

According to Michael Tooley, one having a moral right to something means that if they desire that thing under normal circumstances, then others should, *prima facie*, not deprive them of it. This is more plausible than simply saying that “if someone has a right to something, then others shouldn’t deprive them of that thing,” as it doesn’t seem wrong to give away your property even if you have the right to it by owning it. If you don’t desire to keep something, perhaps choosing to gift it to me, then it’s not wrong for me to accept the gift and take the thing you had a right to. Additionally, it needs to be specified that the desire is under normal circumstances, as it seems wrong to kill the suicidal or comatose even though they don’t desire life. Their situations are not typical of human beings, who normally do desire life.

It follows, then, that if one has a right to life, then, *prima facie*, others shouldn’t deprive them of life. That is, it would be morally wrong to kill something that has a right to life.

However, to have a right to life, it is required that one be cognitively sophisticated enough to possess a concept of life, or a continued existence over time. This is because Tooley’s definition of a moral right hinges on one’s desiring of something and desires are limited by the concepts one possesses. After all, one cannot want what one cannot conceive of; wanting something requires that one understands the existence of that thing.

Fetuses, therefore, Tooley argues, cannot have a right to life. Given our current scientific understanding of neuroscience and biology, fetuses do not have the cognitive sophistication necessary to conceptualize existing over time. Without such an understanding, they do not have the capability to desire it. And without the ability to desire it, fetuses do not have a right to life, so there is nothing wrong with depriving them of it.

Don Marquis argues for the impermissibility of abortion in the following way: if a fetus has a future like ours, then it is seriously morally wrong to kill it (P1). The typical fetus has a future like ours (P2). Therefore, it is seriously morally wrong to kill fetuses (C), such as through abortion.

This is a valid argument whose conclusion cannot be false if the premises are true. Thus, the soundness of the argument relies on the truth of its premises.

P1 can be justified by first discerning what makes killing wrong in general. Marquis concludes that it is wrong to kill a person because killing them deprives them of their future and by depriving them of their future, one deprives them of all the valuable experiences they would have had in that future. In other words, killing is wrong because you deprive the one being killed of all the enjoyments they would have experienced over the course of a life typical of a human being, or what he calls a “future like ours.” P1 simply applies this theory of killing’s wrongness to fetuses.

Marquis’ theory of killing’s wrongness (abbreviated henceforth as MTKW) is plausible because it appeals to several of our common-held intuitions. For example, our intuitions tell us that animal lives should have some weight to them, even if they are less weighty than human lives. MTKW explains this rather well. If animals have valuable experiences in their future, then it is wrong take away their life without good reason. However, humans have greater cognitive capacity and can therefore plausibly have greater experiences, so our lives are worth more. MTKW also explains why euthanasia to alleviate misery can sometimes seem the right choice—if someone has no valuable experiences to live for, then it’s not wrong to kill them. Additionally, MTKW justifies the intuition that children’s lives are valuable—it is wrong to kill

children since they have many valuable experiences in their future that they would lose by being killed.

MTKW also seems more plausible than rival theories such as the desire account, which states that killing is wrong because it frustrates someone's very strong desire to continue living, because the desire account would counterintuitively sanction the killing of those who had no desire to live, e.g., the severely depressed and comatose, while MTKW does not. Furthermore, we desire to live only because we desire the valuable things we experience through living. Our desires are based on what we get from life, so ultimately, it is the loss of those valuable things in our futures that explain why it's wrong to kill, not the frustrations of our desires.

Since MTKW is plausible, P1 must be true.

The second premise might be justified by appealing to statistics. The typical fetus has an average future, and the average future has valuable experiences in it. In other words, our futures have valuable experiences in them, and the typical fetus also has those valuable experiences in their futures; they have a future like ours. Unless it can be shown that the typical fetus will not grow into a typical human adult, this premise seems to hold true.

In conclusion, Marquis believes abortion is morally impermissible because killing fetuses robs them of all the valuable experiences in their futures, which is morally wrong.

An objection can be raised against Marquis' argument, through the use of the Growing Baby thought experiment. Imagine you are trapped in a tiny house with a child growing so fast it is crushing you against the wall. Neither of you is to blame for the situation, but if you don't do anything about it, the child will burst free and walk away mostly unscathed while you will be crushed to death; it is necessary to attack the child to, yourself, survive. If P1 and MTKW were true, then it would be required that you not kill the child who has a future like ours. Yet, it seems wrong to say that you are required not to defend yourself against the one threatening your life. This intuition shows that something having a future like ours doesn't make killing it necessarily wrong—self-defense can take precedence because one does not seem *required* to let oneself die. Thus, even if the fetus has a future like ours, it can be morally permissible to abort it if, for example, the mother's life is in danger. Essentially, it is not the case that if a fetus has a future like ours, then it is always seriously morally wrong to kill it. Therefore, P1 of Marquis' argument appears to be false and his argument is unsound.

Someone sympathetic to Marquis' view, however, might respond that our intuitions about the Growing Baby thought experiment are wrong. He might say that our intuitions are based on visceral selfishness—the rational approach would be to look at the two in the house, and, realizing the baby likely has more valuable experiences in their future than yours, let yourself be crushed. Killing such a being would be worse than letting yourself die. We should operate on the same principle that allows us to weigh an animal's life below our own; in this case, your life is less weighty than the child's.

However, with this kind of response, Marquis sympathizers would have to argue that many kinds of selfishness are immoral. Yet, it sounds implausible that we are always required to give up on our own desires and enjoyments to extend others' lives. Otherwise, each of us must donate almost all our earthly possessions to the impoverished and disease-stricken to save or extend their lives with presumably valuable experiences in their futures. It feels severely counterintuitive to be morally *required* to do so. This seems to show that MTKW is false, rendering P1 incorrect. His entire argument, then, would still be unsound.