

A Confucian Perspective on Abortion

Philip J. Ivanhoe

Published online: 12 January 2010
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Abstract This essay seeks to introduce representative beliefs, attitudes, policies, and practices from the Confucian tradition concerning the ethical aspects of abortion and bring these into productive engagement with some of the best and most influential philosophical accounts of abortion available in contemporary Anglo-American philosophy. The essay begins with a discussion of the ethical dimensions of abortion and a critical review of two of the best and most influential contemporary Western accounts; it then moves on to describe and discuss an alternative Confucian approach. The aims are to demonstrate the resources within the Confucian tradition for providing a distinctive philosophical account of abortion and to show that comparative work has the potential to augment, amend, and ultimately enrich our understanding of this morally challenging aspect of human life.

Keywords Abortion · Virtue ethics · Reverence for life · Right to life · Public and private realms

1 Introduction

What should strike any reader of the best and most influential work on the topic of abortion in the Anglo-American tradition of philosophy is the lack of cultural perspective.¹ This blinkered approach obscures the fact that the prominent place discussions of abortion command within Anglo-American ethics reflects a contingent cultural bias, not the critically established *philosophical* importance of abortion; the way philosophers think about

¹There are a small number of works in English that introduce the views of other cultures on abortion. Notable among these are Keown 1999 and LaFleur 1992. Neither of these works, though, has drawn the attention of Western philosophers.

Philip J. Ivanhoe (✉)
Department of Public and Social Administration, City University of Hong Kong, Tat Chee Avenue,
Kowloon Tong, Hong Kong
e-mail: pivanhoe@cityu.edu.hk

abortion owes much to monotheistic views about the soul and the sanctity of life and the deontological ethical theories that are the heirs of this older religious perspective.² Without dismissing or discounting the value of careful reflection on this complex and vexing ethical issue, to most who are outside or on the margins of Anglo-American culture and more than a few who are within it, abortion is a much less pressing moral matter than war, famine, poverty, population control, or the environment—topics that receive relatively much less attention within mainstream Anglo-American ethics.³ Even when we grant abortion the important place it merits within the universe of moral concern, we should still find it striking that discussions of this topic wholly ignore the beliefs, attitudes, policies, and practices of cultures outside those few that still are dominantly Anglo-American. This essay seeks to address this shortcoming by introducing representative beliefs, attitudes, policies, and practices from the Confucian tradition and bringing these into productive engagement with some of the best and most influential philosophical accounts of abortion available in contemporary Anglo-American philosophy. We will begin our discussion of the ethical dimensions of abortion with a critical review of two of the best and most influential contemporary Western accounts and then move on to describe and discuss an alternative Confucian approach.⁴ The aim is to show that comparative work has the potential to augment, amend, and ultimately enrich our understanding of this morally challenging aspect of human life.

2 Two Modern Western Accounts

Among Anglo-American philosophers and their students, the most widely read and celebrated essay on the topic of abortion is Judith Jarvis Thomson's "A Defense of Abortion" (Thomson 1971). Thomson's central strategy is to grant, for the sake of argument, a premise that seems to close debate on the issue of whether abortion is ever permissible. That premise is "that the fetus is a human being, a person, from the moment of conception" (Thomson 1971: 47). Thomson points out, correctly, that there is considerable philosophical distance between this premise and the conclusion that abortion is everywhere and always morally impermissible. Until we close this gap with a proper bridging argument, we are not entitled to the conclusion.

² I do not mean by this that many or most contemporary Anglo-American philosophers come to the problem of abortion with theistic beliefs; quite to the contrary, I am quite sure that most do not. That though does not alter the fact that the reason abortion garners such attention among these academics is because of its cultural setting. Culture influences in at least two ways: first, contemporary liberal philosophers are pressed to *defend* the availability of legal abortion against an organized religious opposition; second, even secular philosophers are influenced by the importance of underlying general beliefs which inform contemporary discussions. One could argue much the same about the virtue of tolerance: it owes its origins to a particular, religiously charged history, and a failure to recognize this fact impairs an accurate and careful assessment of its true value.

³ The world-wide role of the Catholic Church has affected beliefs, thinking, and policies about abortion outside of the Anglo-American world in important ways. This, though, only complicates and qualifies my claim. For countries like India, China, or Japan, such influence is minimal and of little practical account.

⁴ The Confucian account I will offer is not a report of any explicitly developed historical defense of abortion. While Confucians had views about the ethical aspects of abortion, no traditional Confucian ever felt compelled to work out a complete and carefully considered view on this subject. This illustrates my earlier point about the contingent nature of the relative importance of abortion. The account I offer is well grounded in characteristically Confucian ethical assumptions, principles, and styles of reasoning and is intended as a Confucian-inspired view. For a historical study that discusses some traditional views about abortion, see Furth 1999: 168-9, 256, 274. Thanks to Lo Ping-cheung for reminding me of the relevance of this work.

A number of philosophers have raised objections to Thomson's argument and several of these are quite powerful (see, for example, Beckwith 1998; Wilcox 2001). Baruch Brody raises a deep and severe challenge by questioning the underlying justification Thomson invokes to separate the premise that she grants from the conclusion she seeks to undermine (Brody 1972). The critical claim Thomson seeks to refute is that it is always morally wrong to take directly the life of an innocent human being. Much of her article is an extended discussion of various scenarios which she claims show that under a number of circumstances it is perfectly permissible to take directly the life of another, innocent human being. Several of these arguments are based upon the principle of self-defense. Brody first argues that Thomson has not succeeded in showing that the case of abortion indeed is relevantly similar to the case of self-defense. While the existence of a fetus may under some circumstances pose a threat to its mother's life, this fact alone does not justify directly taking another person's life. Brody goes on to argue that Thomson's account further suffers from its failure to distinguish between our duty to save another's life and our duty not to take it. The former is indeed much less strong than the latter, but it is the latter and not the former that best describes most instances of abortion. In cases that do involve the direct taking of another life, the issue of a woman's claim to control what happens within and to her body, which in different contexts can be a quite compelling concern, is by no means decisive. Such a claim often does relieve us of our duty to save another, but it does not provide a warrant for neglecting our duty not to kill innocent others. Abortion requires a woman to kill her fetus in order to regain sole possession of her body. Brody argues that this distinction remains in force even in cases where the existence of the fetus poses a threat to the mother's life, for in such cases, the choice we face is between killing the fetus in order to save the woman or not killing the fetus and thereby not saving the woman.

In considering whether or not we have a duty to save others, Brody raises but does not pursue an issue that Thomson explores in both the opening and closing sections of her essay, which points toward a very different approach to abortion and ethics in general. At several places in "A Defense of Abortion," Thomson notes that even if we do not think that a woman has a clear moral duty to carry a fetus to term, it surely would be *good* of her to do so. The idea is that aside from the issue of whether either the fetus or others can *demand* that a woman provide sustenance and nurture to the fetus, it still would be an *admirable* thing to do. While perhaps not a moral duty, such a course of action clearly would be virtuous. Thomson argues that given the risks and difficulties of pregnancy, a woman who agreed to carry to term an unwanted fetus would be acting as a "very good Samaritan." She goes on to voice the well-grounded complaint that if society expects women to act in accordance with this virtuous ideal, it is simply unfair not to require the same level of other-regarding concern from those who are not pregnant. We should note two related aspects of this line of argument. The first is that Thomson now has shifted from a deontological point of view to the perspective of virtue ethics, and a version of virtue ethics in which ethical standards are to a significant degree grounded in apparently contingent societal standards and norms. The second point is that her objection to this way of arguing against abortion consists in the injustice, conceived of in terms of a lack of fairness, involved in singling out pregnant women for a special ethical burden. Her arguments suggest that if the other members of society were held to the same high, other-regarding ideal, there would be nothing wrong and a good deal right with such a policy.

This is not the only place where Thomson invokes virtue ethical notions to defend abortion. For example, in her hypothetical case of "people seeds," she implies that it is simply unreasonable to expect a woman not to engage in sexual conduct outside of procreation. But if a similar standard were applied to men, the only grounds for such a

claim would be the importance of such a robust sexual life in a conception of human flourishing. Here too we see not simply a virtue ethical approach but one that appeals to community norms and ideals. Moreover, the people seeds scenario does not establish *carte blanche* access to abortion. Thomson carefully crafts the example to show that the woman who does not want people seeds “taking root” in her house takes every reasonable precaution by installing “fine mesh screens” which are “the very best you can buy” (Thomson 1971: 59). So even if we grant that sexual activity outside of procreation is an important human good, Thomson’s scenario sets a high standard for responsible sexual activity, offers a firm basis for finding fault with people who do not take reasonable precautions to prevent unwanted pregnancies, and makes clear that the availability of abortion is not a right but a reasonable, all-things-considered, response to a complex ethical situation. Aside from Rosalind Hursthouse, who in a footnote (Hursthouse 1997: 227) points out that Thomson’s essay could be thought of as an expression of “proto virtue theory” if greater weight were put on considerations of callousness and kindness as well as justice and charity, the virtue ethical aspects of Thomson’s account have not received much attention in the literature on abortion.

Hursthouse offers her own rich and intriguing virtue ethical analysis of abortion, employing a broadly Aristotelian approach to plumb and assay the moral dimensions of abortion. She defends a number of interesting claims in the course of her essay, but her central concern is to show that even if we grant that a woman indeed has a *right* to an abortion, this does not establish that acting on this right is a good thing to do. Even though one has the right to act in a certain way, it may be cruel, selfish, insensitive, immature etc. to act within one’s rights. Building upon this insight, Hursthouse argues that the only way we can reasonably be confident in judging whether or not it would be best to have or to not have an abortion is to weigh a broad range of factors about the particular case before us against a rich and textured understanding of what is worthwhile in human life. We need the former in order to have a clear sense of what this decision might mean in the life of this particular woman at this time and under these circumstances and what it means to those most closely connected with and concerned about her. We need the latter because it provides the necessary background knowledge for making these more particular judgments.

Hursthouse’s analysis carries a number of significant implications. For our purposes, we shall focus on the degree to which it shifts the focus of debate about abortion from issues like the metaphysical status of the fetus and the rights of the fetus and the woman to questions about what is worthwhile, good, and noble in human life. As Hursthouse points out, current Anglo-American treatments of abortion tend to imply that everything important about human life can be discovered through a careful consideration of the nature of a human fetus. In contrast, the virtue ethical approach insists that most of what is valuable about human life requires reflective experience over the complex and varied course of human life.⁵ For example, she notes, “If we are to go on to talk about good human lives, in the context of abortion, we have to bring in our thoughts about the value of love and family life, and our proper emotional development through a natural life cycle” (Hursthouse 1997: 233). Hursthouse sums up this latter point of view in a most telling observation about the distinctive nature of moral knowledge or what perhaps is appropriately called wisdom,

⁵ This does not mean that virtue ethicists are not interested in or influenced by an understanding of the nature of the fetus. As part of human life, this is an important issue. However, as Hursthouse points out, what is of interest is knowledge that reasonable people can understand and use. Arcane, speculative, and highly debatable metaphysical accounts of the nature of the fetus are not examples of this kind of knowledge at all; much less are they the most important or exclusive moral concerns.

“There are youthful mathematical geniuses but rarely, if ever, youthful moral geniuses, and this shows us something significant about the sort of knowledge that moral knowledge is” (Hursthouse 1997: 224). Hursthouse acknowledges that the virtue ethical approach faces a number of challenges and among them is that it may not be able to refute the charge of moral relativism. This potential problem is more evident in the case of virtue ethics—in comparison to most other ethical theories—because virtue ethics explicitly links its conception of the good to some shared or ideal set of community norms and standards. Hursthouse does not explore the issue of moral relativism in any greater detail in this essay, other than to note that the main competitors to virtue theory—deontology and utilitarianism—face their own versions of this same challenge.⁶

Let us pause to consider what if anything resembling consensus can be found among the various authors whose works we have discussed thus far. Thomson, her critics, and Hursthouse agree that an abortion, even at the earliest stages of pregnancy, is a complex and weighty moral decision. It involves not only the life of the fetus and the life of the mother but the lives of many people connected to them as well. Both of our authors, as well as Thomson’s critics, further agree that an abortion at any stage of pregnancy should be greeted with at least some degree of regret, as a manifestation of our general appreciation and reverence for life and human conception. Such regret need not involve any sense of guilt or shame—though in some cases it might—and is wholly compatible with a firm confidence that at least in certain situations, abortion is the morally best action a woman and those that love her can make (Wolf 2001).

Most, if not all, of our authors also seem to endorse the view that relying upon abortion as one’s primary method of birth control is morally wrong. The reasons for this would vary across the different works we have mentioned, but all of them might well agree that such a policy expresses an objectionable lack of reverence or respect for human life and a deplorable lack of personal care and responsibility. Most, if not all, of our authors might also agree that the man as well as the woman who is responsible for the creation of the fetus must share responsibility for its preservation or abortion. The man may not have equal say in what decision is made—in some cases, for example, cases of rape, he clearly should have no authority in the matter. But in any case he must acknowledge and take responsibility for the part that he has played and might continue to play in the process of creating and nurturing life. At the very least, we hope that he as well as the pregnant woman will learn and grow morally from this experience.

3 A Confucian Perspective on Abortion

The Confucian approach to abortion presented here seeks to harmonize two important and related sets of ethical concerns characteristic of Confucian ethics: on one hand, there is the importance of the family and a general reverence for life; on the other, concern and compassion for the welfare of the pregnant woman as a fellow human being and member of the community. Rather than seeing these as fundamentally opposed, Confucians regard them as in tension in cases where abortion is concerned. The proper response is not to choose one set of concerns over the other or necessarily to seek to resolve, in the sense of

⁶ It does seem that virtue ethics simply makes more explicit a problem that all normative moral theories face. For example, Allan Gibbard argues that, when normative theories appeal to standards of rationality, they are best understood in terms of what he calls the “norm expressivistic analysis,” which he believes supports a form of moral skepticism (Gibbard 1990).

eliminate, the conflict but rather to appreciate the full range of ethical concerns, balance the competing goods as best one can, and respond to the challenges of this situation. Such a policy reflects an approach seen throughout many schools of Chinese philosophy: the attempt to identify and harmonize opposing ethical demands.⁷

The first set of ethical concerns noted above manifests characteristic Confucian beliefs about the importance of families and the value of life. Confucian societies differ not only in regard to the degree to which families are valued but also in their conception of what is valuable about families. For example, in Confucian societies, a family is conceived more in terms of a larger, extended clan than a simple nuclear family and is valued not only as a contemporary social unit but also as a lineage extending back and projected forward through time. People take pride in and understand themselves in terms of their relation to this rich and complex conception of the family, and this influences the scope, strength, and ordering of their preferences. Confucian expressions of virtue ethics insist upon a central role for a unique conception of the family and family-related virtues such as parental love, filial piety, and brotherly love. Confucians also embrace and advocate a general reverence for the natural processes of life and the creative power of Nature, seeing in such phenomena a valuable, vital, and inspiring spirit of unceasing creativity and growth. This idea is expressed in many ways throughout a range of Confucian texts, but perhaps the most famous statement of this sentiment is found in a line from the *Great Appendix* to the *Book of Changes*, “To produce and produce—this is what is called (the process of) change” (*sheng sheng zhi wei yi* 生生之謂易).⁸ These deeply held beliefs about the importance of families and the value of life inform and reinforce one another in a number of obvious ways. Taken together, they constitute an important part of Confucian ethical life.

Given Confucian reverence for life and the value they see in families, within which children are born, nurtured, and mature, modern Confucians categorically reject what I shall refer to as the modern liberal principle of “abortion on demand.” From the Confucian point of view, there is no fundamental right to an abortion that precedes, justifies, or silences the fact that in every instance, an abortion is most unfortunate and morally bad. Abortion is bad because it marks the end of a potential human life and so is at odds with the general Confucian reverence for life and an ideal of the family, the latter of which has as one of its core features, the conception, birth, and raising of children. It is important to note and appreciate how the Confucian reverence for life differs from a reverence grounded in a “right to life.” The latter focuses exclusively on the individual, while the former is a more general attitude about the natural world and sees the value of individual lives as inextricably related to other people existing now, in the past, and to come. The Confucian view of abortion is grounded in an all-things-considered moral judgment about what is best to do under difficult circumstances. The liberal defense of a right to an abortion rests upon a belief that the right precedes the good, both in the sense that the former does not depend upon the latter for its justification and that the former trumps the latter in cases of conflict (see Sandel 1998).

⁷ For an insightful discussion of how such a view differs from alternatives such as simple compromise, see Yu Kam Por 2010. One of the most important points that Yu discusses is how the Confucian approach to adjudicating among multiple values requires one to gain a charitable and sympathetic appreciation of conflicting points of view. The idea is that often the only way to truly appreciate another point of view is to sympathetically take up a different ethical perspective and attempt to understand a given problem from that alien point of view.

⁸ Part one, section five of the *Great Appendix* (*Xici Shang Zhuan* 繫辭上傳). This idea was developed and took on an immense role among neo-Confucians beginning around the 10th century C.E. and expressed in the idea of Heaven’s or Nature’s propensity “to produce and produce without cease” (*sheng sheng bu xi* 生生不息).

The second set of ethical concerns seeks to balance reverence for life and the family with concern for the mother's welfare. This can be understood in a number of ways, but most charitably it expresses society's recognition that the ideal is not always realized in actual life.⁹ In such cases, we need to take an all-things-considered point of view, which gives priority to the welfare of the existing members of society. The pregnant woman is a member—a "sister" within Confucian society—who has a history and many connections with other members of our larger community.¹⁰ If there are good reasons to believe that carrying this fetus to term will significantly harm the pregnant woman, by threatening her health, undermining her ability to pursue reasonable life goals, or severely damaging her relationships with other members of society, this may offer good grounds for terminating the pregnancy. As we shall see below, there are further, important considerations bearing on the welfare of other members of the family and larger community that should be part of such deliberations as well.

On the Confucian model, reverence for human life and the importance of the family are balanced with compassion for the welfare of the pregnant woman and those connected with and concerned about her. A simple prohibition against abortion would drive many women to despair and the pursuit of desperate means, often with tragic results. It would also express a distressing lack of concern for the women within our society who must face difficult decisions about unwanted pregnancies. In the debate about abortion in the United States and elsewhere, the tragic and reprehensible consequences for women, often isolated and alone, who in past times, when legal abortions were unavailable, were driven to despair and desperate means because they had "no way out" of the dilemma posed by an unwanted pregnancy is often cited as one of the strongest reasons for guaranteeing access to safe, legal abortions.¹¹ It is quite likely that such compassion for the pregnant woman—rather than any appeal to her rights—is the single most important concern behind the majority support of abortion as a legal option.¹² On the opposite side, the wanton use of abortion as a primary method of birth control, the blithe termination of a potential life, and the implied disregard for the importance of one's own well-being and the institution of the family often are cited as reasons against allowing abortion, and from a Confucian point of view, these are legitimate and substantial concerns. One merit of the Confucian view is that it offers a way to harmonize these two sets of concerns. It takes a stand but is willing to bow. It seeks to generate and support an ideal state of affairs, but it offers a systematic way to respond to

⁹ In general Chinese ethics and in particular Confucianism describes a *dao* or "Way" for cultivating and living a good life. The goal is to get people on the Way. As a result, they are more focused on cultivating proper habits of practice than developing formal ethical theories. For these reasons, while interested in cases of moral failure, they focus on ways of ameliorating problems and moving people toward the ideal.

¹⁰ It is common practice in Chinese societies, as it is in some communities within the United States, to refer to non-kin with kinship terms. The point is that this expresses an active concern and sense of solidarity that goes beyond seeing another simply as a person and bearer of rights. In the Chinese case at least, this does not eliminate the greater concern one ought to feel for the members of one's family; rather, it seeks to extend that concern out beyond its immediate boundaries.

¹¹ For a collection of accounts of what women faced in the era of illegal abortions, see Messer and May 1994.

¹² It would be best to be able to support this conjecture with the results of a well-designed survey, one that offered this reason as an option alongside an appeal to the right of privacy. The ongoing debate about stem cell research, in which such a right plays no part, implies that such practical concerns about human suffering play a commanding role in forming people's opinions. This is the right way to justify such decisions from a Confucian point of view. So aside from the question of whether or not this is how the majority opinion on abortion is formed, Confucians would defend it as a normative claim about how such opinions should be formed.

exigent circumstances when these point to a more benevolent outcome. These ideals and values present good reasons for those living outside of Confucian societies to consider altering their conception and shifting their justification for legal abortion.

In light of these Confucian values and ideals, how should abortion be treated as a matter of social policy and law? Is there even a need to fashion special policies and regulations concerning abortion? From the Confucian perspective, there is a clear need for regulating abortions in various ways, in order to ensure that society is doing all it can to prevent unnecessary procedures, guarantee that women receive safe abortions and related support when needed, and work to propagate and enforce the values and ideals that justify and motivate these kinds of activities.¹³ In order to achieve these various goals, Confucian societies should require women seeking abortions to pass through a process of review and counseling in the course of receiving an abortion. This process would include meetings with at least one physician and a specially trained social worker, who would together seek to understand the woman and her situation, guide her through the process, and ensure she avails herself of all needed and available resources and support. The aim of this process of review and counseling is not to grant permission, judge, or persuade her to receive or forego receiving an abortion. As will be clear below, the primary aim is to ensure that she is fully aware of a range of support available to her and other family members concerning not only the immediate response to this pregnancy but also for understanding and responding productively to the contexts and behaviors that resulted in the pregnancy. Before turning to a more specific discussion of the aims of this review and counseling process, let us consider some reasons why a panel composed of a doctor and social worker are needed to further Confucian values and goals and why the scope of such a review should be open to people beyond just the pregnant woman.

Doctors have good reasons to be involved in any decision concerning abortion because this procedure involves the health and well-being of their patients in ways that may not be evident to every patient who walks into their office. While abortion poses less of a health risk than pregnancy, it is still a serious medical procedure. Aside from the psychological risks, which can be substantial, there are direct and substantial risks to a woman's physical health. Mistakes in the procedure and the risk of infection can result in major complications including loss of fertility or function and in rare cases death. Physicians are simply fulfilling their role as health care providers when they counsel women with an unwanted pregnancy not only about the procedure they have requested but also about the course of events that led to their present situation. Irresponsible behavior in regard to birth control can put a woman at considerable risk. Since physicians regularly counsel their patients and encourage them to seek additional counseling to modify other behaviors that put them at unnecessary risk, such as smoking, excessive drinking, or poor diet, there is no good reason for making an exception in the case of unwanted pregnancies. The more holistic approach to health-related problems described and recommended above is consistent with and characteristic of traditional Chinese medicine. Traditional Chinese doctors regularly understand and treat medical problems as symptoms of larger, underlying bad life habits, and so the cures they recommend often employ more comprehensive, longer-term strategies, rather than simple one-off solutions. Insofar as an unwanted pregnancy is the result of bad habitual behaviors, it is natural for traditional Chinese doctors to explore and evaluate the broader causes and

¹³ This last point, the aim of inculcating and reinforcing a set of values and ideals reflects the characteristic Confucian concern with moral self-cultivation. I shall discuss this aspect of the Confucian view in more detail below.

the long-term effects on the woman and those around her. This provides an additional reason for Confucian societies to consider institutionalizing such an approach and a further reason for other societies to consider adopting such a view of health.¹⁴

While physicians clearly are in a privileged position to judge matters that directly concern the health of their patients, they do not enjoy the same advantage when it comes to judging other factors that on the Confucian view should be part of the decision to have or to not have an abortion. For example, the woman's mental health and well-being is an important factor in deliberations about abortion, so too are issues about the quality of her life, social concerns such as the effects that having or not having this child are likely to have upon existing children, parents, and siblings, and financial considerations for all those who will be affected by the birth of another child. Physicians are not specially trained to understand or evaluate such concerns and asking them to do so places an unreasonable and imprudent burden upon them. If policy is to reflect the range of ethical concerns that Confucians have, it is clear that the process of evaluation should include consultation with a designated social worker specially trained to assess the broad range of considerations described above. Since Confucian ethics is concerned with the welfare of all members of society and in particular seeks to enhance familial well-being, possible negative effects on existing children are an important issue that must be part of such decisions. For the same general reasons, the range of concerns should include the care of elderly members of the family or the siblings of the parents as well. If a woman or her husband is taking care of elderly parents or brothers and sisters who depend upon them for nurture or support, this might have a profound impact upon their decision to have a child or another child. There should be no doubt that such concerns often are important considerations in the actual choices people make regarding an unwanted pregnancy. Official policy should acknowledge and encourage such considerations in order to facilitate free, careful, and thorough deliberation. The point is not that there is some set formula for weighing these or other considerations but rather such matters can be salient and even decisive in a particular woman's case. Having an experienced professional with whom one can discuss such issues would offer greater understanding and in many cases comfort to women who are facing this difficult decision.

A Confucian-based policy would further seek to bring the man who fathered the fetus into the process if not the decision of how to respond to an unwanted pregnancy. Since the woman bears all of the physical risks involved in pregnancy and most of the social and psychological liabilities in cases in which the pregnancy is unwanted, she should determine the degree to which the father of the child takes part in the decision concerning abortion. Nevertheless, even men who for good reason—for example in cases of rape—should be granted no right to participate in the decision about whether or not to continue a pregnancy, should be held morally as well as legally accountable for the actions that led to the unwanted pregnancy. For example, in cases where both the man and the woman engage in unprotected sex, both parties should be led to reflect upon what such behavior expresses about their personal values and how it affects so many people both directly and indirectly.¹⁵ One hopes that at least some people in this circumstance could be led to acknowledge how

¹⁴ Thanks to Eric L. Hutton for pointing out these aspects of traditional Chinese medicine and their relevance to the problem of abortion.

¹⁵ My comments here in general do not apply to those who employ a method such as natural birth control as a precaution against unwanted pregnancy. Most people who follow such a method have thought deeply about the meaning and significance of their actions. Nevertheless, they too must be prepared to support and nurture a child that results from even the most scrupulous adherence to such a method.

irresponsible it is to risk the creation of life when they are not prepared to follow through and support and nurture that life.¹⁶ Such actions can display profound immaturity and, in many cases, a selfish and even callous disregard for life as well as inadequate appreciation of the value of the family and its role in society. The fact that in many societies one can pass these responsibilities on to society shows the weakness of the view that such decisions are purely personal matters. Society has a deep and vested interest in such weighty decisions and their consequences. Here too Confucianism offers a solid foundation for such a policy. It emphasizes the need for individuals to cultivate themselves with the aim of fulfilling their role-specific obligations within families and society at large. Given this general stance, members of Confucian societies are much more willing to support implementing modest levels of social pressure on irresponsible men in order to move them to reflect upon and reform bad and harmful behaviors.

How might Confucians work to implement this last suggestion concerning the father? First, they could urge the government to sponsor an active information campaign to raise community awareness in regard to this issue. Such a policy should challenge the absurd but still influential notion that fathering a child makes one “a man” and advocate the view that taking responsibility for the woman one loves and the children one might father is one of the ways in which one proves oneself worthy of respect and admiration as a man. As Kongzi insisted, “Let the father *be* a father” (*Analects* 12.11).¹⁷ Second, it should encourage women who are facing an unwanted pregnancy to involve the man who fathered the fetus in the process of responding to the pregnancy. He might be encouraged or even required to accompany the woman and participate in the discussions with physicians and social workers or to engage in separate counseling sessions with designated social workers.¹⁸ People are compelled to seek counseling for other behaviors that harm themselves and their societies, such as excessive drinking, degrading treatment of others, or angry or violent behavior. There is no reason why sexually irresponsible behavior should not be treated in a similar manner.¹⁹ These decisions should rest with the pregnant woman, but such options should be available and made known to her and the other members of society. Society has a vested interest in the well-being of not only the woman but also the man, and part of this interest is to help him to develop himself into a responsible and honorable member of society. The goal is not to ferret out miscreants, point fingers, or assign blame but to encourage people to reflect upon their lives and the effects of their actions. Such a policy

¹⁶ Since my primary concern is developing a workable position and policy concerning abortion, I focus on intentional actions that clearly and directly “risk the creation of life.” In doing so I draw a line that separates the material or proximate causes of an unwanted pregnancy (sexual intercourse) from efficient or ultimate causes (e.g., flirting or foreplay, which might lead to or carries a high risk of leading to sexual intercourse). Thanks to David W. Tien for urging me to make this aspect of my position more clear.

¹⁷ The idea is that one must live up to one’s role specific duties as a father. This point is easily lost in the recent translation by Roger T. Ames and Henry Rosemont Jr., which renders this line as, “the father [must] father” (Ames and Rosemont 1998: 156). In their attempt to preserve the grammar of the original Chinese, their translation risks portraying Kongzi as promoting the macho ideal that we are arguing against.

¹⁸ Social workers and not physicians should play the primary role in such discussions since their expertise is most pertinent. Physicians though have an important part to play, and including the man in this process is another example of the more holistic approach to medicine described above.

¹⁹ Joel Kupperman has offered the very helpful suggestion that the policies many universities currently follow in regard to “binge drinking” offers an excellent illustration of how a social institution can and should address a behavioral problem that cuts across the neat categories of medicine and ethics. Responding with compassion to young people with such a problem requires that the community of which they are members deploy the resources of both physicians and social workers and engage not only the person drinking but their family and friends as well.

does intrude into individual lives on highly personal matters, but from a Confucian point of view, such intrusion is warranted by the importance of the actions involved and their repercussions for the agents, their families, friends, and the greater society. In this respect too, what is involved is not a clash of rights but an all-things-considered judgment about what is best.

Western liberal theorists may object that the proposed policy is “paternalistic”; it requires a woman to discuss with a physician and social worker a range of related aspects concerning a course of action that purportedly is a purely personal medical decision and some believe a “right.” There is some truth to this criticism but on balance not enough to warrant great concern. First, the decision to have an abortion remains exclusively within the woman’s control. A review and counseling process is required as part of the service but in much the same way as consultation with a physician and supporting staff is required to obtain an abortion anywhere such procedures are legal. The one important difference is the range of issues thought necessary to secure what is best for all concerned. Second, as noted earlier, while the decision to obtain an abortion surely does concern the pregnant woman in a direct and profound way, it is simply not true that she alone is the only person who is likely to be deeply affected by this decision. Aside from the growing life within her, there is the man with whom she conceived the child, the parents, siblings, and other relatives of these people, any existing children, and a range of other friends who may be deeply affected by the decision. If the woman chooses to give birth and is unable to support her child, then the decision has a direct effect on the society within which she lives. For all of these reasons, it is inaccurate and misleading to describe the situation exclusively in terms of the mother’s point of view. The latter perspective is characteristic of the hyper-individualism of Western liberal theories and highlights another respect in which the family-centered and community-oriented conception of Confucian ethics offers a more accurate and compelling account of the ethical dimensions of abortion. Third, while a “right” to an abortion is the law in the United States, many people there and elsewhere, even those who support the availability of safe abortions in most cases, are quite dubious about the way this right is grounded in the purported right to privacy (itself a matter of considerable judicial debate).

The Confucian view requires that a pregnant woman must engage in a confidential discussion and subsequent reflection about the path she has chosen to take. This requirement is an expression of society’s desire to protect and nurture life and support the family; at the same time, it expresses society’s concern for the woman. This policy is implemented in the belief that it is *in her best interest* to have the opportunity and support to take stock of her situation in a serious manner and engage in reflection about the nature of the decision she is undertaking and the course of events that led to her facing this difficult choice. Abortion on demand tends to insulate a pregnant woman from such concerns; as a policy, it encourages the idea that there is nothing at all wrong or regrettable in the decision to abort a potential human child or in styles of life that regularly lead to the need for abortions. From a Confucian point of view, this is wrong; such a policy is inclined to deny a woman and those around her the opportunity to reflect upon and understand more deeply critically important issues that partly are constitutive of living well.

The Confucian inspired policies I have proposed might make the process of obtaining an abortion more costly and would surely make it personally more demanding than currently is the case in many countries. The primary aim of these proposals, though, is not in any way to limit access to abortions but to make explicit the importance of this decision and to ensure that more people use this opportunity to weigh what is at stake and work to improve their own lives and the lives of those around them. From a Confucian point of view, this is

what a humane society must insist upon. For its part, society would have to invest the resources needed to implement such policies. There is the cost involved in training and supporting a group of social workers dedicated to helping physicians to review the cases of candidates for abortions and provide guidance and counseling to those directly affected by these decisions; the women and men most directly involved in the decision to seek an abortion would have to engage in more consultation, reflection, and deliberation. Lower rates of abortion and reduced related expenditures might offset these additional financial costs; but regardless of whether this proves true, the ethical benefits gained by implementing these changes are well worth any modest additional costs.

The Confucian view and proposed policy on abortion capture all the areas of consensus described in the earlier discussion of Thomson's and Hursthouse's views. Such a position recognizes that an abortion, even at the earliest stages of pregnancy, is a complex and weighty moral decision that involves not only the life of the fetus and the life of the mother but the lives of many people connected to both of them as well. It also holds that an abortion at any stage of pregnancy should be greeted with at least some degree of regret, as a manifestation of our general appreciation and reverence for life and in particular the special joy and satisfaction of creating and raising children in a strong and healthy family. Such regret need not involve any sense of guilt or shame—though in some cases such feelings might well be warranted—and is wholly compatible with a firm confidence that at least in certain cases, abortion is the morally best action a woman and those that love her can make.

The proposed view also endorses the implicitly shared belief that relying upon abortion as one's primary method of birth control is morally wrong. Such a method of birth control expresses an objectionable absence of reverence for life, an unacceptably low level of personal care and responsibility, and a deplorable lack of respect and appreciation for the family. The Confucian view offers a stronger expression of some of these criticisms than Thomson's analysis implies, but Thomson might agree with some version of each of these points. Hursthouse's explicitly virtue ethical view more clearly suggests agreement on all of these issues. Moreover, her account is at least compatible with a number of the features of the Confucian position that are not specifically noted in her analysis. For example, the fact that her account is an expression of virtue ethics implies, though does not specifically address the idea, that she is interested not only in helping the pregnant woman reach the best decision, but also in encouraging her and those close to her to reflect, grow, and develop in the course of responding to an unwanted pregnancy.

Despite these points of agreement, the Confucian inspired view that I have described and here advocate is distinct from any current form of Western virtue ethics in the degree to which it insists on the importance of the family and interpersonal human relationships, in its claims concerning the ways in which personal well-being is inextricably connected with the good and health of one's community, and with its acceptance of greater state involvement in matters that in Western liberal societies are regarded as part of a sacrosanct "personal" or "private" realm.²⁰ There are other important differences as well that distinguish the distinctive form of Confucian virtue ethics from its Western correlates. One such difference

²⁰ The ongoing debate about the "public and private realms" offers another example of a philosophical conversation within contemporary Anglo-American philosophy that is carried on without any regard for non-Western traditions, despite the fact that this same issue has played an important role, at least in East Asian traditions. For an historical study of this issue in the Chinese, Korean, and Japanese traditions, see HUANG Chun-chieh 2010. For an essay that focuses on a particular late-Ming Chinese Confucian, see Pauline Chen Lee 2000.

is the degree to which the Confucian tradition relies upon ritual activity both to cultivate and express the virtues it endorses. There is an extensive literature on this topic within the Confucian tradition and by modern scholars of Confucianism, which carries a range of important implications for contemporary ethics.²¹ In the case at hand, the characteristic Confucian reliance on ritual makes people within the tradition much more amenable to the kinds of public social policies and practices that we have described as part of the best approach to the problems of abortion. Those within the Confucian cultural context recognize that explicit principles or theories sometimes fall short and often have to be supplemented with pragmatically oriented practices, policies, and norms.

4 Conclusion

I have discussed two of the most influential accounts of abortion in the contemporary Anglo-American tradition of philosophy and argued that despite being grounded in significantly different and apparently irreconcilable moral theories, they seem to agree on a number of significant points concerning the morality of abortion. However, my primary goal was to introduce a distinctively Confucian view on abortion. I have argued that the Confucian approach to abortion captures all of the points of agreement noted between the two Anglo-American accounts discussed earlier, and does so in a way that offers both good philosophical support and clear policy guidance; it may well be the best available option in play. In any event, it deserves an equal place at the high table of philosophical debate.

The contentious and often acrimonious nature of the Western debate about abortion might well lead one to believe that no single view is capable of winning the hearts and minds of all people. The fundamental source of such differences is that a view on abortion or any other weighty moral issue gains its appeal and wins one's allegiance only as part of a more comprehensive view about the principles, practices, traditions, and habits that constitute different forms and styles of human life, and people hold and defend different comprehensive views. This returns us to the issue of moral relativism, which, as noted earlier, is explicitly acknowledged by Hursthouse and implicitly stands as a challenge to Thomson's view as well. I contend, though will not here argue, that philosophically informed cross-cultural study reveals there are in fact an indeterminate number of comprehensive views about the good human life that are equally worthy of respect and even admiration (see Ivanhoe 2009). Nevertheless, the common needs, desires, and capacities of human beings ensure that such competing comprehensive views share the family resemblance that easily leads us to recognize them all as *human* ways of life. These shared capacities and challenges also make it possible to find a core of overlapping consensus among such different views and lead us to see some degree of appeal in every one of them. Our discussion of both contemporary Anglo-American and Confucian accounts of abortion offers evidence for all of these claims and testifies to the pressing need not only to expand contemporary Western philosophical inquiry to include the careful study and analysis of non-Western views but to look for philosophical approaches that leave open and actively encourage the search for common ground.

Some will insist that comprehensive views based on fundamental commitments to scripture or revelation do not leave open any possibility of reaching a reasonable consensus on an issue like abortion. Such a claim, though, fails to take into account the remarkably

²¹ For excellent studies concerning how Confucian ritual can contribute to moral development, see T. C. Kline, III 2004 and Hutton 2001.

long and complex history of religious traditions and their proven capacity to alter and adapt their teachings to practical and theoretical concerns. Religious traditions are not *that* different from the tradition of interpretation of Constitutional Law: both tend to be quite conservative—some would argue for good reasons—but, in either case, both regularly demonstrate an impressive ability to reinterpret, amend, and augment their core set of beliefs and practices. There is an impressive legacy of such creativity and flexibility, and this offers enough clear evidence for the possibility of further change to warrant guarded optimism. Of course, such a quest to find common moral ground would require sincere engagement, active dialogue, and a sense of mutual respect and common cause.

The current tendency of philosophers in the Anglo-American tradition to justify legal abortion as a woman's right precludes and prematurely cuts short the possibility of finding common moral ground (see also Sandel 1998: 184–218); as a result, advocates of “the right to life” and “free choice” continue to circle uneasily around each other, squared off, dug in, and mutually dismissive of and antagonistic toward one another. Such a stance in regard to abortion leaves access to this important and at times desperately needed procedure hanging on the slender reed of a right, grounded in convoluted and obscure arguments about privacy rather than rooted in a shared and solid judgment of what is reasonable, caring, and humane. This provides another strong reason for Western readers to give full and careful consideration to the Confucian point of view.

Acknowledgement Thanks to CHAN Sin-Yee, Erin M. Cline, FAN Ruiping, Eirik L. Harris, Eric L. Hutton, Craig Ihara, Joel Kupperman, Pauline Chen Lee, LO Ping-cheung, David Weiting Tien, Justin Tiwald, YU Kam Por, and two anonymous readers for *Dao* for helpful comments and suggestions on earlier drafts of this essay.

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