

# Marquis Against Abortion

**1. The Question:** Marquis asks, "Why is killing wrong?" Here are two popular answers:

(a) "Because **human life** is sacred, therefore destroying a human life is wrong."

(b) "Because killing takes away someone's **personhood**, it is therefore wrong."

But, Marquis doesn't like these answers. (a) The first answer (**human life**) doesn't give us any explanation for why it might be wrong to kill OTHER sorts of beings (for instance, many would say that it is wrong to kill a chimpanzee, or a dolphin, or hobbits, if they existed). Furthermore, the first answer entails that unplugging someone in a persistent vegetative state is morally on par with murdering an innocent adult human being.

(b) Philosophers use '**person**' as a technical term, defined' as follows:

**Person:** An individual that can think rationally, feel emotions, form desires and goals, make choices, etc. Notice that "person" here is not synonymous with "human." For instance, a hobbit would be a person; also, some higher mammals (e.g., chimpanzees). Notice also that newborn babies as well as some severely mentally disabled humans would NOT be "persons" on this definition, since they do not think rationally, form desires or goals, etc.

The second answer above doesn't give us any explanation for why it would be wrong to kill infants. For, as we have seen, infants are NOT persons in the philosophical sense. As such, the proponent of this view has to give us an entirely different sort of reason for why killing an infant is morally wrong (though, to Marquis, it seems like the reasons for why killing a 2-year old and a 20-year old should be the same).

**2. The Answer (Future Like Ours):** Don Marquis's proposal for why it is morally wrong to kill has to do with what killing does to the victim: Namely, it deprives them of everything they will ever have or experience. In short, it deprives them of a "future like ours" (FLO). Marquis writes,

The loss of one's life is one of the greatest losses one can suffer. The loss of one's life deprives one of all the experiences, activities, projects, and enjoyments that would otherwise have constituted one's future. (pg. 2)

By "**future like ours**" Marquis means the sort of good future that you and I can probably expect; i.e., the kind with happiness, good experiences, etc. A future like ours is one of *value*; i.e., one that it would be good to have.

Marquis takes this explanation of the wrongness of killing to have several advantages over the other answers given above:

- Unlike the sanctity-of-human-life explanation, the FLO argument gives us a simple explanation for why it would be morally wrong to kill hobbits, intelligent aliens, chimps, dolphins, etc.
- Unlike the personhood explanation, the FLO argument gives us a simple explanation for why it would be morally wrong to kill human infants.
- Unlike the sanctity-of-human-life explanation, the FLO argument does not automatically entail that, for example, unplugging a human being in a persistent vegetative state is morally wrong (such an action is not ruled out as morally wrong on Marquis's account, since such an individual does not have a future of value—though this form of euthanasia might turn out to be wrong for other reasons. Marquis remains agnostic on this issue.).

**3. The Argument Against Abortion:** Marquis concludes that his explanation of the wrongness of killing is best, and therefore that any action that deprives an individual of a valuable future is *prima facie* seriously wrong. A note on 'prima facie' wrongness:

**Prima Facie Wrongness:** If something is "prima facie" morally wrong, this means the action has some morally bad feature, or some moral strike against it. An action that is "prima facie wrong" is not ALWAYS wrong, however. Its wrongness can be overridden by other factors (e.g., lying is "prima facie" wrong, but it seems morally permissible to lie in order to save someone's life).

But notice what else this view implies: It also entails that aborting a fetus is *prima facie* seriously wrong. Presumably, any normal human fetus possesses a valuable future. Since abortion takes this future away from the fetus, it has the same wrong-making feature that killing an adult human being has. Therefore, abortion is also seriously immoral. We might state Marquis' argument as follows:

1. Any action which deprives an individual of a valuable future (or, a "future like ours") is seriously *prima facie* morally wrong.
2. Abortion deprives the fetus of a valuable future (or, a "future like ours").
3. Therefore, abortion is seriously *prima facie* morally wrong.

**4. Objections:** Let us look at some objections to Marquis' view.

1. Killing Old People: It seems that, on Marquis' explanation of why killing is wrong, it might be LESS wrong to kill a very old person than to kill a child, since the latter has a LOT of valuable future ahead of them, while the former only has a little bit of valuable future ahead of them.

Reply: Marquis might simply bite the bullet here. Perhaps it IS much worse, morally, to kill a young person. Furthermore, consider: When faced with saving a young adult or a very old person, it DOES seem better to save the young adult, doesn't it?

*[Alternatively, might Marquis just say point out that his argument says nothing about "degrees" of wrongness? Both the elderly and the young have futures of value. So, killing either one of them is seriously wrong for exactly the same reason. The end.]*

2. Contraception, Masturbation, and Abstinence: Whenever a couple uses contraception, aren't they depriving the child that WOULD have been conceived of a valuable future? If Marquis is correct, then it seems like this would make the use of contraception morally wrong. For that matter, it seems like masturbation ALSO deprives a would-be fetus of a FLO, since that seed could have been used to fertilize an egg. Even abstinence seems to deprive individuals of FLO's. Are we all obligated to be procreating RIGHT NOW?

Reply: This objection is mis-guided. The moral principle that Marquis suggests is that killing is prima facie seriously wrong when it deprives an INDIVIDUAL of a FLO. But, an egg and sperm are TWO things. Before fertilization, there is no specific individual organism that has a valuable future. Therefore, if contraception is used, there is no single subject—no single individual—that is deprived of a FLO. Neither the individual sperm, nor the individual egg, has a future of value. Only AFTER fertilization occurs (and a fetus exists) does there exist any organism that possesses a valuable future. Therefore, Marquis is NOT committed to the conclusion that contraception, masturbation, and abstinence are morally wrong.

*[Note on Plan B: However, it seems that contraception in the form of the "morning after pill" WOULD be morally wrong on Marquis's view. One of the ways in which Plan B works is (supposedly) to prevent implantation AFTER fertilization has already taken place (source [here](#) and [here](#) – though there is some debate about this among researchers; see, e.g., [here](#)). If Plan B works in this way, then it works by killing a fetus; i.e., by taking away its valuable future. Therefore, Marquis's view would entail taking such a pill would be morally on par with murdering an adult human being. Perhaps Marquis would be happy to bite the bullet and accept this conclusion. (?) Yet, many have the intuition that taking a morning after pill is clearly NOT morally wrong. What do you think?]*

3. Abortion in the Case of Rape: Though Marquis sets this issue aside, note that he might also be committed to the unpopular conclusion that abortion is morally wrong EVEN in the case of pregnancy due to rape. Killing a healthy fetus ALWAYS deprives an individual of a valuable future—no matter how that fetus came about. The fact that a woman was raped does not seem to justify depriving the resulting fetus of its future, for this is morally on par with murdering an adult human being. Perhaps Marquis would be happy to bite the bullet here and accept this conclusion, though most would disagree.

4. The Cat-Serum Counter-Example: Imagine the following case (from Michael Tooley):

**Cat-Serum** I have given a cat a serum that has begun a transformation process which will make the cat (in 9 months) begin to become smarter and smarter, such that one day it will have a human-like mind. Thus, once I have administered the serum, the cat possesses a FLO. However, I also possess a “neutralizing” antidote that will prevent this process from ever occurring. I administer it.

During the 9 month serum incubation period, it seems like it is PERMISSIBLE for me to administer the antidote. On Marquis’ theory, however, it is morally WRONG to do so.

To further illustrate the point at hand, here is another similar case:

**Cow-Machine** A cow is about to walk into a machine that will alter its brain into a sophisticated one. In short, once the cow walks toward the machine, it has a FLO. However, I have the opportunity to shut the door to the machine before the cow enters it. I shut the door.

It seems like it is morally permissible to get the cow to change direction before it enters the machine. However, if Marquis is correct, doing so would be morally wrong, since doing so deprives it of its valuable future. [What do you think? Is it morally wrong?]

These 2 cases attempt to show that Marquis’ theory is false because it gives us the WRONG moral judgment in each case. Both the cow and the cat DO possess a valuable future in these cases—though taking that FLO away from them, contrary to what Marquis’s view entails, does NOT seem wrong. Therefore, Marquis’s view is false.

Reply: Can you think of a way that Marquis might reply to the Cow-Machine and Cat-Serum cases? Is there a way to save Marquis’ argument?

*[A final worry: Marquis has given us no principle to explain the wrongness of killing severely mentally disabled human beings. Presumably, this is morally wrong—and yet such individuals do not have futures “like ours”. Is killing such a human being, then, no worse than killing, say, a cow? If not, why not? Marquis does not address this issue.]*

## Thomson For Abortion

**Initial Claims:** Judith Thomson thinks that arguments against abortion are irrelevant. She believes she can offer an argument that STILL demonstrates that abortion is permissible, EVEN IF the following things are true:

- A fetus has a full right to life.
- It is prima facie seriously wrong to kill a fetus.

**Violinist:** In order to understand why she believes this, consider the following:

**Violinist** You wake up one morning in a hospital bed. You look down and find that there are tubes coming out of your stomach. The tubes lead into someone else in a bed next to yours. Eventually, doctors come in and tell you that you have been abducted while you were sleeping, and hooked up to a famous violinist. He has a rare kidney disease, and needs the use of your kidneys for 9 months. If you disconnect from the tubes, he will die. If you remain in bed hooked up to him for 9 months, he will be fine.

Thomson claims that it would be permissible to disconnect from the violinist, even though he would die. Notice that the violinist is clearly a person, with a full right to life, and that it would be prima facie seriously wrong to kill him. So why is this permissible? Because, she says, he does not have the right to use your body. Thomson writes,

“having a right to life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person’s body—even if one needs it for life itself.”

Thus, detaching from the violinist does not violate his right to life. Rather, it simply denies him the use of your body, which he never had a right to in the first place.

**Conclusion:** The violinist case is, of course, supposed to be analogous to abortion. The fetus may have some right to life, but your own right to your body overrides the fetus’s right to life. Therefore, abortion is permissible. Thomson has provided an argument by analogy, which we may write as such:

1. Detaching from the violinist in the Violinist case is morally permissible (EVEN IF the violinist has a full right to life).
2. But, abortion is morally analogous to detaching from the violinist.
3. Therefore, abortion is morally permissible (EVEN IF fetuses have a full right to life).

**Objections:** There are several objections to this argument:

**1. Rape:** It seems that the two cases (abortion and Violinist) are only analogous in cases of aborting a fetus that is due to rape. In Violinist, you are abducted and attached without consent. Likewise, pregnancy resulting from rape is a case of a fetus needing your body without your consent.

However, in most pregnancies, you either explicitly consent to getting pregnant, or implicitly consent, since you are aware of the potential consequences of sex. Therefore, Thomson has only shown that abortion is permissible in cases of rape.

**Reply:** Thomson brings up the following case (modified from her burglar case):

**Burglar** It is too warm inside, and you open a few windows to let in some cold air. You do this, knowing full well that leaving your windows open always comes with the slight risk of having a burglar come in from outside. But, you open them anyway. As it turns out, a burglar DOES come in and a bit later you discover him in your living room, stealing your laptop.

If the above objection is correct, then we must allow the burglar to continue, because we are partially responsible for them being there in the first place. But, this seems obviously false. Consider another case:

**People Seeds** You live in a neighborhood where there are seeds that float around like pollen, and take root in carpet and upholstery if they can, where they will slowly grow into people. You often open your windows to let in a cool breeze, and whenever you find a new person-plant sprouting in your couch, you pull it up and dispose of it.

Clearly destroying these plants is not morally wrong, says Thomson. Even though you opened your windows and own a couch, knowing full well what could happen, this knowledge does not obligate you to allow the people seed to grow. This seems even MORE obvious if you had actually taken steps to PREVENT the seeds from getting in (perhaps with a giant rubber window-sheath that is for some reason defective). If you take steps to prevent the consequences, you are CLEARLY not consenting to those consequences. (Note that the burglar case can be modified as well. Perhaps you have put bars on your windows, but one of the bars is defective.)

**Rebuttal:** It is curious that Thomson picked these two cases. The original violinist case was supposed to demonstrate that killing is sometimes permissible EVEN WHEN the victim is innocent and possesses a full right to life. But, note that the burglar is not

innocent. He is a criminal. Likewise, a plant clearly lacks a full right to life. I think these differences may alter our intuitions. What do you think?

We may alter the violinist case (as Mary Anne Warren points out) in order to more closely resemble pregnancy in normal, non-rape cases:

**Violinist Concert** You buy tickets to a violinist concert. At the ticket counter, they say, "We're obligated to tell you that the violinist has a fatal kidney disease, and one person from the audience tonight will be selected at random to be hooked up to the violinist tomorrow morning. You will need to remain connected to him for 9 months, and then he will survive. If you detach from him prior to that, he will die." You shrug, and attend the show anyway, because violin music is so pleasurable to you. The next morning, you wake up attached to the violinist.

Is it permissible to detach in THIS case? Perhaps not. After all, you did something that you knew full well could have this result. Are you, then, stuck with the consequences of your actions?

Consider that, even this case is not quite right. For, in cases of pregnancy, your actions CAUSE THE FETUS TO COME INTO EXISTENCE. In the violinist case, the violinist is ALREADY helpless and in need of care. But, in pregnancy, there is no one in need of care UNTIL your action (i.e., having sex). So, perhaps we should alter the case even further:

**Contagious Violinist Concert** You are a carrier of a deadly disease which is mildly contagious. The only way to give it to someone else is to stand directly in front of them for one hour—and even then there is only a 1% chance of giving it to them. Furthermore, you know that (somehow), your kidneys are the cure; and, if you give this disease to anyone, your doctors have informed you that, the next morning, you will wake up attached to that person for 9 months (or else they will die). You buy tickets to a violinist concert. Knowing the nature of your disease, but shrugging it off, you stand directly in front of the stage, directly in front of the violinist for the duration of the show. The violinist contracts the disease, and the very next morning, you wake up attached to him.

Is it permissible to detach in THIS case? Probably not. Mary Anne Warren concludes that Thomson has merely proven that abortion is permissible in cases of pregnancy due to rape—but nothing more.

**2. Killing vs. Letting Die:** The two cases are not analogous because in abortion you are KILLING the fetus, while in Violinist you are merely letting die, and the former sort of action is worse than the latter.

Reply: First, it is not clear that in Violinist, you are MERELY letting die. You do PULL the plug. But, even so, this would only rule out certain methods of abortion. It would still be permissible to, say, merely cut the umbilical cord or perhaps merely remove the fetus from the womb and allow it to die.

**3. Future Technology:** Thomson's entire argument seems to be founded on the idea that a fetus violates the mother's right to her body. But, this argument only shows that REMOVING fetuses from your body is permissible, but not that KILLING them is. Imagine that we someday develop the technology to remove a fetus without its dying. At that point, killing the fetus would be morally wrong.

Reply: Thomson admits, "To say this is by no means to say that if, when you unplug yourself, there is some miracle and he survives, you then have a right to turn around and slit his throat. You may detach yourself even if this costs him his life; you have no right to be guaranteed his death."

So, this objection succeeds. But, at this point, Thomson would then say that the moral status of a fetus IS now relevant, and she would likely argue that the fetus does NOT have a full right to life—i.e., it is NOT seriously prima facie morally wrong to kill a fetus (this is only something she granted for the sake of argument).

**Good Samaritans vs. Minimally Decent Samaritans:** Since Thomson does not think we are obligated to make great sacrifices to save lives, the question may arise, "How much SHOULD we give up, then?" Consider this case:

**Henry Fonda** Judith Thomson is feverish and about to die. The only thing that will save her is the cool touch of Henry Fonda's hand on her fevered brow. Unfortunately, he lives on the other side of the country.

Thomson says that she has no right to Fonda's touch; and, while Fonda would be a "Good Samaritan" to fly out and save her, he is not morally required to do so. But, what if Fonda were in the same room as Thomson? If he refused to walk across the room to touch her brow, we would think he was "indecent". Failing to give this much would fall below some minimal standard of decency. This suggests that there is some minimum amount of sacrifice that we should make for others when they need our help (for example, if pregnancy only lasted an hour, it would be indecent to abort the fetus).

Objection: Which of these two claims is Thomson making? It is somewhat unclear.

- (1) Fonda is obligated to walk across the room, but not obligated to fly 2000 miles.
- (2) Fonda is not morally obligated to do *anything* to save another's life, though not walking across the room to save Thomson would be deemed "indecent".

If the latter, then we have ZERO positive obligations to others? That seems false.