I am calling virtuous abortions, though, are the cases in which not having an abortion wrongs the child who is not aborted. In these situations, a child is harmed by being born. The idea that someone can be harmed by being brought into existence is often at the center of legal and ethical discussions in relation to so-called “wrongful life” cases.

My interest is not in legal wrongful life cases. These cases are legally and philosophically interesting in their own rights, but my emphasis is a little narrower. If being brought into existence is a harm for which one can receive damages in court, then it also appears that it is a wrong that should be avoided if possible. If a doctor’s negligence in failing to provide information that would have motivated a woman to have an abortion, thereby bringing someone into existence who would have been better off never having been born, is wrong, then so are the actions of a woman who brings a child into existence who would have been better off having never been born. In other words, if a doctor or
lab wrongs a child by negligently failing to provide information that would have resulted
in the child not being born, then a pregnant woman who has reason to believe her child
would be better off not being born wrongs the child by choosing not to have an abortion
and instead choosing to bringing him into existence.

Below, I will briefly review wrongful life cases in the law. Then, I will examine
the philosophical issues these cases raise. Finally, I will recast the relevant issues in
terms of virtue ethics.

6.3.1. Wrongful Life & the Law

A typical scenario for a legal wrongful life case is when a parent of a child born
with a severe disability brings a suit on behalf of the child against a physician who failed
to identify a birth defect that would have caused the parent to choose an abortion for the
sake of the child. The damages\textsuperscript{61} are meant to compensate the child for his or her
suffering. This is complicated by the fact that this child would not be alive to suffer if the
physician had identified the disability. The option for the child is not between a life of
suffering and a life without suffering, but rather a life of suffering or no life at all. The
“negligent” physician did not cause the child to have disabilities, but rather simply failed
to identify and/or report the disability to the pregnant woman who would have chosen to
abort her fetus.

Typically, the infant plaintiffs in wrongful life cases suffer from (several) severe
disabilities. These conditions are extremely expensive to treat and cause much pain and

\textsuperscript{61} The damages sought fall under a class of damages known as hedonic. Hedonic damages are paid to
plaintiffs “… for loss of enjoyment of life” (Hall, Bobinski and Orentlicher 433). They are meant to
compensate someone for a loss in pleasure of life. Sometimes, but very rarely, these damages are sought
when someone dies or is in a coma. Many believe hedonic damages in wrongful life cases stretch an
plausible conception of these kinds of damages.
suffering. Damages are sought because it is claimed that the infant would have been better off if she or he had never been born at all.

*Gleitman v. Cosgrove* was the first case that resembled contemporary wrongful life cases (except that the disabling traits were less serious than those in most contemporary cases). Mrs. Gleitman saw her doctors two months into her pregnancy to inform them that she had been diagnosed with Rubella a month earlier, and her doctors told her that it would have no effect on the child. Her son, Jeffrey, however, was born blind, deaf, and mute. Mrs. Gleitman claimed that if she had been properly informed, she would have had an abortion. The court dismissed the claim, not because they did not believe Jeffrey was injured, but rather because “…it felt that courts and juries lacked the competence to calculate Jeffrey’s damages accurately” (Burns 814).

In *Berman v. Allan*, the courts reconsidered the *Gleitman* decision. Doctors failed to inform Sharon Berman’s (eventual) mother of the availability of a test that would have revealed that Mrs. Berman’s fetus had Down syndrome. Mrs. Berman would have aborted had she known. The court rejected the claim based on what it referred to as “the sanctity of life.” The decision read, in part, “One of the most deeply held beliefs of our society is that life—whether experienced with or without a major physical handicap—is more precious than nonlife” (Burns 817; note 69). The court ruled that existence, no matter what its struggles, is never an injury, because life is always preferable to nonexistence.

In *Curlender v. Bio-Science Laboratories*, the court considered a case involving one of the most terrible genetic conditions, Tay-Sachs disease. In this case, the courts ruled in favor of the plaintiff and awarded damages. Bio-Science Laboratories had
negligently failed to discover that the (eventual) mother of Shauna Curlander and her husband were potential carriers of the genetic disorder. Had they not been negligent, the Curlanders would have either chosen not to conceive or they would have had an abortion. Shauna’s prognosis was four years of life marked by pain and suffering. The court’s decision read, in part:

The reality of the “wrongful life” concept is that such a plaintiff both exists and suffers, due to the negligence of others. It is neither necessary nor just to retreat into meditation on the mysteries of life. We need not be concerned with the fact that had defendants not been negligent, the plaintiff might not have come into existence at all. . . . [A] reverent appreciation of life compels recognition that plaintiff, however impaired she may be, has come into existence as a living person with certain rights. (Burns 817)

The decision seems to recognize philosophical difficulties with comparing a life of suffering versus nonexistence, but focuses in on the suffering of the plaintiff.

In subsequent decisions, the courts have steered a different course than Curlander and the others. Like Curlander, they recognize harm and have awarded special damages (e.g. payment of medical bills, equipment, etc.), but have not awarded general damages (e.g. compensation for emotional distress, pain and suffering, etc.).62 The continuing worry is that it is impossible to “… compar[e] the two states of severe disability with nonexistence” (Hall, Bobinski and Orentlicher 434).

6.3.2. Wrongful Life & Philosophy

Even more interesting than wrongful life cases in law are the philosophical questions generated by the idea that one can be harmed by being brought into existence. Many find this idea incoherent. As the court ruled in Berman, many argue that life, no matter what disabilities it brings, is never an injury. Bonnie Steinbock summarizes the

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argument succinctly, “To be harmed is to be made worse off; but no individual is made worse off by coming to exist, for that suggests that we can compare the person before he existed with the person after he existed, which is absurd. Therefore, it is logically impossible that anyone is harmed by coming to exist …” (Life Before Birth 144). If harm makes someone worse off than they would have been otherwise, a child who is not brought into existence cannot be harmed because he would not be otherwise.

There are several ways, however, that philosophers have described being brought into existence as a harm to the individual brought into being. David DeGrazia thinks one attempt is especially promising. He suggests that some “… lives are inherently bad for the subject in that whatever good they contain does not compensate for the bad …” (DeGrazia 141). This approach does not compare one’s life with nonexistence; it simply judges a life that, on the whole, contains more bad than good as a wrong to the person brought into existence.

Steinbock adopts another promising approach for making sense of wrongful death. She discusses wrongful life in the context of what she calls “the interest view.” The interest view holds that “… the possession of interests is both necessary and sufficient for moral standing” (Steinbock, Life Before Birth 1). Steinbock argues that a being without interests can have no claims against anyone. For example, one need not morally consider how her actions will affect a soda can, as a soda can has no interests, but she must consider how her actions will affect the neighbor’s dog or child. The soda can has no interest in remaining an intact soda can. It makes no difference to the can whether or not it is crushed, ripped, shredded, or melted. The neighbor’s dog or child, however, does have an interest in not being crushed, ripped, shredded, or melted. Beings
with interests have moral standing (i.e. their interests must be considered when acting), whereas beings without interests do not.

Further, Steinbock distinguishes between moral standing and moral status. Any being with interests has moral standing, but a being’s moral status determines how heavily those interests must be weighed in moral decision-making. Her view allows that some entities with moral standing have greater or lesser moral status.

When she addresses wrongful life cases, Steinbock wants to know if one “… can have an interest in not being born” (Life Before Birth 146). Because she does not believe that fetuses (at least throughout most of their development) have interests, the interests must belong to the child. She posits that “A child can be said to have an interest in not being born if his or her existence is inexorably and irreparably such that life is not worth living” (Steinbock, Life Before Birth 146). Following Feinberg, Steinbock notes that the idea of being “worse off” when applied to wrongful life cases is ambiguous. On the one hand, it could mean that the child is worse off than she was before someone acted. This clearly would not apply to a child who previously did not exist as there was no child before the person’s action. A second way “worse off” could be interpreted, however, is as a counterfactual. Here, the child would have been better off had she never been born. The counterfactual interpretation can apply to the child because it does not demand comparison to a previous state.

Steinbock notes that it is helpful to start with the common sentiment that someone can be “better off dead.” She writes, “… the phrase ‘better off dead’ simply means that life is so terrible that it is no longer a benefit or a good to the one who lives” (Steinbock, Life Before Birth 147). Determining whether or not life is a benefit or good for a
competent adult is fairly straightforward; one ascertains (by simply asking or through substituted judgment) whether or not the person would consider her life worth living. An infant, however, is incapable of having or making these kinds of judgments. She cannot determine whether or not her life is worth living based on her circumstances.

Because an infant does not have preferences, some may be tempted, like the Berman court, to simply conclude “… that life—whether experienced with or without a major physical handicap—is more precious than nonlife” (Burns 817; note 69). Clearly, though, this is not true for all infants. Steinbock describes a child born with dystrophic epidermolysis bullosa. These children are typically born covered with blisters and patches of missing skin. The blisters affect the digestive track, eventually leading to severe scarring that makes it difficult to maintain nutrition (the infants cannot chew or swallow food). The children in the most severe cases usually die within their first year of life, and that year is marked by constant pain. It is impossible to maintain that this kind of existence is “more precious than nonlife.”

If one cannot make a substituted judgment for an infant, though (i.e. since infants can make no judgment), what criteria can one use by which to make decisions about the value of life or nonexistence for the fetus? Steinbock suggests a “proxy chooser” model. In this model, someone acts as an advocate for the infant to promote her welfare. This model is already used when parents make decision about continuing invasive treatments on premature or severely impaired newborns. Parents decide whether or not it is in the infant’s interest to save or prolong her life by continuing the treatment. Steinbock argues that “[i]f such a decision can be made regarding treatment, it would seem that it can be made regarding wrongful life” (Steinbock, Life Before Birth 148).
What criteria must a proxy chooser use for determining whether or not a child is better off not being brought into existence? Joel Feinberg suggests that a proxy chooser applies a “doomed to defeat” test (Steinbock, Life Before Birth 148). Using this criterion, only children who would suffer chronic, intense pain and die very early are wronged by being brought into existence.

Steinbock believes this standard is too stringent in that it misses some of the most important cases. Very few infants fit Feinberg’s criteria, as they do not have short lives filled with intense, unremitting pain. Steinbock writes, “Far more common are cases in which the infant’s condition precludes the ability to develop or to do any of the things that human beings characteristically develop, and which make lives subjectively worth living” (Life Before Birth 149). Feinberg’s criterion would exclude infants like these whose lives are not worth living.

Instead, Steinbock, proposes a “minimally decent existence” standard. Some lives, even though they are not marked by intense, unremitting suffering, are not worth living. A life that is no more than mere biological existence does not constitute a minimally decent life (Steinbock, Life Before Birth 150). A child born with anencephaly does not suffer, as she cannot experience anything at all (suffering or pleasure). Still, though, these infants have nothing resembling a life worth living. It is one’s experiences, not mere biological existence, that make life worth living. A valuable life is one in which someone has “… the ability to experience pleasure, to give and receive love, to think, to learn. If all or most of these capacities are missing, then the child does not have a minimally decent existence” (Steinbock, Life Before Birth 150). For someone who
cannot experience the pleasures life brings, or whose capacity to do so is severely stunted, life is not a good to be saved or preserved.

The minimally decent existence standard seems to be the one typically used by proxy choosers who make decisions about continuing or discontinuing treatments on premature or severely disabled newborns. It is unlikely that these choosers are basing their decisions on whether or not all of their child’s future endeavors are doomed to defeat. It is much more likely that they want to know if their child can live a decent life.

6.3.3. Wrongful Life & Virtue Ethics

The issues raised in wrongful life cases are usually cast in terms of rights and obligations (i.e. Kantian language). This is not surprising as deontological language is also the language of law, which is the context in which these cases arise. It seems to me, though, that there is a very natural fit between these issues and the language of virtue ethics.

6.3.3.1. Eudaimonia

One of the most central concepts in neo-Aristotelian virtue ethics (i.e. the normative theory upon which this dissertation is based) is the concept of eudaimonia. Julia Annas writes, “The two most important and central concepts in ancient ethical theory are those of virtue (arete) and happiness (eudaimonia)” (37). One cannot understand virtue ethics without some understanding of eudaimonia.

Eudaimonia, however, is notoriously difficult to capture in English translations of Aristotle. It is often translated as ‘happiness,’ but this does not quite do the term justice. The contemporary notion of happiness is entirely subjective. If I believe that I am happy, I am happy. Happiness is a feeling, not something objective. Furthermore, in the
contemporary understanding of happiness, virtue does not need to be involved. A particularly vicious person can be happy indeed.

Neither of these is true of eudaimonia, however. One can be wrong about whether or not she is a eudaimon and virtue is a necessary component of true happiness. To avoid the problem of the subjectivity of the modern conception of happiness, some translations prefer the term, ‘flourishing.’ One can be wrong about whether or not she is flourishing. I may believe I am flourishing, but be riddled with cancer and only have months to live. This term too, however, has limitations. For Aristotle, only a rational person can experience eudaimonia. Plants and non-rational animals, though, can be said to flourish in the contemporary use of the word. Plus, there is no obvious connection to virtue.

For Aristotle, eudaimonia is the telos/end of all humans; it is the proper goal of human life. Anna notes, “The ancient conception of happiness appears, in Plato and Aristotle, as an obvious specification of our final end” (42). A properly functioning human is a eudaimon. One who does not function properly does not experience eudaimonia. Though neo-Aristotelian virtue ethicists reject the idea of human teloi, the concept remains important.

Eudaimonia, for contemporary virtue ethicists, can be thought of true happiness, or happiness worth having. To borrow an idea from John Stuart Mill, from another context, a person may truly enjoy wiling away hour after hour playing pushpin, but this is not happiness worth having. Hursthouse states the same idea this way: “When we hope that our children will grow up happy and have happy lives, we hope for more than that they will lie around all day in a drug-induced haze of contentment” (On Virtue Ethics
10). True happiness (i.e. true *eudaimonia*) is happiness that reflects human reason. It is not mere contentment or good feeling.

6.3.3.2. The Eudaimonia Standard

What does this discussion of *eudaimonia* have to do with wrongful life and wronging children born with certain disabilities? I believe that, in deciding whether or not a child should be born, a virtue ethicist should apply a “*eudaimonia* standard.” Specifically, one can ask whether a future child will be capable of experiencing *eudaimonia*. If not, the child has little chance of living well.

This, however, is a standard of degree. Not living well is different than living poorly. It is unfortunate that one cannot live well, but it is tragic that they must live poorly. The *eudaimonistic* standard helps define what it means to live well or poorly, however. I will return to these points.

What can it mean that one lacks the ability to become a *eudaimon*? As I mentioned above, *eudaimonia* is intimately connected to virtue. While one can be happy (i.e. in the contemporary sense) without virtue, one is unlikely to experience *eudaimonia* without possessing it. Though contemporary virtue ethicists stop short of saying that possessing virtue is a necessary and sufficient condition for experiencing *eudaimonia*, it is always regarded as part of it. Hursthouse writes, “The claim is not that possession of the virtues guarantees that one will flourish. The claim is that they are the only reliable bet …” (On Virtue Ethics 172). She likens it to a doctor’s suggestion that one will benefit from exercise, diet, and less smoking and drinking. These do not guarantee health or longevity (one could develop a deadly cancer for reasons unrelated to these or be hit by a truck while exercising!), but all things being equal they provide the best chance.
The possession of virtue, however, does not come easily. The primary reason virtue is so difficult to develop is that it requires practical wisdom (*phronesis*). One can fairly easily perform a kind act, do something that is compassionate, give to someone else generously, etc., but doing something in accordance with virtue is different than *being* virtuous. Aristotle writes, “But for actions in accord with the virtues to be done temperately or justly it does not suffice that they themselves have the right qualities. Rather the agent must also be in the right state when he does them … he must … do them from a firm and unchanging state” (Aristotle EN II.4, 1105a29-35; trans. Irwin). The same act performed by two people may be virtue in one, but not in the other, because virtuous actions are done from a virtuous character.

One reason virtue is typically difficult to possess is that it requires the application of moral wisdom (i.e. *phronesis*, practical wisdom). One may have good intentions to do the right thing, but only by moral wisdom can one know what to do in a particular situation to bring those intentions to fruition in the way they desire. Someone without moral wisdom can have good intentions, but is “… prone to mess things up because he is ignorant of what he needs to know in order to do what he intends” (Hursthouse, Virtue Ethics). A person without moral wisdom may actually end up harming someone they intend to help, because “[e]ach of the virtues involves getting things right …” (Hursthouse, On Virtue Ethics 12). Getting things right demands moral wisdom.

Moral wisdom is extremely difficult to develop. It is not something one learns by reading books or attending lectures. It comes through years of experience.

One can easily understand why moral wisdom is so important. Earlier in this chapter, I described Aristotle’s understanding of what it takes to be brave. It is worth
considering again in this context. For Aristotle, the brave person “… fears the right things, for the right end, in the right way, at the right time, and is correspondingly confident …” (Aristotle EN III.7, 1115b17-19, trans. Irwin). Note that bravery requires getting a lot right. Hursthouse gives a similar example involving truth-telling. To be honest in some situations involves an understanding of “…‘the sort of truth that one does people no kindness in concealing’ or ‘the sort of truth that puts consideration of hurt feelings out of court’” (Hursthouse, On Virtue Ethics 61; original emphasis). And, again, generosity “… involves giving the right amount of the right sort of thing, for the right reasons, to the right people, on the right occasions” (Hursthouse, On Virtue Ethics 12). This can mean knowing how much one can give without making it impossible to meet other obligations, understanding that it is not generous to give lavish gifts to those who already have a lot, knowing that generosity does not demand that one is exploited, etc. It is very difficult to keep all of the relevant features of virtue in mind. Every virtue has a high demand for practical wisdom.

Aside from practical wisdom, one must also be fortunate enough to live in appropriate conditions for developing virtue and experiencing eudaimonia. This is often described as “moral luck.” For Aristotle, luck is important in two aspects: moral upbringing/training and the availability of some external goods. Of the latter (which is most significant for my purposes), Aristotle writes, “… happiness evidently also needs external goods to be added … since we cannot, or cannot easily, do fine actions if we lack the resources” (Aristotle EN I.8, 1099a30-1099b1; trans. Irwin). Similarly, Hursthouse notes, “We think that … if we act well, things go well for us. When it does not, when eudaimonia is impossible to achieve or maintain, that’s not ‘what we should
have expected’ but tragically bad luck” (Hursthouse, On Virtue Ethics 185). In addition to virtue, then, one needs the world to cooperate in specific ways.

Pulling these strands together, one can begin to see what the eudaimonia standard entails. If a child has no reasonable chance of eudaimonistic life, life may be a harm to her, and it may be a moral error to bring her into existence. I have tempered the eudaimonia standard by noting that an inability to experience eudaimonia simply may be a harm. As I mentioned at the outset, the standard is one of degree. There are some conditions (physical and environmental) that make eudaimonia unlikely or impossible but that do not doom one to living poorly. In the case of the former, life may not be full, but it is not necessarily a harm. In the case of the latter, life only offers struggle and pain.

There are two factors one must take into consideration in the eudaimonia standard. First, one must attempt to assess a future child’s potential to experience eudaimonia given that child’s particular capabilities. Second, one must assess the conditions into which a child will be born, specifically noting whether or not those conditions are amenable to experiencing eudaimonia.

In terms of capabilities, then, it must be possible for one to practice virtue. This, as I have explained, entails a capability to cultivate moral wisdom. Eudaimonia typically comes by way of possessing the virtues, and to possess the virtues requires moral wisdom.

One might worry that this standard would turn many births into cases of wrongful life (or be counted as harm) that seemingly have no reason being considered as such. The Berman case is a perfect example. Sharon Berman only had Down syndrome, which as I mentioned in chapter three is certainly compatible with a happy life. But, if moral
wisdom is required for *eudaimonia*, and moral wisdom is a very complex sort of knowledge, as I described above, then might it not be the case that someone with Down syndrome is incapable of developing it, which makes it extremely unlikely that a person with this disability could experience *eudaimonia*. This worry, I think, is based on a misunderstanding of moral wisdom, however.

Recall that moral wisdom is not the kind of wisdom acquired through reading books or attending lectures. It is not a kind of knowledge that requires a high IQ. It is a knowledge acquired through experience, practice, and habituation. This kind of knowledge is not beyond the grasp of those with cognitive disabilities. There is no reason a person with moderate cognitive disabilities cannot develop moral wisdom. Proper moral education can be as effective to someone with moderate cognitive disabilities as it can with someone of without cognitive impairments. All available evidence suggests that people with these kinds of disabilities can be kind, generous, compassionate, courageous, etc. While they may never experience intellectual pleasures as robustly as others, their ability to possess the virtues makes experiencing *eudaimonia* possible.

The more profound a cognitive disability is, however, the more radically it can affect one’s ability to develop moral wisdom. It could be that a person’s disability prevents her from progressing in moral wisdom past a typical child’s abilities. In these cases, it may be impossible for the person to ever experience *eudaimonia*, but the life she lives does not seem tragic. It is unfortunate, no doubt, that a person cannot experience life as an *eudaimon*, but not tragic. A life that is *not full*, is not the same as a life that is *bad*. 

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There are some cases of cognitive disabilities, however, that are so profound that the people who have them do lead tragic lives. Jeff McMahan vividly describes the lives of some. He writes, “The profoundly cognitively impaired are incapable, for example, of deep personal and social relations, creativity and achievement, the attainment of higher forms of knowledge, aesthetic pleasures, and so on. Their signal misfortune is thus that they are excluded from many or most of the various dimensions of a good life” (McMahan, Cognitive Disability, Misfortune, and Justice 7-8). People with cognitive disabilities this profound not only have no chance of living an eudaimonistic life, they can only live poorly. Their lives are tragic in every sense of the word. For them, life is not a benefit; in fact, it is a harm.

One may see, now, how the eudaimonia standard is taking shape. It is a standard of degree. First, one can assess a potential child’s ability to live a eudaimonistic life. One who is capable of living this kind of life is capable of living well. Second, one may determine that a truly eudaimonistic life is impossible for a potential child because of her limited capabilities, but that it does not rise to the level of tragedy. It is unfortunate, but not to the degree that her life is a harm. Finally, though, some disabilities seem so profound, exactly because they prevent one from living a eudaimonistic life and damn their possessors to a tragic existence, that knowingly bringing someone like this into existence, when it can be prevented, should count as a harm to the person.

Capabilities, however, are not the only factors one must consider. One must also assess the situations into which a child will be born. It seems Hursthouse has something to this effect in mind when she writes, “When it is essential to survival that most members of the community fend for themselves at a very young age or work during most
of their waking hours, selective abortion or infanticide might be practiced … as a form of genuine euthanasia …” (Virtue Theory and Abortion 240). Note that Hursthouse is not talking about a potential child’s capabilities. Her sole concern is the kind of conditions into which the child is born. If a child is to be born into conditions into which she cannot live *eudaimonistically* and into which her life cannot be considered a benefit to her, bringing her into existence, when one can do something about it, is a harm.

Here, again, the standard is one of degree. There are some environmental conditions that simply make experiencing *eudaimonia* unlikely or impossible. Other conditions, however, allow no other possibility but suffering. The former may or may not be a harm for the individual born into those conditions (though their lives are unfortunate), while the latter is definitely a harm (and thereby a tragedy).

I have made a distinction between a life that is unfortunate and one that is tragic. It is unfortunate when one cannot experience eudaimonia, but tragic when life can only bring suffering. I need to flesh out this distinction more.

When I say that life *may be* a harm to someone who cannot experience *eudaimonia*, I am recognizing the fact that some inabilities and environmental factors can be compensated for in terms of one’s overall experience with life. If one is incapable of developing true virtue because of her disabilities or because of her environmental conditions, she may still avoid the harms that are typically attached to the absence of virtue with the help of virtuous friends and family.

Take, for example, a child who has no sense of others. This child is cognizant only of her own needs and cannot recognize the needs of anyone else. Because of her condition, she is incapable of developing any of the other-regarding virtues. Generosity,
compassion, kindness, etc. are forever out of her grasp. Imagine also that this child cannot be taught moderation. She must react to every impulse to try to satisfy it and once she begins to satisfy the impulse, she does not know when to stop (e.g. she will eat until it becomes too painful to continue).

These conditions are unfortunate, indeed, and if one was left on her own with them, her life would be unquestionably tragic. If, however, a person with disabilities that impede her moral development in the way I described is cared for by virtuous people, many of the harms that typically attend to the absence of virtue will not affect her. The development of virtue is an individual pursuit. One either acquires them or does not. The negative effects of not personally possessing virtue, however, can be mitigated by the care of others.

Typically, the harms of not possessing the virtues are social. One who is callous, selfish, intemperate, foolish, etc. is typically shunned by others. Things do not usually go well for the vicious person because others are unwilling to work with him. Unless he successfully fools others into thinking he is virtuous, when he is not, he will normally face social condemnation and will not experience eudaimonia (even if he experiences financial or other kinds of success).

When someone is unable to develop virtue because of a disability, however, others, especially others who are virtuous, do not hold them in contempt. The person who cannot develop virtue is an object of pity.

Their lives, then, are not tragic, because others intervene. Caregivers do not allow those with these disabilities to practice intemperance, selfishness, etc. When others are wronged by someone with these disabilities, they do not hold the wrong against them as
they would someone without the disabilities. In other words, the ill effects of viciousness are not felt by the person with these disabilities, so her life is not tragic to her. She may not live a life worth living, but she does not live a tragic life.

There are, of course, conditions (both physical and environmental) that do make life tragic. A short life filled with pain and suffering cannot be compensated for by the actions of others. A life in which one can have no experiences whatsoever is no life at all. These are tragic lives.

The compassionate person does not wish anyone to suffer a tragic existence. The compassionate pregnant woman who discovers that her potential child would lead a tragic existence would not allow that kind of suffering. To do so would be to act callously. It would be cruel to bring a child into existence who could only experience suffering in life. To carry the child to term, when she has an option to terminate the pregnancy would be to err morally.

6.4. Different Person Choices

So far, I have considered cases in which not having an abortion harms a mother, harms others, and harms a child who cannot live a life worth living. Some philosophers have wondered if it is possible that one commits a generalized harm by having one child instead of another. The thought is that if one has an option of giving birth to only one of two children, one of whom is far likelier to thrive than the other, she should give birth to the one with a better chance at living a good life. Don Locke provides a poignant, albeit fanciful, example:

Let us suppose that a woman knows … that if she conceives at a certain time, the resulting child will inevitably die of a heart attack around the age of twenty-five, whereas if she waits a month her child will have the normal life expectation of three score years and ten. Would it be wrong to conceive the Fated Child, the one
who will die at twenty-five? Should she instead wait until she can be sure of conceiving a healthy child? (137)

The common intuition is that it would be wrong to have what Locke calls the Fated Child. If there truly is nothing immoral about abortion, then it should make no difference if the story is altered such that the woman knows that she is currently pregnant with the Fated Child, but could have a child with a normal life expectancy if she had an abortion and got pregnant at a later time. Here, it seems that the right thing to do is have an abortion and conceive a healthy child later.

This case is interesting, because, even though most have the intuition that in the original scenario it would be wrong to have the Fated Child, it is difficult to identify anyone wronged by having that child. If the woman waits to have a healthy child, the Fated Child will never exist. The Fated Child does not have a choice between being healthy or fated, as the healthy child would be someone else entirely.

In the altered version of the story, the woman knows she is pregnant with the Fated Child. If it truly is better to have the healthy child than to have the Fated Child, and, if there is nothing immoral about abortion, then it seems that having the abortion (and later the healthy child) would be the right thing to do. This would be another case of a virtuous abortion.

Allen Buchanan fleshes the Fated Child scenario out a little. He writes, “(Imagine, for example, that the woman is a refugee, living in wretched conditions in a camp, but knowing that she will be transported to safety in one year). Surely the woman’s decision to postpone conceiving a child until it could be born in safe and healthy conditions need not be an expression either of the belief that if the child were born in the unfavorable conditions its life would not be worth living or of the belief that it
would have no right to life it if were born in these unfortunate conditions” (Buchanan 29-30). Buchanan is specifically addressing the expressivist argument of disability rights activists described in a previous chapter, but, putting aside the question of whether or not the act expresses a negative attitude toward those with disabilities, it appears as though the woman who chooses to forgo having a child in terrible conditions to have a healthy child later does something good. No one would object to the woman using contraception or remaining abstinent during that time, and if abortion is not immoral, it seems to follow that this would also be unobjectionable, and in fact morally commendable inasmuch as it is the wiser or more prudent action.

While Locke’s and Buchanan’s scenarios are fanciful63, one could imagine any number of real-life cases in which a woman knows that a child born to her at a later time would have a better chance at living eudaimonistically than a child born to her at present. A woman may find herself in a dire financial situation that she has reason to believe is only temporary. It appears that the wise and prudent action would be to delay childbirth. A woman might discover she is pregnant during a time of war and civil unrest in her country. A child born after the unrest would have a greater chance to thrive. Perhaps, even less serious scenarios would make it so that an abortion is virtuous because the woman is choosing to have a healthier child.

What virtues might be brought to bear if one were to attempt to address the issue as a virtue ethicist? I have mentioned wisdom and prudence. I think another obvious

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63 To a degree, of course, the problem in general is somewhat fanciful. As Locke points out, this assumes that a woman could have only one child or the other. But “… there is also the possibility that she could have had both children” (Locke 139). It seems unlikely that one would really have to choose between a healthy child and an unhealthy one. The unlikeliness, obviously, isn’t the point. The thought experiment is supposed to demonstrate something about an ethical theory’s ability to deal with this strong intuition.
addition would be compassion. The virtues seem to apply in a very different sense than typical in this situation. Typically, one must choose between a virtuous or vicious action. In this case, however, it is too strong to suggest that a woman acts viciously by having a child in unfavorable conditions or with slightly diminished health. I guess that if she were truly put into a situation in which she must choose between the healthy child and the Fated Child, she would act unwisely or imprudently by having the Fated Child. She would not act callously, though. Compassion and callousness are directed toward individuals. In this situation, there is no individual to whom the compassion and callousness would apply. Wisdom and prudence, however, are personal virtues. The virtuous person will act wisely and prudently. If one must choose between the healthy and Fated Child, choosing the former is the wise and prudent choice.

6.5. Traversing the Potential Moral Pitfalls

I have described four cases in which having an abortion appears to be what the virtuous person would do in the same or similar circumstance. In the first case, the woman does herself a disservice by having a child. By sentimentalism or fanaticism, both representing weakness of will and mind, she justifies acts of extreme self-sacrifice when it is unwarranted. The relevant virtues in these situations are wisdom and proper courage. The wise person does not sacrifice herself for unworthy reasons. The person who practices proper courage is not rash.

There are certainly attitudes or reasons one may have that justify self-sacrifice (e.g. someone with Ruddick’s maternalist conception of motherhood or someone who sacrifices herself because having a child at that particular time is vital). In the paradigm cases of self-sacrifice for a fetus (e.g. those similar to the cases of Rita Fedrizzi and St.
Gianna Beretta Molla), one wonders if the motivation is sentimentalism or fanaticism (though one would need more information to say for sure). When those attitudes motivate this kind of extreme self-sacrifice, the woman acts rashly or foolishly.

The second case in which not having an abortion is to err morally is when not doing so would harm others. Here, the relevant virtues are wisdom, selflessness, compassion, and courage. A woman who finds herself in a situation in which bearing a child would harm others in her community or family must wisely assess the situation (e.g. perhaps she must determine her own limitations in terms of her ability to provide care to others dependent on her). If she would otherwise welcome the pregnancy, she must act selflessly and forgo her own desire for the sake of others. She must care for others enough to act in their best interest. She often must act courageously in undergoing an abortion procedure which, even under the best conditions, carries risk.

In my third case, I described situations in which not having an abortion would wrong the child brought into existence. To determine if being born is a wrong to the child, a virtuous woman first attempts to assess the child’s ability to experience *eudaimonia*. In this assessment, the woman considers the potential child’s capabilities and the conditions into which the child would be born. Either can prevent the child from experiencing *eudaimonia*. This may be enough to warrant the choice to terminate the pregnancy. A life in which it is unlikely or impossible for one to experience *eudaimonia* is an unfortunate life. Many kinds of misfortune, however, can be mitigated by the virtuous deeds of others. The virtuous woman assesses her ability and the abilities of those who would participate in the potential child’s upbringing to see if the child could be spared the worst misfortunes. It could be that the woman determines that having the
child would be a benefit to her and to others (without rising to the level of harm for the child) in that it presents an opportunity to exercise virtue.

In more extreme cases, however, the potential child’s disabilities could be so profound or the conditions into which the child would be born so difficult that bring the child to term would be to harm her. When a child is not only incapable of experiencing *eudaimonia*, but will necessarily experience suffering, compassion demands that the child not be brought into existence. It would be a disservice to the child to bring her into an existence marked by suffering. It would be cruel or calloused to do so.

Lastly, I made a case that some abortions are virtuous because they avoid a generalized harm—i.e. no particular person or group is harmed but it appears that having one child instead of another is clearly the right choice. If a woman must choose between having a healthy child later or one who will have a more difficult life (because of the child’s capabilities or conditions) now, she errs if she chooses the latter. I suggested that the relevant virtue in this case was wisdom, prudence, and compassion.

All things being equal, parenthood is valuable and bearing a child is a good thing. Sometimes, through no fault of a pregnant woman, giving birth is harmful in one of the ways I described. It is unfortunate when circumstances make abortion the virtuous choice.
Conclusion

Most who have written on the issue of abortion have been concerned with its general permissibility or impermissibility. They have focused on whether or not abortion is permissible in general. While this is an extremely important discussion (I take it to be the most important), the near exclusive focus on permissibility has left unexamined other ways in which particular abortions can be immoral.

Virtue ethics is not exclusively concerned with actions, but is also interested in a person’s emotions and character. Because of this, almost every action carries with it the possibility of moral error (i.e. because any action can be done from a good or bad character). Even if one assumes, then, that abortion is generally permissible, there are still a number of ways a woman can err morally in having an abortion.

I have not attempted to identify every way in which a woman could err morally in having an abortion. According to virtue ethicists, there are many vices for every virtue. This means there are myriads of ways in which a woman can err in having an abortion. My hope is that a work like mine leads to others that explore the potential moral pitfalls I have identified in more detail and that identify many more potential moral pitfalls.

I do not believe that most women err morally when they have abortions. I do not believe the potential moral pitfalls I have identified cannot be traversed. I believe women typically make good decisions about the timing of their reproduction and about when it is appropriate for them to have an abortion. I believe most women who have abortions also have an appropriate sense of wonder over the “miracle of birth.” I believe the vast majority of women properly value parenthood. Women are as susceptible to developing inappropriate attitudes toward those with disabilities as men, and contemporary Western
societies have a terrible track record in terms of how they think of and treat those with disabilities. So, I am sure that some women err when it comes to choosing abortion because of misconceptions about, or prejudice towards, certain disabilities. I do not believe, however, that these inappropriate attitudes typically come into play when women consider abortion. I do not believe many women act cruelly or callously toward their fetuses when they have an abortion. While contemporary political rhetoric about abortion is making it more difficult to properly understand fetal pain, I do not think it is common that women think their abortions hurt the fetuses that are destroyed. Lastly, I believe that relatively few women have children when they should not. When faced with the realities of their situations, most women make appropriate decisions about the timing of their reproduction.

None of what is said in this dissertation is meant to imply that abortion is typically immoral or that women who have abortions typically demonstrate a flawed character. The potential moral pitfalls I have identified probably do not capture many abortions or many women. Pointing out particular abortions or women as wrong is not the point of what I have written.

What I believe I have done is added to the moral conversation about abortion. Ethicists need to (and, no doubt, will) continue the discussion about the permissibility or impermissibility of abortion generally. As I have noted, that is still the most important issue to get right. I hope I have demonstrated, though, that even when that issue is settled, there are many other issues to be addressed when it comes to the morality of abortion.
I, also, hope that I have demonstrated that virtue ethics is a rich normative theory for drawing out morally relevant factors in abortion. Because virtue ethics judges character, and not simply actions, there is a lot that can be examined when it comes to abortion. Women have abortions for a variety of reasons and do so with a vast array of emotions. The issue lends itself perfectly to the emphases of virtue ethics. There is much more to be said, and I look forward to seeing the thoughts of those with more virtue and wisdom than I extend the conversation further.
Appendix I: Common Abortion Procedures

1.1. First Trimester Abortion Procedures

An abortion occurs when an embryo or fetus is removed or expelled from the womb in which it is developing before it can survive independently. Abortions can occur naturally or as the result of deliberate action. The former are typically labeled “miscarriages” and are not part of most discussions about abortion. I am only concerned with the latter as well, otherwise known as induced abortions.

There are several factors that dictate the particular procedure used for removing an embryo or fetus, but in normal circumstances, “… the most fundamental determinant of the set of abortion options open to a woman and her provider is the duration of the pregnancy to be terminated” (Ellerston and Westhoff 63). The gestational age of the embryo or fetus, then, primarily determines what procedures or sets of procedures are available for terminating the pregnancy. The particular option chosen by the woman or surgeon can depend on several factors, including the equipment available to the provider and the preferences of the woman seeking the abortion.

According to data collected by the US Centers for Disease Control for their 2009 “Abortion Surveillance” report, 64% of all induced abortions occur before or at 8 weeks’ gestation and an additional 27.7% between 9 and 13 weeks’ gestation. The first 13 weeks of pregnancy are considered the first trimester. Only 3.4% occur during the 14th and 15th weeks, 1.9% during weeks 16 and 17, 1.8% between weeks 18 and 20, and 1.3% after 21 weeks. The remaining 2% are inadequately reported (Centers for Disease Control and Prevention 25). Even (implausibly) assuming none of the unknown 2% occur before
week 14, the CDC’s data indicates 91.7% occur during the first trimester of a woman’s pregnancy. Significantly, only 1.3% of all abortions are performed after 21 weeks.

There are two types of abortions generally available to women and the physicians who perform the procedures: surgical and medical. Medical abortions are those that utilize medication to cause the womb to expel the embryo or fetus on its own, without the assistance of surgical instruments such as suction devices. They are primarily used for terminating very early pregnancies. Surgical abortions cover a variety of procedures that usually involve surgical instruments, anesthesia, etc. In terms of utilization, there is a clear trend toward medical abortions and away from surgical abortions (medical abortions are up 47% according to CDC data). Recent legal changes allowing “Plan B” emergency contraception medication to be sold over the counter will likely increase the number of abortions occurring before 6 weeks (though it will likely become more difficult to document).

According to the CDC, the vast majority of abortions is performed before 13 weeks gestation and is accomplished by a procedure described as *curettage*. The “Abortion Surveillance” summary of 2009 data notes that 74.2% of all abortions performed in the first 13 weeks of pregnancy (which, again, accounts for 91.7% of all abortions) utilized curettage (Centers for Disease Control and Prevention 1). Before 2000, over 98% of all abortions used this method. The percentage has decreased because of the legalization of common medications used for early abortions (which now account for 17.1% of all abortions).

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64 Throughout this discussion, I will be describing the procedures available to women in developed countries in the US and Europe unless I state otherwise.
By far the most common type of curettage procedure is suction curettage.\textsuperscript{65}

Typically, in an abortion performed by suction curettage, a woman assumes a lithotomy position (i.e. pelvis at the end of a table) supported by an examination table equipped with knee or foot stirrups. The surgeon checks for any potential problems (e.g. abnormal uterine shapes, cists, discrepancies between the size of the fetus and the estimated gestation age, etc.). When there are no problems requiring specific attention, the surgeon (or an anesthesiologist) often administers some type of intravenous anesthesia (which varies depending on the resources available and the woman’s choice). A speculum is inserted into the vagina and opened so that the surgeon can see the woman’s cervix. The cervix is cleaned and a local anesthetic is injected into the lip of the cervix where a tenaculum—an instrument used, in this case, to open the cervix—is placed. At this point, the surgeon administers a paracervical block (another pain reducing procedure). Using tapered dilators of gradually increasing sizes, the surgeon lightly stretches the cervix to size needed to insert the plastic cannula (tip) of a vacuum aspirator (which varies according to the size of the cannula).

At this point the cannula is inserted into the cervix and the aspirator is switched on. The suction is regulated by a thumb valve (when open, there is no suction through the cannula; when closed, suction occurs through the cannula). The surgeon rotates the cannula so that it removes the embryo or fetus from the sides of the cervix.

The embryo or fetus is collected in a vacuum bottle. The tissue is, then, examined by the surgeon or trained staff to ensure that the embryo or fetus has been entirely removed from the uterus. Before 9 weeks, the person examining the tissue looks for the

\textsuperscript{65} The CDC counts suction curettage, sharp curettage, and dilation and excavation procedures together.
gestational sac (which, intact, is about the size of a dime at 6 weeks, the size of a nickel at 7 weeks, and the size of a quarter at 8 weeks). At 9 weeks (and progressively after), the clinician can usually detect recognizable fetal body parts.

1.2. Second & Third Trimester Abortions

Only 8.3% of abortions are performed after 13 weeks’ gestation. After the first trimester, most of these abortions become more complex due to fetal development. A commonly-used abortion textbook describes the complexity as follows, “The technical challenge of all but the earliest abortions is to remove something larger (the fetus) from something smaller (the cervix) with minimal risk to the patient” (Paul, Lichtenberg and Borgatta 127). Suction curettage can still be used in many of these abortions, but as the fetus develops, most abortions occur by dilation and evacuation (D&E; a procedure almost identical to suction curettage) or dilation and extraction (D&X). After dilating the cervix sufficiently, the surgeon can evacuate or extract the fetus.

The first challenge in D&E abortions (after 13 weeks) is dilating the cervix. Sometime before the surgery, the surgeon inserts osmotic dilators into the woman’s cervix. These can be laminaria japonica, dried compressed seaweed, or a synthetic alternative like Dilapan or Lamicel. These dilators absorb moisture and expand to 3-4 times of their dried size. The number of dilators inserted and amount of time between their insertion and the surgery (typically 4-24 hours) depends on the size of the fetus that needs to be removed and the type of dilator used.

Depending on the surgeon’s and patient’s choice, when the dilators are inserted, the fetus may be given a shot (through the woman’s abdomen) of potassium chloride or digoxin to kill the fetus (clinically speaking, “to ensure fetal demise”). This is primarily
done to soften the cortical bones for removal. Bones are noticeably softened within 16-24 hours after fetal demise. If not at the time of the insertion of the dilators, the shot will be given at some point before the procedure to avoid “… the medical, ethical, and emotional consequences of signs of life at the time of delivery …” (Diedrich and Drey 468). It is often overlooked that fetuses are dead before the evacuation procedure. This has been a longstanding practice for abortion providers.

On the day of the procedure, the woman is positioned on a table and the dilators are carefully removed. If the dilator fragments, each of its parts is retrieved. A mechanical dilator can be added, if needed. The surgeon is then able to check the level of dilation and the position of the fetus.

The procedure the surgeon chooses depends on the development of the fetus. Up to 18 weeks’ gestation, surgeons typically elect to use suction evacuation, which is very similar to suction curettage. The surgeon uses a large-bore cannula to evacuate the fetus through suction. Suction alone is typically adequate for fetuses between 14-16 weeks. After 16 weeks, the spinal cord and the skull cap are often too large for suction, so these are removed by forceps.

Abortions after 18 weeks require extraction by surgical instruments. D&X procedures come in two forms: intact or non-intact dilation and extraction. The names appropriately describe the procedure. Either the fetus is removed intact, as one body, or non-intact, as several different collections of parts.

The rationale for performing intact D&X “… is to minimize instrumentation within the uterine cavity …” (Paul, Lichtenberg and Borgatta 136). These procedures are often said to be illegal because of the 2003 Partial-Birth Abortion Ban Act (though, as I
will demonstrate, the law is worded such that it probably does not make the procedure illegal in the way it has been commonly performed). The American Medical Association describes the intact D&X procedure as follows (House of Delegates policy H-5.982):

The AMA will use the term "intact dilatation and extraction" (or intact D&X) to refer to a specific procedure comprised of the following elements: deliberate dilatation of the cervix, usually over a sequence of days; instrumental or manual conversion of the fetus to a footling breech; breech extraction of the body excepting the head; and partial evacuation of the intracranial contents of the fetus to effect vaginal delivery of a dead but otherwise intact fetus. (AMA House of Delegates).

The dead fetus (recall that standard procedure calls for the administration of a drug to ensure fetal demise before the procedure) is turned to a breech position and delivered completely or to the shoulders. Some prefer complete delivery of the fetus in the case of compromised pregnancies to allow “… unhampered evaluation of structural abnormalities and … [as] an aid to patients grieving a wanted pregnancy by providing the opportunity for a final act of bonding” (Paul, Lichtenberg and Borgatta 136). Complete deliveries of a stillborn fetus are difficult to achieve, however, because the cervix is not typically dilated to that extent. Most often, then, the surgeon must collapse the calvarium (skull cap) by breeching the cranium with a tenaculum or trocar and using suction to remove brain tissue and decompress the skull. The fetus can then be passed through the birth canal.

I mentioned that intact D&X is typically said to be illegal because of the Partial-Birth Abortion Ban Act. Abortion providers have long insisted that they do not use any procedure called partial birth abortion (“The term 'partial birth abortion' is not a medical term … Because 'partial birth abortion' is not a medical term it will not be used by the AMA” (AMA House of Delegates)), and standard practice of intact D&X does not appear
to be excluded by the ban (though, most providers and the AMA typically treat the procedure as if it is banned). The wording of that law appears to allow intact D&X as standardly practiced. What is prohibited is for a physician who

\[\text{… deliberately and intentionally vaginally delivers a living, unborn child’s body until either the entire baby’s head is outside the body of the mother, or any part of the baby’s trunk past the navel is outside the body of the mother and only the head remains inside the womb, for the purpose of performing an overt act (usually the puncturing of the back of the child’s skull and removing the baby’s brains) that the person knows will kill the partially delivered infant, performs this act, and then completes delivery of the dead infant (United States Cong. Senate. 108th Congress emphasis added).}\]

Note that the prohibition explicitly requires a specific intention. “To be in violation of the law, an abortion provider must therefore perform the banned procedure ‘deliberately and intentionally’ … (Diedrich and Drey 464). The provider must act, in the procedure, for the purpose of killing the partially delivered “infant.” This was subsequently affirmed in the Supreme Court’s decision in Gonzales vs. Carhart that upheld the ban.

The standard procedure for this kind of abortion, however, is to ensure fetal demise beforehand. It appears that the standard procedure, then, is not prohibited. One can show that her intent was not to deliver “a living, unborn child’s body” by “…electing to use an agent with established feticidal properties at a dose and by a route that have been established to ensure cardiac asystole … [or by] transection of the umbilical cord with subsequent documentation of cardiac asystole” (Diedrich and Drey 464). It does not seem that the standard practice of intact D&X violates the ban.

While the legal status of intact D&X is unclear, there is no such controversy for the non-intact D&X procedure. This procedure is very similar to intact D&X. The fetus is turned to a breech position. The surgeon must separate the fetal body with forceps and extract each separated part a little at a time. Each major part of the fetus is examined as
they are removed to guide the surgery and to ensure full extraction. When every major fetal part has been removed, the surgeon suctions the uterine cavity to remove any remaining fetal body parts.

The preceding procedures are the primary methods of aborting a fetus in the US. Again, I think describing these procedures in detail is important to correct misconceptions about abortion. Proponents of pro-choice positions often minimize or ignore the specifics of abortion procedures when arguing their position, while proponents of pro-life positions often mischaracterize the procedures in order to illicit visceral reactions to abortion. Abortions, especially after the first trimester, are gruesome, and those who support a woman’s right to have an abortion should not ignore this. At the same time, the rhetoric and images of pro-life proponents are not warranted by the details of the procedures.
Appendix II: Fetal Development

In this section, I summarize some basic facts about embryology. There is some disagreement in the medical community over certain aspects of fetal development, but there is a great deal of consensus on the basic stages. My goal is to describe the facts of embryology in such a way that few will find controversial.66

1.1. Gametes

The story of a developing fetus begins with gametes. Gametes are peculiar human cells called germ cells (as opposed to somatic cells which include all other human cells). Other cells in the human body contain 46 chromosomes. Gametes, however, contain only 23. In humans, male gametes are called ‘sperm’ and female gametes are called ‘ova.’ Both consist of a nucleus housed by two membranes. Though it is not a completely accurate image, for my purposes the nucleus of a gamete can be conceived as one side of a double helix of a strand of DNA (so, imagine the twisted ladder of DNA cut down the middle of each rung).

1.2. Conception/Fertilization

In natural cases of conception, the ovaries release an ovum into the tip of the fallopian tube where it floats freely in fluid contained in the tube. A motile sperm cell makes its way to the ovum where its membrane binds to the membrane of the ovum. Both membranes dissolve allowing the nucleus of the sperm to enter into the (much larger) membrane of the ovum. Both nuclei have their own membranes that are shed when they come into contact. Contrary to popular belief, there is no point of conception.

66 I am following the general developmental outline provided by Smith and Brogaard in their article “Sixteen Days” (Smith and Brogaard 54-58). This outline seems to capture all of the stages put forward in the other sources I cite below.
The two nuclei begin a process of fusion that lasts between 14-24 hours. Again, though it is not a totally accurate representation, one can conceive of this as the two sides of the double helix fusing together to make one complete helix. The result is a single cell, called a ‘zygote,’ with a genetic code that is distinct from both the male and female who produced the gametes. The zygote is a relatively large cell—though it cannot easily be seen by the naked eye—that is contained within the membrane that once held only the nucleus of the ovum. This membrane houses, but is distinct from, the zygote; it is thereafter referred to as the *zona pellucida*.

### 1.3. Division

The newly-formed zygote immediately begins a process of cellular reproduction known as fission. In this process, the zygote replicates its nucleus and splits into two distinct, but genetically identical cells. This kind of division in cells is known, generally, as mitosis.

It is interesting to note that in cell division, neither of the cells is quantitatively identical to the original zygote (though they are qualitatively identical). In other words, the initial zygote ceases to exist and two distinct cells take its place. Each cell has the same DNA, but neither of the resulting cells is the original zygote. Cell division, then, is unlike splitting. If one splits a coffee table in half, she is not left with two tables, but rather two halves of a table. When cells divide, however, the product is two cells, not

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Damschen, Gomez-Lobo, and Schönecker deny this is fission because they think it significant that the cells are contained in the zona pellucida which they consider to be the ‘external boundary’ of the zygote. This membrane, however, seems an unusual candidate for an external boundary in the way that the outer layer of skin is for adult humans. Each skin cell is genetically identical to the being it covers, but this is not true of the zona pellucida. That the zygote needs the zona pellucida seems to me no more significant to the question of whether it constitutes an external boundary than the fact that the zygote needs a womb. It appears much more plausible to think of this membrane as a covering of the zygote, not part of the zygote per se. (Damschen, Gomez-Lobo and Schonecker 169-171)
two halves of a cell. When a coffee table is split in half, the table continues to exist as a broken table, but when a cell divides, it ceases to exist as a cell—i.e. it is not quantitatively identical to the two resulting cells.

This process is repeated over the first four days. Each cell divides independently of the others with each division producing genetically identical cells. That these cells are independent and undifferentiated is supported by the fact that any one of them could be separated from the others and develop into a distinct, but genetically identical, embryo. There is no qualitative difference in the cells until there are more than 8 cells in the zona pellucida.

1.4. The Blastocyst

Sometime between the 8- and 16-cell stage (and while the collection of cells are moved through the fallopian tube toward the uterus) a process known as compaction begins to take place. As the cells divide, different cells end up in different areas inside the zona pellucida. Though they are qualitatively identical, the cells that are closest to the ‘wall’ of the zona pellucida are unable to divide as quickly as the cells closer to the center of the membrane. The outer cells begin to attach to neighboring outer cells while the inner cells begin to attach to neighboring inner cells. By the time there are sixty cells in the zona pellucida (around day 4), there is a clear distinction between the inner mass of attached cells and the outer cells that have attached to each other along the lining of the

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68 It is actually a little more complicated than the positioning of the cells in the zona pellucida. One widely-used biology textbook notes that the differentiation of cells into the trophectoderm and the inner mass may come about by “a matter of chance” (Gilbert 349). A more detailed website supplemental to the text states that “There is growing evidence that compaction is mediated by events occurring at the cell surfaces of adjacent blastomeres.” The important point is that environmental factors lead to differentiation because the cells are genetically identical.
wall of the zona pellucida. The outer cells (now called the trophectoderm) will not be part of the embryo proper (Damschen, Gomez-Lobo and Schonecker 170). Instead, they will act as a membrane for the inner cell mass as the zona pellucida disintegrates and will help give rise to the placenta as the inner cell mass gives rise to an embryo. Together, the trophectoderm and the inner cells (and the fluid separating them) are known as the blastocyst.

1.5. Implantation

To this point, the cells have been freely floating in the fallopian tube. Sometime between days 6 and 13, the blastocyst is moved into the uterus and comes into contact with the uterine wall. Cells from the trophectoderm burrow into the wall and hold the blastocyst in place. The implantation allows the cells to draw oxygen and nutrients from the woman’s uterus (George and Tollefsen 44). The inner cells do not connect to the uterine wall and remain floating in the liquid separating them from the trophectoderm (Smith and Brogaard 56).

The inner cell mass begins to form two layers, the epiblast and the hypoblast. The cells of the hypoblast give rise to a yolk sac while the cells of the epiblast split so that some form the lining of the amniotic cavity while the others form the embryonic epiblast (which, in turn, will form both the embryo proper and parts of the umbilical cord (Smith and Brogaard 56)).

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69 The differentiation of the cells means that they are no longer totipotent, but rather pluripotent (i.e. the cells of the inner cell mass are capable of forming any cell in the human body, but incapable of becoming part of the trophectoderm and vice versa for the cells of the trophectoderm).
1.6. Gastrulation

Around day 14, the cells have implanted in the uterus and begin to undergo a process known as *gastrulation*. In gastrulation, the cells of the inner cell mass push toward the center of the embryo. A groove (called the primitive streak) and node form between the amnionic cavity and the epiblast. The cells from the epiblast that pass through the node end up functioning as either the endoderm or mesoderm while the other cells form the embryonic ectoderm. If the embryo continues to develop, these cells will perform distinct functions:

Cells within the ectoderm… are predestined to form the skin, hair, nails, the lens of the eye, the naval cavity, the sinuses, the mouth, and the nervous tissue. Cells within the endoderm… will go on to form the tonsils, larynx, trachea, lungs, and the lining of the alimentary tract. Cells within the mesoderm… will become the muscle and connective tissue, blood cells, bone marrow, skeleton and reproductive organs. (Smith and Brogaard 56)

All of the preceding occurs within the first 16 days after fertilization. From this point until the ninth week after fertilization, the cells are referred to as an ‘embryo’ (after which, the embryo is called a ‘fetus’). Also, with the formation of the primitive streak, the cells of the embryo are specialized. Until this point, if the cells were separated, monozygotic twinning can occur. After cells have passed through the node of the primitive streak, however, they are sufficiently specialized so that this is not as easily accomplished.

1.7. Neurulation

The process of neurulation begins the formation of the central nervous system. The embryo, after gastrulation (around day 16), rests between two cavities—the yolk sac and the amnionic cavity—and looks like a tiny platter with three layers of cells—viz.
ectodermic cells, endodermic cells, and mesodermic cells. Each of these layers of cells will perform distinct functions as the embryo develops.

The node that was formed with the primitive streak is at one end of the “platter” and the anterior visceral endoderm is at the other. A crease forms between these two collections of cells. This crease becomes a specialized group of cells—known as the notochord—that serve as a communication conduit between the two groups of cells. The group of cells that form the node, by communicating through the notochord “… appears to be responsible for the creation of all the body …” (Gilbert 358). These groups of cells are the primitive beginning of the central nervous system (the area around the node will become the head and brain, and the rest of the notochord becomes the spinal column).

1.8. Differentiation

With the development of the notochord, communication between cells is directed such that groups of cells can take on highly differentiated functions. After neurulation (about 21 days after fertilization), human embryos can begin to form the familiar look of adult humans (though much smaller) and the vital organs needed to sustain independent life. The precursors to recognizable features begin to form around day 22 after fertilization. The embryo, at this point, measures about 4 mm long (approximately ¼ the diameter of a dime), and it begins to develop arm buds, the beginnings of a heart, and the beginnings of an upper and lower jaw. Before the 36th day after fertilization, flat

70 Of course, this “responsibility” isn’t a cognitive process (there are, at this time, no cognitive faculties). It might help to think of individual cells as having “if, then” properties. If a cell is in a certain position relative to other cells, then it develops in one way, whereas if it is in another position relative to other cells, it develops another way. The cells that form the node produce a protein that is transmitted by the notochord to other cells. These proteins cause the cells receiving them to develop in distinct ways.
fingerless hands form and leg buds appear as do the beginnings of nostrils and eye sockets (along with precursors to a developed brain). The embryo is approximately 8 mm long at this point. By the 42\textsuperscript{nd} day, the embryo measures 13 mm (1/2 inch) long. Both the feet and hands are distinguishable, but the digits may still be webbed. Before the 50\textsuperscript{th} day after fertilization, the embryo (which is hereafter referred to as a “fetus”) possesses recognizable human features, and all of the vital organs have begun to form.

Seven weeks after fertilization, then, fetuses have distinctly human features. Whatever significance “looking human” may have for moral questions concerning abortion, then, will have been reached by this point. To trace fetal development further is to trace the development and maturation of individual systems and organs, which is not important for the points I make above.
References


