

SOME PROBLEMS AND SIMILARITIES

According to Marquis, there are certain structural similarities between the pro-choice and pro-life position:

Pro-life

“A fetus is a human life. Hence, it’s wrong to kill it.”

- *First Problem*: A human cancer cell-culture is both living and has the DNA required to qualify as human life, in the biological sense. But is it morally wrong to end the existence of a human cancer cell-culture?

- *Second Problem*: How do we get from the *biological* fact that the fetus is a human life to the *moral* fact that it’s wrong to kill it?

Pro-choice

“A fetus is not a person. Hence, it’s not wrong to kill it.”

- *First Problem*: Infants and severely retarded individuals do not qualify as persons, if understood in terms of rationality and self-awareness. But is it morally permissible to kill them?

- *Second Problem*: How do we get from the *psychological* fact that the fetus isn’t a person to the *moral* fact that it’s not wrong to kill it?

Here’s one attempt to answer the second problem for the pro-choice position, due to Joel Feinberg:

The characteristics that confer commonsense personhood are [...] traits that make sense out of rights and duties [...] It is because people are conscious; have a sense of their personal identities; have plans, goals and projects; experience emotions; are liable to pains, anxieties, and frustrations; can reason and bargain, and so on – it is because of these attributes that people have values and interests, desires and expectations of their own, including a state in their own futures, and a personal well-being of a sort we cannot ascribe to unconscious or nonrational beings. [...] Only because of their sense of self, their life plans, their value hierarchies, and their stakes in their own futures can they be ascribed fundamental rights.

Notice, however, what Feinberg is doing here: He starts out by talking about “rights and duties,” but ends up talking only about rights. This is a problem, and for the following reasons:

- (a) It seems reasonable to assume that having *duties* requires a certain level of conceptual sophistication. For example, for me to have a duty to repay my debts to you, it probably has to be the case that I have a concept of money, of lending and borrowing, of me and you, and our independent identities, etc. Indeed, this is exactly why I can’t lend money to a stone—and why it could never owe me anything.
- (b) However, the same does not seem to be true of *rights*. Indeed, this brings us back to the first problem above: Infants and severely retarded individuals may have rights—such as a right not to be killed—even if they lack a whole host of concepts, as well as, perhaps, certain levels of self-awareness.

In other words, it seems that the fancy psychological characteristics that Feinberg talks about may be required for *duties*, but not for *rights*. As such, his point does not say anything about under what conditions we may or may not have a right not to be killed.

THE FUTURE-LIKE-OURS ACCOUNT

According to Marquis, the problem with both positions is that neither has gotten to the *core* of what makes it wrong to kill someone. So, what makes it wrong to take someone’s life? Here are a couple of bad suggestions:

1. “It brutalizes the one killed.”

Problem: The reason the act is ‘brutal’ is that it is immoral. (Otherwise, it would be, say, brave or merciful.) In other words, brutalization does not explain why killing is immoral.

2. “It amounts to a great loss for others due to the absence of the one killed.”

Problem: If this were why it’s wrong to kill someone, then how do we explain that it’s wrong to kill a hermit?

Here, Marquis claims, is a better suggestion:

The Future-Like-Ours Account

“What primarily makes killing wrong is neither its effect on the murderer nor on the victim’s friends and relatives, but its effect on the victim. 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.”

This theory has a couple of virtues:

- Since what matters is a future—not a *human* future—the theory does *not* imply that it’s morally permissible to kill non-human beings.
- Since it’s the *value* of the future that makes it wrong to kill someone, the theory does *not* collapse into a sanctity of life ethic.
- Since infants, retarded individuals, and hermits all have futures that may be valuable, the theory explains why it’s wrong to kill them.

Most importantly, however, the theory has the following implication:

- Since a fetus has a future, it is wrong to kill a fetus to the extent that this future is valuable.

ALTERNATIVE ACCOUNTS

One way to try to discredit this conclusion is to find an *alternative* account of killing that (*a*) does an equally good job at explaining why we think it’s wrong to kill others, without (*b*) implying that it’s wrong to kill a fetus.

1. **The Desire Account**

Killing is wrong in so far as it interferes with a desire to live on part of the victim.

Problem: This fails to explain why it is wrong to kill people that are sleeping, unconscious, or suicidal.

2. **The Discontinuation Account**

Killing is wrong in so far as it discontinues a positive experience of living.

Problem: This account implies that an intolerable immediate past can make it right to kill someone, even if the future carries many positive experiences.

At the same time, the future-like-ours account explains not only (*a*) why it’s wrong to kill people that are sleeping, unconscious, or suicidal, but also (*b*) why an intolerable immediate past does not justify killing: in either case, we are depriving someone of a future that may be valuable.

CONTRACEPTION

Does Marquis’ account imply that it’s wrong to use contraception? Consider the following argument:

1. It is morally wrong to deprive someone of a *potential* future.
2. Using contraception is to deprive someone of a potential future.
3. Hence, using contraception is morally wrong.

Marquis is not happy with this argument, however. First of all, at the time of contraception, there is no *one* potential future, but *millions* of potential futures, in the form of million possible combinations of thousands of sperms and one egg. Moreover, he takes it that what makes killing wrong is not depriving someone of a potential future, but depriving someone of an *actual* future. And at the time of conception, there simply is no such thing as an actual future yet.