- 8. Not because the fetus is partly a person and so has some of the rights of persons but rather because of the rights of personlike non-persons. . . .
- 9. Aristotle himself was concerned, however, with the different question of when the soul takes form. For historical data, see Jimmye Kimmey, "How the Abortion Laws Happened," Ms. 1 (April 1973) 48ff and John Noonan, "Abortion and the Catholic Church."
- J. J. Thomson, "A Defense of Abortion," Philosophy and Public Affairs 1 (1971).
- 11. Ibid.
- On the other hand, if they can be trusted with people, then our moral customs are mistaken. It all depends on the facts of psychology.
- 13. Tooley, "Abortion and Infanticide".

REVIEW AND DISCUSSION QUESTIONS

- 1. What is the "typical" approach to the abortion question, according to English?
- 2. In what ways does English think a fetus resembles a person? In what ways does it not?
- 3. What conclusion does English reach about the attempt to solve the abortion question by asking if the fetus is a person?
- 4. Explain English's reasoning about self-defense and its relevance to the abortion controversy.
- 5. Suppose you were Judith Jarvis Thomson. Write an essay explaining whether and in what ways you either agree or disagree with the English essay.
- 6. Compare Michael Tooley's position on the nature of a person with other articles in this section. What problems do you see with Tooley's position? How might he respond?
- 7. What does English mean by "coherence of attitudes"? What is the importance of such coherence in attitudes for how we treat fetuses, according to English?

An Argument That Abortion Is Wrong

Dan Marquis

After a brief critical discussion of Thomson's defense of abortion, Dan Marquis develops an approach to the abortion question that first looks at the broader question of why it is wrong to kill, say, the readers of this book. The reason why standard murder is wrong, he claims, is that it deprives the victim of a future, just as abortion deprives another human being of a future. After giving four reasons why we should accept the "future like our own" theory, he concludes by responding to three objections to the position he has presented. Dan Marquis is professor of philosophy at the University of Kansas.

The purpose of this essay is to set out an argument for the claim that abortion, except perhaps in rare instances, is seriously wrong. One reason for these exceptions is to eliminate from consideration cases whose ethical analysis should be controversial and detailed for clear-headed opponents of abortion. Such cases include abortion after rape and abortion during the first fourteen days after conception, when there is an argument that the fetus is not definitely an individual. Another reason for making these ex-

ceptions is to allow for those cases in which the permissibility of abortion is compatible with the argument of this essay. Such cases include abortion when continuation of a pregnancy endangers a woman's life and abortion when the fetus is anencephalic. When I speak of the wrongness of abortion in this essay, a reader should presume the above qualifications. I mean by an abortion an action intended to bring about the death of a fetus for the sake of the woman who carries it. (Thus, as is standard on the

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The argument of the abortion is wrong for treader of this essay. Is establish, that killing we make no attempt to offer Finally, I shall make no fundamental and difficutes into which this anamight lead.

WHY THE DEBATE OVER SEEMS INTRACTABLE

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Thomson's View. Judit that even if one grant only) that fetuses have ment fails. Thomson in have been connected bloodstream, to a famo suffers from a rare blo nected. Thomson argu right to disconnect you tuition that having to an indefinite period is mand. She supports t body being used is your She distinguishes the ist clearly has, from th body when necessary is not at all obvious t case of pregnancy is lit is no more morally ob a fetus than to remain literature on this subject, I eliminate spontaneous abortions from consideration.) I mean by a fetus a developing human being from the time of conception to the time of birth. (Thus, as is standard, I call embryos and zygotes fetuses.)

The argument of this essay will establish that abortion is wrong for the same reason as killing a reader of this essay. I shall just assume, rather than establish, that killing you is seriously wrong. I shall make no attempt to offer a complete ethics of killing. Finally, I shall make no attempt to resolve some very fundamental and difficult general philosophical issues into which this analysis of the ethics of abortion might lead.

WHY THE DEBATE OVER ABORTION SEEMS INTRACTABLE

Symmetries that emerge from the analysis of the major arguments on either side of the abortion debate may explain why the abortion debate seems intractable. Consider the following standard antiabortion argument: fetuses are both human and alive. Humans have the right to life. Therefore, fetuses have the right to life. Of course, women have the right to control their own bodies, but the right to life overrides the right of a woman to control her own body. Therefore, abortion is wrong....

Thomson's View. Judith Thomson (1971) has argued that even if one grants (for the sake of argument only) that fetuses have the right to life, this argument fails. Thomson invites you to imagine that you have been connected while sleeping, bloodstream to bloodstream, to a famous violinist. The violinist, who suffers from a rare blood disease, will die if disconnected. Thomson argues that you surely have the right to disconnect yourself. She appeals to our intuition that having to lie in bed with a violinist for an indefinite period is too much for morality to demand. She supports this claim by noting that the body being used is your body, not the violinist's body. She distinguishes the right to life, which the violinist clearly has, from the right to use someone else's body when necessary to preserve one's life, which it is not at all obvious the violinist has. Because the case of pregnancy is like the case of the violinist, one is no more morally obligated to remain attached to a fetus than to remain attached to the violinist.

It is widely conceded that one can generate from Thomson's vivid case the conclusion that abortion is morally permissible when a pregnancy is due to rape (Warren 1973, 49 and Steinbock 1992, 79). But this is hardly a general right to abortion. Do Thomson's more general theses generate a more general right to an abortion? Thomson draws our attention to the fact that in a pregnancy, although a fetus uses a woman's body as a life-support system, a pregnant woman does not use a fetus's body as a life-support system. However, an opponent of abortion might draw our attention to the fact that in an abortion the life that is lost is the fetus's, not the woman's. This symmetry seems to leave us with a standoff.

Thomson points out that a fetus's right to life does not entail its right to use someone else's body to preserve its life. However, an opponent of abortion might point out that woman's right to use her own body does not entail her right to end someone else's life in order to do what she wants with her body. In reply, one might argue that a pregnant woman's right to control her own body doesn't come to much if it is wrong for her to take any action that ends the life of the fetus within her. However, an opponent of abortion can argue that the fetus's right to life doesn't come to much if a pregnant woman can end it when she chooses. The consequence of all of these symmetries seems to be a standoff. But if we have the standoff, then one might argue that we are left with a conflict of rights: a fetal right to life versus the right of a woman to control her own body. One might then argue that the right to life seems to be a stronger right than the right to control one's own body in the case of abortion because the loss of one's life is a greater loss than the loss of the right to control one's own body in one respect for nine months. Therefore, the right to life overrides the right to control one's own body and abortion is wrong. Considerations like these have suggested to both opponents of abortion and supporters of choice that a Thomsonian strategy for defending a general right to abortion will not succeed. In fairness, one must note that Thomson did not intend her strategy to generate a general moral permissibility of abortion.

Do Fetuses Have the Right to Life? The above considerations suggest that whether abortion is morally permissible boils down to the question of whether fetuses have the right to life. An argument that fetuses either have or lack the right to life must be

based upon some general criterion for having or lacking the right to life. Opponents of abortion, on the one hand, look around for the broadest possible plausible criterion so that fetuses will fall under it. This explains why classic arguments against abortion appeal to the criterion of being human. This criterion appears plausible: the claim that all humans, whatever their race, gender, religion, or age, have the right to life seems evident enough. In addition, because the fetuses we are concerned with don't, after all, belong to another species, they are clearly human. Thus, the syllogism that generates the conclusion that fetuses have the right to life is apparently sound.

On the other hand, those who believe abortion is morally permissible wish to find a narrow, but plausible, criterion for possession of the right to life so that fetuses will fall outside of it. This explains, in part, why the standard pro-choice arguments in the philosophical literature appeal to the criterion of being a person (Warren 1973). [Reprinted earlier— Ed.]. This criterion appears plausible: the claim that only persons have the right to life seems evident enough. Furthermore, because fetuses are neither rational nor possess the capacity to communicate in complex ways nor possess a concept of self that continues through time, no fetus is a person. Thus, the syllogism needed to generate the conclusion that no fetus possesses the right to life is apparently sound. Given that no fetus possesses the right to life, a woman's right to control her own body easily generates the general right to abortion. The existence of two apparently defensible syllogisms which support contrary conclusions helps to explain why partisans on both sides of the abortion dispute often regard their opponents as either morally depraved or mentally deficient.

Which syllogism should we reject? The anti-abortion syllogism is usually attacked by attacking its major premise: the claim that whatever is biologically human has the right to life. This premise is subject to scope problems because the class of the biologically human includes too much: human cancer-cell cultures are biologically human, but they do not have the right to life. Moreover, this premise also is subject to moral relevance problems: the connection between the biological and the moral is merely assumed. It is hard to think of a good argument for such a connection. If one wishes to consider the cat-

egory of human a moral category, as some people find it plausible to do in other contexts, then one is left with no way of showing that the fetus is fully human without begging the question. Thus, the classic anti-abortion argument appears subject to fatal difficulties.

These difficulties with the classic anti-abortion argument are well known and thought by many to be conclusive. The symmetrical difficulties with the classic pro-choice syllogism are not as well recognized. The pro-choice syllogism can be attacked by attacking its major premise: only persons have the right to life. This premise is subject to scope problems because the class of persons includes too little: infants, the severely retarded, and some of the mentally ill seem to fall outside the class of persons as the supporter of choice understands the concept. The premise is also subject to moral relevance problems: being a person is understood by the prochoicer as having certain psychological attributes. If the pro-choicer questions the connection between the biological and the moral, the opponent of abortion can question the connection between the psychological and the moral. If one wishes to consider person a moral category, as is often done, then one is left with no way of showing that the fetus is not a person without begging the question. . . .

The argument of this section has attempted to establish, albeit briefly, that the classic anti-abortion argument and the pro-choice argument favored by most philosophers both face problems that are mirror images of one another. A standoff results. The abortion debate requires a different strategy.

THE "FUTURE LIKE OURS" ACCOUNT OF THE WRONGNESS OF KILLING

Why do the standard arguments in the abortion debate fail to resolve the issue? The general principles to which partisans in the debate appeal are either truisms most persons would affirm in the absence of much reflection or very general moral theories. All are subject to major problems. A different approach is needed.

Opponents of abortion claim that abortion is wrong because abortion involves killing someone like us, a human being who just happens to be very young. Supporters of choice claim that ending the life of a fetus is not in ending the life of an ad controversy cannot be account of what it is killing us wrong. On the property we possess I then we can ask whether erty. On the other ha know what it is about u If this is so, we do not which killing is wrong the ethics of killing fe stand easy cases, then cases. Both pro-choic that it is obvious that discussion of what it i us not only wrong out the right place to begin issue.

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that abortion is killing someone ppens to be very that ending the life of a fetus is not in the same moral category as ending the life of an adult human being. Surely this controversy cannot be resolved in the absence of an account of what it is about killing us that makes killing us wrong. On the one hand, if we know what property we possess that makes killing us wrong, then we can ask whether fetuses have the same property. On the other hand, suppose that we do not know what it is about us that makes killing us wrong. If this is so, we do not understand even easy cases in which killing is wrong. Surely we will not understand the ethics of killing fetuses, for if we do not understand easy cases, then we will not understand hard cases. Both pro-choicer and anti-abortionist-agree that it is obvious that it is wrong to kill us. Thus, a discussion of what it is about us that makes killing us not only wrong out seriously wrong seems to be the right place to begin a discussion of the abortion

Who is primarily wronged by a killing? The wrong of killing is not primarily explained in terms of the loss to the family and friends of the victim. Perhaps the victim is a hermit. Perhaps one's friends find it easy to make new friends. The wrong of killing is not primarily explained in terms of the brutalization of the killer. The great wrong to the victim explains the brutalization, not the other way around. The wrongness of killing us is understood in terms of what killing does to us. Killing us imposes on us the misfortune of premature death. That misfortune

Premature death is a misfortune because when one is dead, one has been deprived of life. This misfortune can be more precisely specified. Premature death cannot deprive me of my past life. That part of my life is already gone. If I die tomorrow or if I live thirty more years my past life would be no different. It has occurred on either alternative. Rather than my past, my death deprives me of my future, of the life that I would have lived if I live out my natural life span. Mot Kio.

The loss of a future biological life does not explain the misfortune of death. Compare two scenarios: in the former, I now fall into a coma from which I do not recover until my death in thirty years. In the latter, I die now. The latter scenario does not seem to describe a greater misfortune than the former.

The loss of our future conscious life is what underlies the misfortune of premature death. Not any

future conscious life qualifies, however. Suppose that I am terminally ill with cancer. Suppose also that pain and suffering would dominate my future conscious life. If so, then death would not be a misfortune for me. Pau

Thus, the misfortune of premature death consists of the loss to us of the future goods of consciousness. What are these goods? Much can be said about this issue, but a simple answer will do for the purposes of this essay. The goods of life are whatever we get out of life. The goods of life are those items toward which we take a pro attitude. They are completed projects of which we are proud, the pursuit of our goals, aesthetic enjoyments, friendships, intellectual pursuits, and physical pleasures of various sorts. The goods of life are what make life worth living. In general, what makes life worth living for one person will not be the same as what makes life worth living for another. Nevertheless, the list of goods in each of our lives will overlap. The lists are usually different in different stages of our lives.

What makes the goods of my future good for me? One possible, but wrong, answer is my desire for those goods now. This answer does not account for those aspects of my future life that I now believe I will later value but about which I am wrong. Neither does it account for those aspects of my future that I will come to value but which I don't value now. What is valuable to the young may not be valuable to the middle-aged. What is valuable to the middle-aged underlies the wrongness. What's word, to whay not be valuable to the old. Some of life's values for the elderly are best appreciated by the elderly. Thus, it is wrong to say that the value of my future to me is just what I value now. What makes my future valuable to me are those aspects of my future that I will (or would) value when I will (or would) experience them, whether I value them now or not.

It follows that a person can believe that she will have a valuable future and be wrong. Furthermore, a person can believe that he will not have a valuable future and also be wrong. This is confirmed by our attitude toward many of the suicidal. We attempt to save the lives of the suicidal and to convince them that they have made an error in judgment. This does not mean that the future of an individual obtains value from the value that others confer on it. It means that, in some cases, others can make a clearer judgment of the value of a person's future to that person than the person herself. This often happens

when one's judgment concerning the value of one's own future is clouded by personal tragedy.

Thus, what is sufficient to make killing us wrong, in general, is that it causes premature death. Premature death is a misfortune. Premature death is a misfortune, in general, because it deprives an individual of a future of value. An individual's future will be valuable to that individual if that individual will come, or would come, to value it. We know that killing us is wrong. What makes killing us wrong, in general, is that it deprives us of a future of value. Thus, killing someone is wrong, in general, when it deprives her of a future like ours. I shall call this "a FLO.")

ARGUMENTS IN FAVOR OF THE FLO THEORY

At least four arguments support this FLO account of the wrongness of killing.

The Considered-Judgment Argument. The FLO account of the wrongness of killing is correct because it fits with our considered judgment concerning the nature of the misfortune of death. The analysis of the previous section is an exposition of the nature of this considered judgment. This judgment can be confirmed. If one were to ask individuals with AIDS or with incurable cancer about the nature of their misfortune, I believe that they would say or imply that their impending loss of a FLO makes their premature death a misfortune. If they would not, then the FLO account would plainly be wrong.

The Worst-of-Crimes Argument. The FLO account of the wrongness of killing is correct because it explains why we believe that killing is one of the worst of crimes. My being killed deprives me of more than my being robbed or beaten or harmed in some other way because my being killed deprives me of all of the value of my future, not merely part of it. This explains why we make the penalty for murder greater than the penalty for other crimes.

As a corollary, the FLO account of the wrongness of killing also explains why killing an adult human being is justified only in the most extreme circumstances, only in circumstances in which the loss of life to an individual is outweighed by a worse outcome if that life is not taken. Thus, we are willing to justify killing in self-defense, killing in order to save one's own life, because one's loss if one does not kill in that situation is so very great. We justify killing in a just war for similar reasons. We believe that capital punishment would be justified if, by having such an institution, fewer premature deaths would occur. The FLO account of the wrongness of killing does not entail that killing is always wrong. Nevertheless, the FLO account both explains why killing is one of the worst of crimes and, as a corollary, why the exceptions to the wrongness of killing are so very rare. A correct theory of the wrongness of killing should have these features.

The Appeal-to-Cases Argument. The FLO account of the wrongness of killing is correct because it yields the correct answers in many life-and-death cases that arise in medicine and have interested philosophers.

Consider medicine first. Most people believe that it is not wrong deliberately to end the life of a person who is permanently unconscious. Thus, we believe that it is not wrong to remove a feeding tube or a ventilator from a permanently comatose patient knowing that such a removal will cause death. The FLO account of the wrongness of killing explains why this is so. A patient who is permanently unconscious cannot have a future that she would come to value, whatever her values. Therefore, according to the FLO theory of the wrongness of killing, death could not, ceteris paribus, be a misfortune to her. Therefore, removing the feeding tube or ventilator does not wrong her.

By contrast, almost all people believe that it is wrong, *ceteris paribus*, to withdraw medical treatment from patients who are temporarily unconscious. The FLO account of the wrongness of killing also explains why this is so. Furthermore, these two unconsciousness cases explain why the FLO account of the wrongness of killing does not include present consciousness as a necessary condition for the wrongness of killing.

Consider now the issue of the morality of legalizing active euthanasia. Proponents of active euthanasia argue that if a patient faces a future of intractable pain and wants to die, then, *ceteris paribus*, it would not be wrong for a physician to give him medicine that she knows would result in his death. This view is so universally accepted that even the strongest *opponents* of active euthanasia hold it. The official Vatican view is that it is permissible for

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Contrast this with the standard emergency medical treatment of the suicidal. Even though the suicidal have indicated that they want to die, medical personnel will act to save their lives. This supports the view that it is not the mere *desire* to enjoy a FLO which is crucial to our understanding of the wrongness of killing. *Having* a FLO is what is crucial to the account, although one would, of course, want to make an exception in the case of fully autonomous people who refuse life-saving medical treatment. Opponents of abortion can, of course, be willing to make an exception for fully autonomous fetuses who refuse life supports.

The FLO theory of the wrongness of killing also deals correctly with issues that have concerned philosophers. It implies that it would be wrong to kill (peaceful) persons from outer space who come to visit our planet even though they are biologically utterly unlike us. Presumably, if they are persons, then they would have futures that are sufficiently like ours so that it would be wrong to kill them. The FLO account of the wrongness of killing shares this feature with the personhood views of the supporters of choice. Classical opponents of abortion who locate the wrongness of abortion somehow in the biological humanity of a fetus cannot explain this.

The FLO account does not entail that there is another species of animals whose members ought not be killed. Neither does it entail that it is permissible to kill any nonhuman animal. On the one hand, a supporter of animals' rights might argue that since some nonhuman animals have a future of value, it is wrong to kill them also, or at least it is wrong to kill them without a far better reason than we usually have for killing nonhuman animals. On the other hand, one might argue that the futures of nonhuman animals are not sufficiently like ours for the FLO account to entail that it is wrong to kill them. Since the FLO account does not specify which properties a fu-

ture of another individual must possess so that killing that individual is wrong, the FLO account is indeterminate with respect to this issue. The fact that the FLO account of the wrongness of killing does not give a determinate answer to this question is not a flaw in the theory. A sound ethical account should yield the right answers in the obvious cases; it should not be required to resolve every disputed question.

A major respect in which the FLO account is superior to accounts that appeal to the concept of person is the explanation the FLO account provides of the wrongness of killing infants. There was a class of infants who had futures that include a class of events that are identical to the futures of the readers of this essay. Thus, reader, the FLO account explains why it was as wrong to kill you when you were an infant as it is to kill you now. This account can be generalized to almost all infants. Notice that the wrongness of killing infants can be explained in the absence of an account of what makes a future of an individual sufficiently valuable so that it is wrong to kill that individual. The absence of such an account explains why the FLO account is indeterminate with respect to the wrongness of killing nonhuman animals.

If the FLO account is the correct theory of the wrongness of killing, then because abortion involves killing fetuses and fetuses have FLOs for exactly the same reasons that infants have FLOs, abortion is presumptively seriously immoral. This inference lays the necessary groundwork for a fourth argument in favor of the FLO account that shows that abortion is wrong.

The Analogy-with-Animals Argument. Why do we believe it is wrong to cause animal suffering? We believe that in our own case and in the case of other adults and children, suffering is a misfortune. It would be as morally arbitrary to refuse to acknowledge that animal suffering is wrong as it would be to refuse to acknowledge that the suffering of persons of another race is wrong. It is, on reflection, suffering that is a misfortune, not the suffering of white males or the suffering of humans. Therefore, infliction of suffering is presumptively wrong no matter on whom it is inflicted and whether it is inflicted on persons or nonpersons. Arbitrary restrictions on the wrongness of suffering count as racism or speciesism. Not only is this argument convincing on its own, but

it is the only way of justifying the wrongness of animal cruelty. Cruelty toward animals is clearly wrong. [This famous argument is due to Singer 1979—Ed.]

The FLO account of the wrongness of abortion is analogous. We believe that in our own case and the cases of other adults and children, the loss of a future of value is a misfortune. It would be as morally arbitrary to refuse to acknowledge that the loss of a future of value to a fetus is wrong as to refuse to acknowledge that the loss of a future of value to Jews (to take a relevant twentieth-century example) is wrong. It is, on reflection, the loss of a future of value that is a misfortune, not the loss of a future of value to adults or loss of a future of value to non-Jews. To deprive someone of a future of value is wrong no matter on whom the deprivation is inflicted and no matter whether the deprivation is inflicted on persons or nonpersons. Arbitrary restrictions on the wrongness of this deprivation count as racism, genocide or ageism. Therefore, abortion is wrong. This argument that abortion is wrong should be convincing because it has the same form as the argument for the claim that causing pain and suffering to nonhuman animals is wrong. Since the latter argument is convincing, the former argument should be also. Thus, an analogy with animals supports the thesis that abortion is wrong.

REPLIES TO OBJECTIONS

The four arguments in the previous section establish that abortion is, except in rare cases, seriously immoral. Not surprisingly, there are objections to this view. There are replies to the [three] most important objections to the FLO argument for the immorality of abortion.

The Potentiality Objection. The FLO account of the wrongness of abortion is a potentiality argument. To claim that a fetus has a FLO is to claim that a fetus now has the potential to be in a state of a certain kind in the future. It is not to claim that all ordinary fetuses will have FLOs. Fetuses who are aborted, of course, will not. To say that a standard fetus has a FLO is to say that a standard fetus either will have or would have a life it will or would value. To say that a standard fetus would have a life it will value if it does not die prematurely. The truth of this conditional is

based upon the nature of fetuses (including the fact that they naturally age), and this nature concerns their potential.

Some appeals to potentiality in the abortion debate rest on unsound inferences. For example, one may try to generate an argument against abortion by arguing that because persons have the right to life, potential persons also have the right to life. Such an argument is plainly invalid as it stands. The premise one needs to add to make it valid would have to be something like: 'If X's have the right to Y,' then potential X's have the right to Y.' This premise is plainly false. Potential presidents don't have the rights of the presidency; potential voters don't have the right to vote.

In the FLO argument, potentiality is not used in order to bridge the gap between adults and fetuses, as is done in the argument in the above paragraph. The FLO theory of the wrongness of killing adults is based upon the adult's potentiality to have a future of value. Potentiality is in the argument from the very beginning. Thus, the plainly false premise is not required. Accordingly, the use of potentiality in the FLO theory is not a sign of an illegitimate inference.

The Argument from Interests. A second objection to the FLO account of the immorality of abortion involves arguing that even though fetuses have FLOs, nonsentient fetuses do not meet the minimum conditions for having any moral standing at all because they lack interests. Steinbock (1992, 5) has presented this argument clearly:

Beings that have moral status must be capable of caring about what is done to them. They must be capable of being made, if only in a rudimentary sense, happy or miserable, comfortable or distressed. Whatever reasons we may have for preserving or protecting nonsentient beings, these reasons do not refer to their own interests. For without conscious awareness, beings cannot have interests. Without interests, they cannot have a welfare of their own. Without a welfare of their own, nothing can be done for their sake. Hence, they lack moral standing or status.

Medical researchers have argued that fetuses do not become sentient until after twenty-two weeks of gestation (Steinbock 1992, 50). If they are correct, and if Steinbock's argument is sound, then we have both an objection to the FLO account of the wrongness

of abortion and a ba mally acceptable to

Steinbock's cond moral beliefs. Temp ings are nonsentien lack either interests neither conscious a conscious awareness ing interests.

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Steinbock's conclusion conflicts with our settled moral beliefs. Temporarily unconscious human beings are nonsentient, yet no one believes that they lack either interests or moral standing. Accordingly, neither conscious awareness nor the capacity for conscious awareness is a necessary condition for having interests.

The counterexample of the temporarily unconscious human being shows that there is something internally wrong with Steinbock's argument. The difficulty stems from an ambiguity. One cannot take an interest in something without being capable of caring about what is done to it. However, something can be in someone's interest without that individual being capable of caring about it, or about anything. Thus, life support can be in the interests of a temporarily unconscious patient even though the temporarily unconscious patient is incapable of taking an interest in that life support. If this can be so for the temporarily unconscious patient, then it is hard to see why it cannot be so for the temporarily unconscious (that is, nonsentient) fetus who requires placental life support. Thus, the objection based on interests fails. . . .

The Contraception Objection. The strongest objection to the FLO argument for the immorality of abortion is based on the claim that because contraception results in one less FLO, the FLO argument entails that contraception, indeed, abstention from sex when conception is possible is immoral. Because neither contraception nor abstention from sex when conception is possible is immoral, the FLO account is flawed.

There is a cogent reply to this objection.

If the argument of the early part of this essay is correct, then the central issue concerning the morality of abortion is the problem of whether fetuses are individuals who are members of the class of individuals whom it is seriously presumptively wrong to kill. The properties of being human and alive, of being a person, and of having a FLO are criteria that participants in the abortion debate have offered to mark off the relevant class of individuals. The central claim of this essay is that having a FLO marks off the relevant class of individuals. A defender of the FLO view could, therefore, reply that since at

the time of contraception there is no individual to have a FLO, the FLO account does not entail that contraception is wrong. The wrong of killing is primarily a wrong to the individual who is killed; at the time of contraception there is no individual to be wronged.

However, someone who presses the contraception objection might have an answer to this reply. She might say that the sperm and egg are the individuals deprived of a FLO at the time of contraception. Thus, there are individuals whom contraception deprives of a FLO and if depriving an individual of a FLO is what makes killing wrong, then the FLO theory entails that contraception is wrong.

There is also a reply to this move. In the case of abortion, an objectively determinate individual is the subject of harm caused by the loss of a FLO. This individual is a fetus. In the case of contraception, there are far more candidates. (See Norcross 1990.) Let us consider some possible candidates in order of the increasing number of individuals harmed: (1) The single harmed individual might be the combination of the particular sperm and the particular egg that would have united to form a zygote if contraception had not been used. (2) The two harmed individuals might be the particular sperm itself, and, in addition, the ovum itself that would have physically combined to form the zygote. (This is modeled on the double homicide of two persons who would otherwise in a short time fuse. (1) is modeled on harm to a single entity some of whose parts are not physically contiguous, such as a university.) (3) The many harmed individuals might be the millions of combinations of sperm and released ovum whose (small) chances of having a FLO were reduced by the successful contraception. (4) The even larger class of harmed individuals (larger by one) might be the class consisting of all of the individual sperm in an ejaculate and, in addition, the individual ovum released at the time of the successful contraception. (1) through (4) are all candidates for being the subject(s) of harm in the case of successful contraception or abstinence from sex. Which should be chosen? Should we hold a lottery? There seems to be no nonarbitrarily determinate subject of harm in the case of successful contraception. But if there is no such subject of harm, then no determinate thing was harmed. If no determinate thing was harmed, then (in the case of contraception) no wrong has been done. Thus, the FLO account of the wrongness of abortion does not entail that contraception is wrong.

CONCLUSION

This essay contains an argument for the view that, except in unusual circumstances, abortion is seriously wrong. Deprivation of a FLO explains why killing adults and children is wrong. Abortion deprives fetuses of FLOs. Therefore, abortion is wrong. This argument is based on an account of the wrong-

ness of killing that is a result of our considered judgment on the nature of the misfortune of premature death. It accounts for why we regard killing as one of the worst of crimes. It is superior to alternative accounts of the wrongness of killing that are intended to provide insight into the ethics of abortion. This account of the wrongness of killing is supported by the way it handles cases in which our moral judgments are settled. This account has an analogue in the most plausible account of the wrongness of causing animals to suffer. This account makes no appeal to religion. Therefore, the FLO account shows that abortion, except in rare instances, is seriously wrong.

NOTE

1. This essay is an updated version of a view that first appeared in the *Journal of Philosophy* (1989). This essay incorporates attempts to deal with the objections of McInerney (1990),

Norcross (1990), Shirley (1995), Steinbock (1992), and Paske (1994) to the original version of the view.

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REVIEW AND DISCUSSION QUESTIONS

- 1. Why does Marquis reject Thomson's defense of abortion?
- 2. Describe the "future like ours" account of why killing a human being is wrong.
- 3. What are the four reasons Marquis gives in support of the FLO theory?
- 4. Explain why Marquis does not believe his theory rests on a mistaken premise about the value of potential persons.
- 5. Warren claims that without consciousness, beings cannot have interests. How does Marquis respond to that claim?
- 6. Who is right on the interests question in your view? Explain.
- 7. How does Marquis answer those who claim that his FLO position leads to the absurd conclusion that contraception and even abstention from sex are wrong and therefore that the FLO argument must be rejected?

Fathers and Fetus

George W. Harris

In his essay, George Harris about abortion: the interestion on the ground that it gues that the central mora considers how abortion de of philosophy at the College

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George W. Harris, "Father Reprinted by permission of