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Don Marquis' 1989 paper, "Why Abortion is Immoral," argues that, in nearly all cases (discounting those performed for medical purposes), abortion is morally impermissible, a claim which he supports via an argument from his "future-like-ours" theory (340-341). In this paper, I will argue that Marquis' argument fails because it relies on a faulty premise, so his primary claim of the immorality of abortion does not necessarily follow. I will begin by summarizing Marquis' argument for why killing is *prima facie* wrong based on his future-like-ours theory and then will reconstruct his argument for the wrongness of abortion which rests on this foundation. I will undermine his future-like-ours theory which in turn will undermine his abortion argument, and I will then provide one possible alternative to the future-like-ours theory which bears the consequence that receiving an abortion may still be morally permissible in the non-extreme cases discussed by Marquis. In essence, though Marquis believes that he has sidestepped traditional anti-abortion arguments, which generally fall prey to counterexamples or result in stalemates via their own ambiguity (340), he has merely provided another defense of the fetus' right to life which may be superseded by other, comparably significant rights. I will conclude by qualifying my argument, exploring the range of its validity and its limitations and then by reiterating my argument and why it holds for a majority of cases.

Marquis' argument against abortion begins by highlighting the gridlocked nature of the debate, summarizing several common methods which opponents and proponents of abortion alike use to prove their claims but which inevitably fail. Marquis highlights debaters' reliance on the ambiguous key terms "human being" and "person." Typical arguments against abortion fail because they attempt to argue that abortion is impermissible since the fetus is a "human being," and it is always wrong to kill a human. Typical pro-choice arguments state that it is only wrong

to kill a “person,” and because a fetus is not a person, abortion is morally permissible. Marquis objects to the use of the commonplace, vaguely-defined, anti-abortion argument and, to get out from under this, decides to grant his opponent the claim that the fetus is not a person while still demonstrating why killing it is morally wrong (337-340). The first portion of his argument is dedicated to the investigation of why killing us (humans) is wrong. Assuming that most people will agree that the act of killing another human being is *prima facie* wrong, he initially concludes that killing us is wrong because of some effect that the killing has on the person who is killed; this effect he outlines with his future-like-ours theory. While there are many effects that killing can have on the person killed, Marquis states that the effect that explains the wrongness of killing must best coincide with humans’ intuitions about the immorality of the act. This effect which best describes the intuitive feeling of the wrongness of killing is the fact that killing deprives us of our futures and all the activities and experiences that those might entail; therefore, the reason that killing is wrong stems from the fact that it deprives people of their potentially valuable futures. Marquis uses as evidence for the validity of his claim the fact that people view murder as a horrible crime and premature death as one of the worst things that can happen to a person (340-342). He then moves on to apply the future-like-ours conclusion to the argument against abortion, which is as follows: since killing humans is morally impermissible because it deprives us of valuable futures, depriving anything which possesses a “future like ours” is also immoral. Since fetuses have such futures, and in most cases of abortion, these fetuses are being deprived of such futures, abortion is impermissible in non-extreme cases. He reinforces this argument by showing how it differs from typical anti-abortion arguments which invalidly state that since killing persons is wrong, killing “potential persons” is also wrong (342). Marquis provides a further analogy of an argument for the wrongness of inflicting wanton pain on

animals to help illustrate his argument and reinforce his readers' understanding of it. He demonstrates that inflicting wanton pain on animals is wrong for the same reason that it is wrong for humans: because the animals, like humans, are capable of experiencing suffering, and causing suffering for anything that can perceive it is morally wrong (342). Here, I have offered a reconstruction of Marquis' argument against abortion, and I will now proceed to demonstrate why it fails to show that abortion is *prima facie* morally wrong.

Firstly, I would like to pre-emptively note that while Marquis' arguments may appear to have averted the typical abortion debate pitfalls regarding ambiguous terms and the "personhood" of the fetus, he has merely provided a stronger argument that rests on that personhood foundation. Therefore, any discussion of the logic of Marquis' arguments also falls within that area of the abortion debate which revolves around the fetus' personhood. Marquis believes that objecting to the second premise in his argument for the wrongness of abortion is an opponent's best course of action for undermining his case; he challenges someone wishing to object to find another quality of humans, which does not apply to fetuses, such that his premise will not hold for fetuses (and anything else that does not possess said quality), cleverly bringing the opponent back into the argumentative realm of personhood (343-344). Marquis has essentially defined a "person" as anything which has a future like the one possessed by the majority of sentient human beings. Now the burden falls on the objector to redefine "person" based on some other metric so that abortion is morally permissible.

Rather than falling into this trap, I will argue against the foundations of the future-like-ours theory, and I will then also allude to an area in which the abortion debate can be discussed that truly does avoid the pitfalls of the personhood debate (one which Marquis himself ignores). Marquis says that it is wrong to abort a fetus because this deprives it of a future like ours. Upon

examining his grounds for establishing the future-like-ours theory, both foundational premises can be called into question. The first premise states that the explanation for why killing humans is wrong is most likely the one which effectively addresses humans' intuitions about the wrongness of killing from a victim's perspective. While an explanation's coincidence with intuitive feelings appears to be a solid basis for declaring that explanation to be the most fundamental, intuition can sometimes be a faulty guide in the realm of morality. Humans intuitively harbor prejudices against outgroup members in society and often remorselessly act in immoral ways toward such people. These people might also be able to construct logical arguments to defend their actions as morally permissible due to the fact that their disgust at another person is inherent, but this does not make the defense of such actions right. Just because something is intuitive does not make it the best explanation for an action's rightness or wrongness. In addition, assuming that coincidence with human intuition is a good metric for basing moral explanations, the value of a future like that of most sentient humans is not necessarily the best explanation which coincides with human intuitions about the wrongness of killing. There are some human beings which are so emotionally and mentally stunted such that they are surpassed by the most intelligent of mammals such as elephants, dolphins, or chimpanzees. The future-like-ours theory would make it morally permissible for all mentally handicapped people to be systematically euthanized since they do not possess the potential of the value of a future like ours; however, this allowance goes against intuitions about the wrongness of killing (possibly due to the innocence and lack of autonomy of the life taken, or possibly because the seriously mentally disabled are still human beings and look as such, bringing us back to using "human" as a grounds for something having the right not to be killed). The future-like-ours theory is not the best theory to explain the wrongness of killing (undermining Marquis'

abortion argument). I will now propose a different explanation for the wrongness of killing, which, as a consequence, allows for the majority of abortions to be performed. Another possible intuitive explanation for the moral impermissibility of killing is simply that humans intuitively fear the unknown, and death introduces a frightening unknown. (If it was known for an absolute fact that there was life after death and it was the most certain blissful experience imaginable, then people would most likely not view killing others as one of the greatest wrongs that can be done; it would be more like pushing someone out of the nest and into the next, better stage of life.) The experience of being killed against one's will is unpleasant either because it causes emotional and physical pain or because those who are killed have the capability to experience the fear of the unknown. (It also implies that for those who are capable of autonomy, an action performed on the autonomous person against their wishes, which results in a negative consequence, would be wrong, even if that action was painless and not accompanied by any fearful experiences.) Killing any being which possesses either of the aforementioned qualities is *prima facie* wrong. This has the consequence that killing animals is *prima facie* wrong; arguments can be made in specific cases for why killing a particular animal is justified (food, self-defense, etc.), but to kill an animal for no justifiable reason is morally impermissible (as evidenced intuitively by the general acceptance of laws protecting the proper treatment of animals). The other reason why being killed is viewed as a negative experience stems from the capability of fearing the unknown, a quality which can be attributed to sentient human beings. Since the fetus can neither experience pain nor fear the unknown (and it lacks the autonomy to state that any action performed on it could be against its will), abortion is not morally impermissible. This argument has the consequence of explaining why killing human beings is wrong, but it also has the consequence of allowing for abortions to be performed. It does not

necessarily allow for the women to receive late-term abortions for contraceptive reasons since the fetus in those cases has the capability to experience pain (and possibly even to fear the unknown), but these cases certainly do not account for the majority of abortions. The majority of other abortions can therefore be counted as morally permissible based on this argument.

I will conclude by mentioning that the above argument responds to Marquis' anti-abortion argument (both of which are vulnerable to objections against arguments that rely on "personhood" foundations, despite Marquis' attempt to argue against abortion outside of this foundation). Marquis believes that he has provided an effective argument against the moral permissibility of abortions, namely, that abortions are wrong in and of themselves regardless of any account of the rights of the fetus or any other party concerned. In reality, granting all of Marquis' arguments only provides another defense of the fetus' right not to be killed, and nothing is said of the possibility of a conflicting right of another party superseding that of the fetus. In essence, Marquis has avoided the issue of rights all together and has therefore avoided addressing one of the primary, effective, non-personhood based arguments utilized by the pro-choice perspective. In this paper, I have provided a thorough summary of Marquis' argument against the permissibility of abortions. I have provided a criticism of the foundational portion of his argument, the future-like-ours theory, and I have then illustrated another possible explanation for the wrongness of killing which allows for the majority of abortions to be performed. Since my argument follows a format similar to Marquis', any objections against it would most likely be similar to the objections which I myself have raised against Marquis. Finally, I have related some consequences of my argument and addressed an area of the abortion debate which Marquis simply ignores. Ultimately, abortion remains a controversial ethical topic, and Marquis fails to provide an effective argument for its impermissibility.

## Works Cited

Marquis, Don. "Why Abortion Is Immoral." *The Journal of Philosophy*, vol.86, no.4, Apr. 1989, pp.336-348., doi:10.2307/2026961.