



## ***Kantian Moral Philosophy and the Morality of Abortion***

Ronni McCoy  
Coe College, 2011

*This article discusses the morality of abortion through the lens of Kantian moral philosophy. It addresses Kantian themes such as the Supreme Principle of the Doctrine of Virtue, as well as perfect and imperfect duties to oneself and to others, and touches on twentieth century works by Harry J. Gensler, Susan Feldman, and Lara Denis. While Gensler uses Kantian moral philosophy in a manner that renders abortion to be morally impermissible, others, such as Feldman and Denis, apply Kantian moral philosophy to abortion in a way that defines abortion as morally problematic, yet most often morally permissible. The author critically critiques Gensler's work and concludes that his treatment of abortion is inadequate by Kantian moral standards. The author then goes on to defend Denis's Kantian treatment of abortion, while noting one flaw in her argument.*

Abortion has been one of the most highly debated social and political issues since the Supreme Court made the medical procedure legal in the United States over thirty-eight years ago. It is in a heated contemporary context that I consider how one can apply the moral philosophy of Immanuel Kant, one of the eighteenth century's greatest minds, to the debate over the morality of abortion. Setting a discussion of the morality of abortion in the framework of Kantian ethics allows one to move away from often inflammatory anti-abortion and pro-choice talking points and toward a more rational, philosophical discussion of such a litigious topic. While modern thinkers such as Harry J. Gensler often use Kantian moral philosophy in a manner that renders abortion to be morally impermissible, others, such as Susan Feldman and Lara Denis, apply Kantian moral philosophy to abortion in a way that defines abortion as morally problematic, yet most often morally permissible. It is my intent to argue that Gensler fails to make a true Kantian case against abortion, and in fact, Feldman's and Denis's arguments on the morality of abortion are more adequate Kantian treatments of the topic.

## **A Typical Kantian Argument Against Abortion**

The classical Kantian argument against abortion depends on reducing Kant's moral philosophy to a universalizability test. In "A Kantian Argument Against Abortion" Harry J. Gensler, drawing on the earlier work of philosopher R.M. Hare, argues that since each of us was at one point a fetus, and since one can rather safely presume that each of us would now oppose the idea of having been aborted as a fetus, abortion fails the universalizability test and is thus immoral. In building this Kantian argument against the morality of abortion, Gensler depends heavily on the concept of logical consistency, as well as on Kant's Supreme Principle of the Doctrine of Virtue (which he refers to as the universalizability principle) (Gensler, 89). Gensler's argument against abortion strongly "stresses consistency." He fairly states that one "cannot accept a principle without accepting its recognized logical consequences" (Gensler 89). Further, Gensler also justifies his argument by using Kant's Supreme Principle of the Doctrine of Virtue, which says that one must "act in accordance with a maxim of ends that it can be a universal law for everyone to have" (*Metaphysics of Morals* 6:395). Gensler appropriately interprets this Supreme Principle as demanding "that we make similar ethical judgments about the same sort of situation regardless of the individuals involved" (Gensler 90). To believe otherwise would be inconsistent of me, and this is something I must avoid (Gensler 90).

After laying this groundwork, Gensler presents his Kantian argument against abortion:

1. If you are consistent and think that *abortion is normally permissible*, then you will consent to the idea of *your having been aborted* in normal circumstances.
2. You do not consent to the idea of your having been aborted in normal circumstances.
3. So, if you are consistent then you will not think that abortion is normally permissible. (Gensler 94)

Gensler believes his conclusion about abortion follows from logical consistency and the universalizability test. Since the vast majority of individuals would not consent to the idea of having been aborted while a fetus, most people cannot rationally think abortion is morally permissible. To think otherwise would be inconsistent, which is of course something we must avoid.

## **A Critical Response to the Typical Kantian Argument Against Abortion**

In "From Occupied Bodies to Pregnant Persons: How Kantian Ethics Should Treat Abortion," Susan Feldman suggests that Gensler's classical Kantian argument against abortion is flawed and indeed falls far short of appropriately assessing the morality of abortion in Kantian terms. Feldman begins her discussion of Gensler by showing that, contrary to what Gensler concludes, we

can universalize maxims of abortion. Gensler argues that I cannot be happy to be alive and also hold the view that it would have been acceptable for my mother to abort me as a fetus. For Gensler, these are mutually exclusive feelings. However, Feldman says that normal, rational individuals can indeed be happy to be alive while at the same time proclaiming that his or her having been aborted as a fetus would have been acceptable. “That we are happy to be alive is compatible with our willing that history had been different and that the tragedies and exploitations leading to our births had never happened, even though that would mean we would have never existed,” asserts Feldman (269). In other words, we can consistently be happy to be alive while at the same time willing a different history, or a different course of life events for our mothers, even though that different course of history would result in our never having been born. Since we can consistently hold these views, we can universalize maxims of abortion, thus rendering Gensler’s argument illogical.

Further, Feldman says, “when we are morally assessing actions, we are dealing with their maxims – the subjective principle of an act, which highlights the agent’s reasons and desires” (Feldman 269). In formulating his argument against abortion, Gensler completely disregards the reasons women have for aborting, which are central to discussing the morality of abortion within a Kantian framework. Feldman explores some of the reasons as to why philosophers, such as Gensler, neglect to consider the reasons women have for choosing abortion in their discussions of the morality of the act. Feldman notes that society has a tendency to view pregnancy “as something the woman undergoes or suffers as a patient,” and not as the active, moral Kantian agent she truly is (Feldman 270). Feldman asserts that pregnant women are typically viewed as mere “vessels for the fetus, or the ‘flowerpot’ in which the seed grows.” She believes that these “passive metaphors for pregnancy are pervasive because of the social views” of women as not being true moral agents, not because “of the facts of reproductive biology” (Feldman 270). Feldman says that when we view women as mere vessels for the fetus, we immorally objectify them. To avoid this immoral objectification of pregnant women, we must emphasize their “activity and agency in pregnancy.” This emphasis will lead us to a consideration of “women’s will or choice, and her reasons for her choices.” From the Kantian perspective, this consideration of a woman’s will and choice is crucial, for Kant believed that to be a moral agent is to be an agent who rationally “chooses which activities to perform and which to decline” (Feldman, 270). Kant asserted that human beings possess their own “lawgiving reason” that gives rise to their actions and maxims (*Metaphysics of Morals* 6:405). As Feldman says: “to be a moral agent is to make choices, and to have reasons for those choices” (270).

It is because Gensler falsely concludes that we cannot universalize maxims of abortion and fails so horribly to consider women’s choices when it comes to pregnancy and abortion that his Kantian argument ruling abortion to be immoral is inadequate and ultimately illegitimate. Contrary to what Gensler concludes, a rational individual can consistently be happy to be alive and also find the idea of her being aborted as a fetus to be acceptable. Thus, we can be

true to Kantian ethics and universalize maxims of abortion. Also, the detailed Kantian treatment of abortion is one that considers not just the fetus, but also the woman who is carrying the fetus. When placed in the Kantian context of a woman's duties to herself as a moral, rational, and animal agent, one can prove abortion to be problematic for a moral agent, but most often morally permissible. For a more detailed discussion of abortion set within the framework of Kantian duties to oneself, I turn to the work of Lara Denis.

### **Abortion as Morally Problematic, Yet Morally Permissible**

In "Animality and Agency: A Kantian Approach to Abortion," Lara Denis "situates abortion in the context of women's duties to themselves" (Denis, 118), much like Susan Feldman. However, unlike Feldman, Denis substantially addresses the moral status of the fetus, thus providing us with a more comprehensive Kantian consideration of abortion. Denis argues that,

Kant's fundamental moral requirement that one respect oneself as a rational human being, combined with Kant's view of our animal nature, form the basis for a view of pregnancy and abortion that focuses on women's agency and moral character, without diminishing the importance for her physical aspects (Denis 118).

From this consideration of a woman's rational, moral, and animal nature, Denis forms a Kantian view of abortion that "takes abortion to be morally problematic, but often permissible" (Denis, 118).

Denis hinges her Kantian argument on the morality of abortion on a discussion of the virtuous Kantian agent. In particular, Denis concentrates on Kant's duties of virtue. "All duties of virtue appeal explicitly to the ideas and concepts found in the Formula of Humanity," says Denis (119). Kant's Formula of Humanity demands that one "act always so that one treats humanity, in one's own person or in the person of another, always as an end and never simply as a means...it is in itself [man's] duty to make the human being in general his end" (*Metaphysics of Morals* 6:395). The Formula of Humanity gives rise to Kant's Supreme Principle of the Doctrine of Virtue, which, as discussed earlier, demands that one "act in accordance with a maxim of ends that it can be a universal law for everyone to have" (*Metaphysics of Morals* 6:395). Kant believed that all human beings should be valued as ends, not as mere means, and that respect for the rational nature of human beings should guide the virtuous agent. For Kant "rational nature, particularly the moral capacity, is the source of human dignity" (Denis 119).

The Supreme Principle of the Doctrine of Virtue is what grounds the duties of virtue that are so important to the life and development of a Kantian agent. Kant's duties of virtue include perfect and imperfect duties to oneself. Perfect duties to oneself "prohibit maxims of actions that express disrespect for one's own rational nature." In particular, perfect duties are concerned with

“one’s moral health and agency, and the assertion of one’s dignity and equality to others” (Denis 119). In regards to perfect duties, Kant noted: “I understand by a perfect duty one that admits no expectation in favor of inclination and then I have not merely external but also internal perfect duties” (*Fundamental...27*). In contrast, imperfect duties to oneself “require sometimes acting on maxims of promoting ends whose adoption constitutes a commitment to realize one’s rational nature.” Imperfect duties to oneself most typically involve personal projects of self-development (Denis 119). While both perfect and imperfect duties are important in the life of a virtuous Kantian agent, Denis most seriously employs Kant’s perfect duties in her discussion of pregnancy and abortion. It is important to note that there are two kinds of Kantian perfect duties. On one hand, individuals have a duty to themselves as both an animal and moral being. “This duty prohibits acting on maxims of using one’s body in a way that suggests that the being so embodied lacks dignity” or in acting in such a way that diminishes one’s capacity for reason (Denis, 120). A violation of this duty to oneself as an animal and moral being would include the vice of gluttony. For example, if one engaged in the act of eating ten steaks, followed by three ice cream sundaes, one would be in violation of this duty for two reasons. First, engaging in such an act of gluttonous consumption would be reducing one’s body to nothing more than a vehicle for pleasure, something that is highly objectionable in Kant’s opinion. Second, one would be ignoring one’s rational side, which is presumably telling one that eating only a single steak and a single ice cream sundae would be in one’s best interest, since eating more than this could be harmful to one’s body – a tool one needs to carry out one’s rationally chosen projects. On the other hand, individuals also have a duty to themselves as moral beings. “This duty prohibits acting on maxims that are contrary to one’s inner freedom and dignity” (Denis 120). A violation of this duty, for example, would be servility. When one is servile, one becomes subordinate to the whims of others, and is thus no longer a dignified human being on equal moral footing with the rest of humanity.

After outlining Kant’s duties of virtue, and specifically touching on the intricacies of one’s perfect duties to oneself, Denis concludes her introductory discussion of the virtuous Kantian agent by noting the special relationship between a rational agent’s animal and moral nature. Kant believed that we must live in accordance with nature and in harmony with our animality, but that we must also value the fact that we are rational, responsible human beings. “The virtuous Kantian agent does not view pushes and pulls from her animal nature as authoritative in determining her will; she governs herself through reason” (Denis 123).

Next, Denis engages in a brief yet important discussion of the virtuous Kantian agent and pregnancy. Denis asserts that while pregnancy is an activity that is compatible with the life of a virtuous Kantian agent, it can nonetheless be morally problematic because, much like eating, drinking, and sex, it is an activity connected to one’s animal nature. “The pleasures we associate with satisfying these impulses [to eat, to drink, to have sex, etc] give rise to temptations to act on them in ways destructive to our animal nature or otherwise de-

meaning to our rational nature” (Denis 123). In other words, pregnancy, like all other activities linked to our animality, can sometimes interfere with our perfect duties to ourselves as animal and moral beings. Pregnancy can be a threat to a woman’s perfect duties to herself in a number of ways. Pregnancy is often physically dangerous, and for the majority of the world’s female population, pregnancy, labor, and delivery often pose a credible threat to a woman’s life. These physical, and by extension emotional, demands of pregnancy can “impair a woman’s flourishing as a moral agent” (Denis 124). Further, pregnancy can diminish a woman’s agency, dignity, equality by 1) making her financially dependent on others and by 2) leading others (and possibly the pregnant female herself) to see her as valuable only as the means to the end of a baby. “Pregnancy puts one in the position of having to struggle for recognition that one’s ends and oneself are valuable apart from the fetus one is carrying,” says Denis (124). Since the virtuous Kantian agent is one who works to fulfill her perfect duties to herself as both an animal and moral being, and since pregnancy can often interfere with a woman’s perfect duties to herself, Denis concludes that the virtuous Kantian agent may avoid pregnancy and motherhood should they be incompatible with her perfect duties to herself as an animal and moral being (Denis 125).

It is here that Denis comes to a pivotal juncture in her argument. While she has given sufficient evidence to prove that avoiding pregnancy when it is not compatible with a woman’s ends is moral by Kantian standards, abortion is much more than simply avoiding pregnancy. Abortion involves both avoiding pregnancy and killing a fetus, so special attention must be given to the moral status of the fetus when we’re discussing the morality of abortion in Kantian terms (Denis 125).

Denis takes “it as a plausible assumption that the human fetus should not be viewed as a rational, free being and hence as an end in itself” (Denis 126). Nevertheless, she maintains that when we’re discussing the morality of abortion in Kantian terms, fetuses do have moral significance. Denis’s main consideration regarding the moral significance of the fetus as it relates to abortion draws us back to the importance of a Kantian agent’s animal, not just moral, nature. A woman has a duty to herself “to show due concern for the proper functioning of her animal nature – including by preserving and cultivating her morally useful sentiments,” says Denis (126). When we consider a woman’s animal nature and her morally useful sentiments, the “fetus receives derivative moral significance,” thus making abortion morally problematic (Denis 126-127). In defending this assertion, Denis discusses how Kant believed human agents have duties to themselves and to others to cultivate, nurture, and spread feelings of love and protectiveness in general, and toward children in particular. As both moral and animal beings, the preservation of such sentiments is part of the “perfection of our nature” (Denis 127). Embracing and fostering such morally useful sentiments assists individuals in fulfilling their perfect duties to themselves and their imperfect duties to others. In addition, Kant believed that “we have duties to ourselves with regard to (nonrational, nonhu-

man) animals, for how we treat them can either bolster or dull” such morally useful sentiments (Denis 128).

At this point, Denis notes that it is natural for a woman to feel attached to and protective of a fetus she is carrying (Denis 128). She subsequently goes on to argue that if we accept Kant’s view that feelings of love and protectiveness aid us in fulfilling our duties of virtue, and if we also accept his claim that the way we treat animals can either foster or dull such morally significant feelings, then we can logically conclude that since a fetus is also a nonrational, nonhuman being, “such morally significant feelings can be encouraged by attentiveness toward one’s fetus and weakened by destructiveness toward it” (Denis, 128-129). Accommodating a fetus can be an exercise in not just love and protectiveness, but also patience, generosity, and humanness, which are all traits that Kant viewed as morally significant. The virtuous Kantian agent values her animal nature and her tendencies toward such morally significant feelings and will do what she must in order to promote them in an effort to fulfill her duties to herself and to others. Here, Denis makes clear the problem the moral significance of the fetus poses for abortion: “Killing her developing fetus goes against a woman’s morally significant tendencies toward love and sympathy in general, and toward attachment to her fetus in particular” (Denis 129). “Abortion is antagonistic to an important part of a woman’s moral health” in that it is a violation of a woman’s perfect duties to herself as both a moral and animal agent because it hinders the development of her morally useful sentiments (Denis 131). Thus, abortion is morally problematic for the virtuous Kantian agent.

However, and this is a very large “however,” Denis maintains that simply because abortion is morally problematic for the virtuous Kantian agent, it does not mean that she can never morally choose abortion (Denis 131). In the framework of Kantian ethics, a woman’s rational and moral nature must inform and shape her animal nature. So, a woman can reasonably act in a manner that is contrary to her animal nature should it be sufficiently in-line with her rational and moral nature. For Kant, our animality and emotional predispositions are important, but they should not always be the sole driving force behind our choices; reason must always govern our animal nature. Thus, abortions that protect the life, agency, and self-development of a woman (all aspects of her perfect duties to herself as both an animal and moral being, as well as of her imperfect duties to herself) are morally permissible, and sometimes even morally required, concludes Denis (131-132).

### **A Critical Discussion of Lara Denis and the Moral Permissibility of Abortion**

Out of the three viewpoints discussed in this article, I believe Lara Denis makes the strongest, most comprehensive argument on the morality of abortion in the framework of Kantian ethics. Not only does Denis discuss a woman’s duties to herself, but Denis also addresses the moral status of the fetus. It is not often that individuals making an argument for or against the moral

acceptability of abortion simultaneously consider the moral status of both the woman and the fetus. While I concur, as does Denis, with those who believe the life and agency of a pregnant woman should always take precedent over a fetus, we must recognize that a fetus is a potential human life and that abortion involves ending this potential life. As such, a discussion of the moral status of fetuses is an important one to in which to engage.

The only shortcoming of Denis's argument is the vagueness surrounding what Denis would consider to be a "morally acceptable abortion." Since Denis is discussing abortion in Kantian terms, it is rather clear that aborting a pregnancy that threatens the life of the mother would be considered morally acceptable, since attempting to carry such a pregnancy to term would be a violation of one's perfect duties to herself. Further, it would also be morally acceptable to abort a pregnancy that would cause a woman to drop out of school or quit her job, since doing so would be a violation of her imperfect duties to herself. On the other hand, Denis makes it rather clear that aborting a fetus simply to maintain one's twenty-four-inch waist would be morally impermissible. For Denis, it is clear that in this case, one's duties to herself with regards to the fetus outweigh her desire, no matter how strong, to maintain her trim figure (Denis 131). However, what about a woman who is training for a triathlon and unexpectedly finds herself to be pregnant? Would aborting a pregnancy that is incompatible with a physically and mentally rewarding pastime denote a moral failing on the part of that woman? Or could such a pastime possibly fall under Kant's category of imperfect duties to oneself (to develop one's talents so as to be able to pursue a variety of ends), and thus be considered morally permissible? Or, in the same vein, what about a woman who finds herself pregnant just as she is about to embark on a once-in-a-lifetime European adventure? Would aborting a fetus in order to take part in such a unique opportunity be morally acceptable for Denis?

Upon a detailed analysis of Denis's piece, I'm inclined to conclude that Denis probably sets the bar for morally permissible abortions fairly low. While the woman who chooses to abort for reasons of vanity may be making an immoral choice, any woman who chooses to abort because pregnancy and motherhood are incompatible with her life projects, whether they are rewarding hobbies, once-in-a-lifetime trips, or important careers, is making a perfectly moral choice. Denis says, "Because of their emotional and physical demands, pregnancy and child-rearing can interfere with a woman's promotion of permissible, discretionary ends, including significant life plans. In many cases, the ends with which pregnancy or motherhood interfere may be ends chosen by the agent as ways for her to promote the morally obligatory ends of her natural development..." (124). I do believe that training for a triathlon, or taking a trip to Europe, can be classified as significant life plans that contribute to a woman's natural development. On the other hand, maintaining a tiny waist and a flat stomach are not things that contribute to a woman's natural abilities and natural development and are thus not "permissible, discretionary ends" that must be met in life (unless, of course, a woman is a model and greatly enjoys her job; in this case, maintaining a trim figure is connected to a woman's ca-



reer, and the situation becomes a more complicated one in which an abortion could be morally permissible).

I'm also inclined to believe that, ultimately, such a distinction isn't of much importance to Denis. While aborting to maintain one's great body may suggest a moral failing on the part of a woman, abortions for such reasons are few and far between because the great majority of abortions are not performed for such trivial reasons. Further, in Denis's view, having an abortion does not necessarily impact a woman's ability to love another fetus down the road, or for that matter, to love and care for the individuals already in her life. Abortng a fetus is morally problematic because such an action is a violation of our duty to cultivate our morally useful sentiments, but abortng a fetus does not automatically destroy a woman's predisposition to such morally useful sentiments. Nonetheless, I do believe it would do Denis's argument justice for her to spend more time outlining what can be considered "abortions for inclination-based ends" (Denis 131). If she is going to designate a certain category of abortions as being morally impermissible, she should develop such a statement to make clear to the reader what abortions for inclination-based ends entail, instead of simply mentioning the point in passing.

### **Concluding Thoughts**

While the morality of abortion is not something Immanuel Kant probably spent much time pondering, his moral philosophy can effectively be applied to the contemporary debate over abortion. Harry Gensler believes he makes a sound Kantian argument against the morality of abortion through his use of logical consistency and the universalizability test. However, he actually fails to prove that we cannot universalize maxims of abortion. As Susan Feldman addresses in her piece, a rational individual can consistently be happy to be alive and also find the idea of her being aborted as a fetus to be acceptable in a range of cases. Thus, we can be true to Kantian ethics and universalize maxims of abortion, rendering Gensler's argument illogical. Further, Susan Feldman also attacks the quality of Gensler's argument by noting his failure to address the reasons women have for choosing abortion. Most importantly, through a discussion of a woman's perfect and imperfect duties to herself, as well as through a discussion of the moral significance of the fetus, Lara Denis provides us with a comprehensive Kantian account of abortion that takes abortion to be morally problematic for the virtuous Kantian agent, but most often morally permissible.

## Sources

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