No Future for Marquis’ Anti-Abortion Argument

Don Marquis holds that the wrongness of abortion can be deduced from the more general, far less contested, wrongness of killing (Marquis 270). On Marquis’ view, to determine the moral status of abortion, we must first determine what it is that justifies a prohibition on killing people, and then see if these same concerns apply in the case of fetuses (Marquis 272). Marquis thinks that, if we find that the destruction of a fetus constitutes a kind of loss similar to the loss of an adult human life, this finding is sufficient to demonstrate the moral impermissibility of abortion (Marquis 271). Marquis argues that the relevant loss common to the case of the destruction of a fetus and that of the destruction of an adult human is that both cases involve “the loss of to the victim of the value of the victim's future” (Marquis 272), and that this factor is “sufficient to create the strong presumption that killing is seriously wrong” (Marquis 274). I will suggest that it is the violation of autonomy, rather than the denial of a valuable future, that accounts for the moral wrongness of killing. I will argue further that, even if we are to grant Marquis his thesis and agree that the prospect of a “valuable future like ours” (Marquis 274) is by itself reason enough, all other things being equal, to favour the preservation of the life of a fetus over its destruction, this finding is on its own not powerful enough to override the interests and preferences of the prospective mother. Finally, I will briefly touch upon the argument, advanced by economist Stephen Levitt, that children born to women who would sooner have undergone abortions than have given birth, but lacked access to the relevant services during their pregnancies, overwhelmingly do not end up enjoying “valuable future[s] like ours” (Marquis 274), but instead end up being over-represented in our penal system, and generally squandering that much-celebrated potential for a desirable future (Levitt 124-129).

Marquis argues that the explanation of the wrongness of killing that centres on the fact that killing entails the “loss of the victim’s future” (Marquis 272) is accurate because it accords with our intuitions about when and why killing is wrong (Marquis 272). Acknowledging this effect of killing, says Marquis, takes seriously the finality of death, and recognizes the fact that killing “deprives the victim of more than perhaps any other crime” (Marquis 272). This seems intuitively correct, he says, because we typically “regard killing as one of the worst of crimes” (Marquis 272), and the fact that death deprives a person of so much seems a plausible justification for our particularly grave reaction to
news of a crime that results in death, rather than one that causes only discomfort, damage to or destruction of property, undue expense, or mere inconvenience. Furthermore, unlike most other damages, death is irreversible and therefore preserves the loss that it inflicts; while monetary loss may be recouped, pride recovered, and many physical injuries, healed, there is no amount of perseverance that can restore one's life. The loss of one's life, in turn, involves “the loss...of all those activities, projects, experiences, and enjoyments which would otherwise have constituted [one's] future personal life” (Marquis 271). In other words, it is the loss of all of the positive content of one's future, rather than the loss of one's future per se, that makes death such a regrettable state.

This latter point's significance to Marquis' argument should not be overlooked, as it does allow exceptions to the general rule that killing does a very great disservice to the person being killed. Marquis allows that someone's likelihood of having a future, in the sense referring to the likelihood of the continuation of a biological life (Marquis 271), is not, in itself, enough to prove that killing such an individual would constitute a wrong act (Marquis 272). On the contrary: according to Marquis “Persons...who face a future of pain and despair...will not have suffered a loss if they are killed. It is, strictly speaking, the value of a human's future which makes killing wrong in this theory” (Marquis 272). I will return to this point later on, as it raises significant doubts surrounding the internal consistency of Marquis' argument. For now, however, I will focus on Marquis' claim that the denial of the victim of a valuable “future like ours” (Marquis 272) is primarily (Marquis 271) (although not exhaustively) what accounts for the moral impermissibility of killing.

Marquis challenges those who are inclined to reject his thesis to offer a theory of the wrongness of killing that identifies “a different natural property associated with killing which better [aligns with our attitudes toward death]” (Marquis 274), and at the same time does not necessitate the acceptance of a pro-life stance. He rejects the “sanctity of human life” (Marquis 272) account, claiming that, insofar as it does not allow exceptions even where a person is experiencing very great suffering of the sort that can only be relieved by death, it is unnecessarily cruel (Marquis 272), and therefore inadequate. He also dismisses what he refers to as “discontinuation account” (Marquis 275), which holds that it is “the discontinuation of what makes our lives worthwhile which makes killing us wrong” (Marquis 275), because, although initially plausible, it does not seem to differ substantially from the “future-like-ours” (Marquis 274) explanation. He disapproves of the “desire account” (Marquis 274)—by which he means the suggestion that the wrongness of killing inheres in its violation of the victim's desire to live—as well, because it would require us to deem it morally acceptable to kill people who lack such a desire—something that we clearly regard as seriously morally wrong in a number of circumstances, most notably in cases where the victim is suicidal (Marquis 274) or mentally ill. He
concludes that his “valuable future” (Marquis 274) account is preferable because it avoids the pitfalls of each of these others.

Taking Marquis up on his challenge, I propose that it is not the withholding of the opportunity for a valuable future that truly captures our disgust and moral outrage at, and compels us to condemn, the actions of a killer. A far more plausible candidate for killing's “wrong-making feature” (Marquis 272) is the fact that killing (when the killer is distinct from the person being killed, and when the person being killed does not request his own death) is a violation of the victim's autonomy.

To appreciate the relevance of autonomy to our intuitions about the wickedness of murder, will be useful to consider a typical reaction to the news of an unlawful killing. Our first response, it can probably be agreed, is often outrage. This is different from how we feel when someone dies—even prematurely—at the hands of no one in particular. When someone dies of cancer, freak accident, or old age, we react—depending on the nature of our prior relationship to the deceased—with grief, sorrow, regret, or sympathy, but typically not with outrage. Outrage is reserved for homicides and deaths due to negligence – deaths that are the result of human malice or carelessness, and that should therefore have been wholly preventable. The assumption, I think, implicit in our outrage, is that a person responsible for that sort of end to a life had no business taking it, and that, in taking it, the assailant violated the victim’s right to control the shape of his own life. The “primary wrong-making feature” (Marquis 273) of such killings is that the perpetrator deprives the victim not simply of all kinds of experiences, which seems to be Marquis’ concern, but of all kinds of choices, including the last choice anyone ever gets to make: how to die.

Of course, it may be objected that, even in the absence of any wrongdoing, it is very rare that one gets to choose the circumstances of one’s death. It also must be acknowledged that many natural and accidental deaths can still be said to deprive the dying of their autonomy. However, one need not insist that the “wrong-making feature of one’s being killed” (Marquis 272) be a feature wholly absent from deaths that are only tragic and not also wrong; Marquis’ own paper makes no such stipulation. The point is that, in the case of wrongful killing, the killer in effect appropriates an important moral choice.

Similarly—and perhaps this goes a longer way towards making the point—when we express outrage or horror at crimes other than murder, such as rape or other forms of torture or violent assault, we are even more obviously not, in these cases, bemoaning the loss to the victim of a “future of value” (Marquis 272). It is true that, in many cases, victims of these sorts of crimes may experience trauma, depression, rage, and physical injury that may curtail many of the plans they had made prior to the crime. Yet, our outrage is just as profound in instances where the victim manages to put the abuse
behind her and carry on with her life. Why should this be? What accounts for our outrage in these cases, if a quality future has not been lost? Clearly, some other factor is involved, some other principle violated.

Granted, one could invoke principles different from the ones used to demonstrate the wrongness of murder to account for the wrongness of rape and torture. However, it seems unsatisfying and inaccurate to invoke different principles to account for our revulsion in these cases, when the moral outrage provoked by a case of rape is of a variety very similar to the moral outrage provoked by an instance of murder. Furthermore, our judgement that a particular murder is wrong is very often made long before we have any way of knowing whether the victim, in having lost his life, also suffered the loss of a desirable future. But on Marquis’ theory, it is hard to explain why our feelings of anger, contempt, and revulsion at the news of such a crime should precede this knowledge. A murderer, by having murdered someone, may not have deprived his victim of a worthwhile future. Quite the contrary: it is possible that, in the case of a gangland killing, in which the victim may have suffered from addiction, extreme poverty, and chronic ill health, death may have come as a release from a life of misery and a future of same. Would we then be inclined to say that, given that the victim could not sensibly be said to have suffered the loss of a “future of value” (Marquis 272), no wrong had been committed? Surely, we would still maintain that a wrong had occurred.

It appears that, in cases such as these, is the violation of one’s autonomy that we regard as most injurious. In the case of a forced sexual encounter, it is only the violation of autonomy that accounts for the horror of the victim and of society as a whole, for, had the victim consented, no wrongdoing would have occurred, as there is nothing inherently sinister about sex. In the case of forced sexual contact, it is the violation of autonomy and the violation of autonomy alone that accounts for our outrage. Yet, we regard rape as one of the most grievous injustices one person can inflict on another, second only to murder (or perhaps torture, if one regards rape as a crime separate from the category of torture). The fact that the violation of one’s autonomy by itself constitutes an injury, an affront, so severe as to compel us to include its perpetrators among our most dangerous offenders suggests that we take the violation of autonomy very seriously indeed. Perhaps, then, it is the fact that unlawful killing constitutes the ultimate violation of one’s autonomy (for, in the absence of one’s life, one can hardly be called autonomous), rather than the fact that it obliterates one’s future, that warrants murder’s status as the most heinous of crimes.

Something that does tend to inhibit a person’s opportunity for a worthwhile future is an unwanted pregnancy that results in an unwanted child. If the relevant criterion in determining whether or not one’s considerations are worthy of interest is, as Marquis believes it is, that the being in question
have a future of this kind, then surely, the unwillingly pregnant woman’s ability to enjoy a “valuable future like ours” (Marquis 274) must also be taken into consideration. It is not a stretch to suggest that being forced to give birth to an unwanted child would present a threat to a woman’s prospect of securing a future she finds valuable. Depending on the degree of investment she has in her physical appearance, the permanent and significant changes pregnancy wreaks on a woman’s body may by itself be enough to severely restrict a woman’s opportunity for such a future. Postpartum depression, a common enough ailment among new mothers, can be debilitating in the feelings of hopelessness, anger, and despair that it entails—feelings that certainly interfere with one’s capacity to fashion for herself a future of her liking. It cannot convincingly be argued that giving the baby up for adoption can ameliorate these effects, as refusing to raise the resulting child does not repair the physical toll of pregnancy and childbirth. Similarly, because postpartum depression is a clinically recognized psychological illness, rather than a mild dissatisfaction with one’s circumstances, one cannot reasonably expect that giving up one’s baby might cure it.

Even excepting these two, rather specific, examples of how having an unwanted child might negatively affect one’s prospects, there are the financial burdens associated with raising a child, if one decides to raise it—or, if one does not, the cost of pregnancy alone, which is not insignificant (Dworkin 111). (One wonders how any government that denies women the right to choose can justify adding insult to injury by also forcing her to absorb the expenses associated with pregnancy, but this is another matter). If a woman seeking an abortion already has a family, requiring her to add another child to the brood could result in serious financial strain and an inability to adequately care for any of her dependents (Dworkin 37). A badly timed pregnancy will often result in dashed career plans, a concern frequently cited by women seeking abortions (Dworkin 59). And again, even if we exclude postpartum depression from the discussion, adoption may exacerbate, rather than protect against, the psychological pain that accompanies forced childbirth: “Adoption, even when it is available, does not remove the injury, for many women would suffer great emotional pain for many years if they turned a child over to others to raise and love” (Dworkin 103-104). In his book *Life’s Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom*, Ronald Dworkin recounts the case of a Catholic woman who, although opposed to abortion in principle, opted to terminate her pregnancy after having gone through with a previous unwanted pregnancy and giving the child up for adoption, a choice that left her emotionally drained for years following the birth (Dworkin 104). In short, whatever decision the woman makes about who will rear an unwanted child, the injury she incurs remains.

The threat that an unwanted child poses to a woman’s ability to shape her future into something she finds valuable, then, is very real, and Marquis offers absolutely no reason for giving priority to the
fetus’s future, where its future and the future of its mother conflict. This is puzzling, as Marquis is not absolutist in his anti abortion stance, and admits at the outset that there may be important exceptions to his position: “abortion could be justified in some circumstances…if the loss on failing to abort would be at least as great” (Marquis 274). It is unclear precisely what kind of circumstances Marquis has in mind, but surely the consequences I have illustrated count as very significant losses. Dworkin describes the variety of harms suffered by women who are made hostage to unwanted pregnancies as sufficient to entail “the destruction of their own lives” (Dworkin 103)– a forceful, and, I think, accurate account of the incredible affront and loss of dignity (and we should all be able to agree that the loss of dignity is a very significant loss indeed) inherent in a woman’s discovery that she “is no longer in charge of her own body” (Dworkin 103) because “the law has imposed a kind of slavery on her” (Dworkin 103). Certainly, the “destruction of [one’s life]” (Dworkin 103) is at least as great a loss as the loss to the fetus of a “valuable future” (Marquis 274). It is not typically thought that parents should be willing to suffer “the destruction of their own lives” (Dworkin 103) in order to secure valuable futures for their children. It follows that, if we accept that the “valuable future” (Marquis 274) criterion is as important as Marquis thinks it is, his argument fails on its own terms: if it is wrong to rob someone of future of value, it is wrong regardless of the identity of the robber.

Finally, I return to Marquis’ stipulation that it is victim’s loss of “a future of value” (Marquis 272), and not merely the loss of a future of any kind whatsoever, that accounts for the wrongness of killing. Remember that Marquis holds that it may very well be acceptable to deny a future to a being “who face[s] a future of pain and despair” (Marquis 272). Although Marquis does not pretend that “the loss to the victim of the value of its future” (Marquis 273) is the only factor that accounts for the wrongness of killing (for such an hypothesis would be sure to yield absurd conclusions) (Marquis 274), it is obvious that other candidates, such as the aforementioned “discontinuation” (Marquis 275) and “desire” (Marquis 274) accounts, do not apply in the case of the fetus (Marquis 274-275), for fetuses lack both desires, and “experiences, activities, and projects to be continued or discontinued” (Marquis 275). The corruption of the victim’s autonomy and the loss incurred by the victim’s loved ones are equally irrelevant to the case of abortion, as a fetus lacks the cognitive faculties necessary for anything resembling autonomy, and therefore has no autonomy to violate, and—particularly if it is unwanted—has not made an impression on anyone that is significant enough for it to reasonably be expected that anyone should mourn its passing. Because of this and the fact that his argument does not rely on any assumptions regarding either the sanctity of life or personhood potential or actual, Marquis’ argument commits him to the position that, if it can be shown that abortion does not, for the most part, deprive
anyone of a worthwhile future, there is nothing whatsoever “presumptively morally wrong” (Marquis 274) with abortion.

The task, then, is to determine whether abortion in fact deprives the fetus of a “valuable future” (Marquis 274). It is one thing to claim, as Marquis does, that the “future of a standard fetus includes a set of experiences, projects, activities, and such which are identical with the futures of adult human beings and are identical with the futures of young children” (Marquis 273); whether or not a fetus that is unwanted can be regarded as “standard” in this way is quite another. What kinds of lives are actually led by people whose mothers would have preferred they never have been born?

The wildly popular book entitled *Freakonomics: A Rogue Economist Explores the Hidden side of Everything* goes a long way toward answering this question. In a chapter entitled “Where Have All the Criminals Gone?” economist Steven Levitt illustrates a strong positive correlation between legalized abortion and low crime rates. He does this by examining the massive—around forty percent (Levitt and Dubner 110)—drop in crime that occurred in the United States approximately twenty years following the landmark decision in *Roe v. Wade* that made abortion legal, readily available, and relatively inexpensive in most of the country’s major urban centres. The drop in criminal activity was located at precisely the same point in time that the children that would have been born, had abortion not been made available, would have become young adults and would have also “enter[ed] their criminal prime” (Levitt and Dubner 127). Levitt tells us that unwanted children are vastly more likely than wanted children to become criminals (Levitt and Dubner 127), and the legalization of abortion two decades prior to the crime drop largely ameliorated the problem of children who were unwanted or resented: “Legalized abortion led to less unwantedness; unwantedness leads to high crime; legalized abortion, therefore, led to less crime” (Levitt and Dubner 127). Lest we fail to appreciate the significance of this finding, Levitt also sites a Scandinavian study in which it was found that where a woman seeking an to end her pregnancy was denied an abortion, she “often resented her baby and failed to provide it with a good home. Even when controlling for the income, age, education, and health of the mother, the researchers found that these children too were more likely to become criminals” (Levitt and Dubner 124). Adding to the body of evidence ascribing abysmal futures to unwanted children are the findings that the “typical child who went unborn in the earliest years of legalized abortion would have been 50 percent more likely than average to live in poverty” (Levitt and Dubner 126), “60 percent more likely to grow up with just one parent” (Levitt and Dubner 126), and many times more likely than the norm to have as that one parent a person of minimal education and teenage years (Levitt and Dubner 127)—factors that exponentially increase a child’s risk of becoming a convict (Levitt and Duber 127). Levitt assumes, as I do, that such a future is far from what most people
take to be valuable, and his conclusion suggests that the obviation of such futures involved no great loss: “In other words, the very factors that drove millions of American women to have an abortion seemed to predict that their children, had they been born, would have led unhappy and possibly criminal lives” (Levitt and Dubner 126-127).

If Levitt’s sources are accurate, and children who are unwanted are so much more likely than the general population to become unhappy people, and even criminals, that the prevention of their being born in the United States resulted in a forty-percent drop in the country’s crime rate, then Marquis’ conviction that the future in store for even an unwanted fetus “includes a set of experiences, projects, activities, and such which are identical with the futures of adult human beings and are identical with the futures of young children” (Marquis 273) becomes significantly less persuasive than it first appeared. If, when stressing the importance of a “future of value” (Marquis 272), Marquis is at all concerned with a being’s likelihood of enjoying such a thing, he cannot reasonably contend that his “future-like ours” criterion yields a pro-life stance.

I have argued that Marquis’ thesis that the wrongness of abortion can be demonstrated by appealing to the possibility of a fetus having a “valuable future like ours” (Marquis 273) is unconvincing. Specifically, I have identified three separate reasons for thinking that it is unconvincing, namely: it misidentifies the primary reason that killing is wrong; it provides no argument for its assumption that the interests of the fetus should take priority over the interests of the woman carrying the fetus, and; it does not give us any compelling reason to think that the majority of unwanted fetuses would, if brought to term, have “valuable future[s]” (Marquis 273) in store. While I am satisfied that these three points are sufficient to undermine the plausibility of Marquis’ argument, I have not explicitly argued a pro-choice position, although some preliminary reasons for thinking that allowing abortion might be preferable to prohibiting it have of necessity come to the fore in the course of this paper. What I do hope has been made clear is that neither Marquis’ account of the wrongness of killing, nor his arbitrary preference for fetus in the conflict between the interests of mother and fetus, nor, finally, his assumption that even unwanted fetuses have “futures of value” (Marquis 272), are adequately defended in his paper. We should therefore reject his position that abortion denies the fetus a “future of value” (Marquis 272) and is ergo morally wrong as largely unsubstantiated and wholly unconvincing.
Works Cited


