

Marquis's Morality: A Contraception Perspective

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Introduction

In his essay “Why Abortion is Immoral,” Don Marquis asserts that, because the wrong-making feature of killing is the loss to the victim of the value of its future, abortion is implied to be immoral and contraception is not. This is defended by Jim Stone, who supports Marquis’s potentiality argument. However it is objected by Russell Jacobs, who argues that Marquis’s person affecting principle does not only imply the wrongness of abortion but also the wrongness of contraception. He argues this by claiming that a wrongful act does not always result in victimization. I will argue that Jacobs’s objection fails by showing that there are indeed victims present in every situation of wrongdoing. I will utilize Stone’s explanation of potentiality to help do so. Ultimately, I will defend Marquis by showing Jacobs’s argument to be false. However, I will also show that victimization is closely knit to the act of committing wrong.

Overview of Marquis

Brief overviews of the various arguments are necessary and so I begin with Marquis’s original essay. Marquis argues that:

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- (I) Killing an innocent adult human is immoral because it deprives one of a future of value.
- (II) Killing a fetus is comparable to killing an innocent adult human.
- (C) Killing a fetus is immoral.

As stated in premise (I), Marquis argues that killing is wrong because it deprives the victim of all value of its future (190). I will refer to this claim as MP. He does assert that there are two other possible wrong-making features of killing. First is that the act of killing harms the individual performing the killing (Marquis 189). Second is that the act of killing harms others who are affiliated with the victim (Marquis 189). These two other possible wrong-making features of killing are not addressed in the accounts of Stone and Jacobs but will become useful in my argument.

There are two criteria that need to be met by any support of the MP account of the wrongness of killing: (1) it must fit with common human intuitions and (2) it must be the best account available (Marquis 190). Marquis asserts criteria (1) to be met by addressing various implications of the valuable future account (190–91). He asserts that there are many implications of the account that remain in line with society's preconceived beliefs. One implication is that the account does not exclude other forms of life from its claims (Marquis 191). The account's single stipulation is that a future like ours is deprived from something. If, therefore, some other form of animal life, say an alien, had a future like ours, it would remain immoral for us to kill it. Another implication is that euthanasia is not implied to be wrong under this account (Marquis 191). This is important because the moral permissibility of euthanasia is a commonly held position in society and so, when his claim is in line with common beliefs, it is more easily proven true. A final implication is that the account does say it is wrong to kill children and infants (Marquis 191). This too is a commonly held position in society that would need to be maintained. Thus criteria (1) is met.

Marquis asserts criteria (2) to be met by invalidating the two strongest arguments against it which are the desire account and the discontinuation account (195–97). The desire account states that it is not wrong to kill someone if that person desires to die. The discontinuation account states that if someone has had a terrible life, it is not wrong to kill that person. Marquis rejects the desire account by showing instances where it would still be wrong to kill someone even if he or she had no desire to continue living (195). An example of this is someone who is in a coma. That person cannot have desires at the moment, but it is still immoral to end his or her

life (Marquis 196). Marquis also argues that a desire for the future does not presuppose good things in the future (196). Thus, the desire account is founded upon MP.

Marquis rejects the discontinuation account because it is based on the past. He grants that it is a better account than the desire account because it incorporates value, but he ultimately rejects it because the value of the past does not determine the value of the future (Marquis 197). Thus both alternative accounts are rejected and criteria (2) is met. Criteria (2) is further proven to be met by proving possible objections, meant to limit the scope of the valuable future account, to be weak (Marquis 198–202). One of these objections argues that contraception prevents the actualization of a possible future of value and thus invalidates Marquis's argument by his own definition of what makes killing wrong (Marquis 201). Marquis responds that his definition does not apply to anything developmentally before conception because, at that point, there is no non-arbitrarily identifiable victim (202). His account is focused on the victimization of someone; it is a person-affecting principle. If there is no person affected, then it does not apply.

Overview of Stone

Along with being a person affecting principle, MP is also a potentiality argument. It is based on the potential that the fetus has to be an adult human. Stone defends the applicability of potentiality arguments by defending them against the absurdities they are attributed by various *reductio* arguments. Stone argues that there are no absurdities that result from the potentiality argument by appealing to the definition and transitivity of identity.

Stone assumes, along with other philosophers, that identity is transitive (816). He also defines potentiality as an earlier organism sharing its identity with a later organism. Therefore, they are the same organism but one is at an earlier stage of development than the other (Stone 816). Thus he can say that at one time he was a fetus inside of a uterus. This is true because the fetus and the adult human are the same organism simply at different stages of life—they share identity (Stone 816). Now this concept of identity allows various terms in similar ways. Some of these terms are baby, fetus, and zygote. I recognize that these terms represent different stages of development, but they can be treated similarly once it is established that they share a transitive identity. If the zygote has the same identity as the adult human, what can be said of the sperm and ovum that together formed that zygote? It cannot be said that both the sperm and ovum also

have the potential to become a person because then, because identity is transitive, the sperm and the ovum would both have the same identity as the zygote. The sperm and the ovum would then have the same identity (Stone 816). Such a claim is obviously false.

Stone further defends potentiality using identity by showing that a sperm's ability to fertilize one of many different ovum produces absurdity if one claims the sperm or ovum have the same potentiality as a fetus (817). Assuming the sperm is identical to the zygote it produces with one ovum, if it fertilized another ovum instead, then the sperm would be identical to that zygote as well. From this, and the transitivity of identity, it follows that the zygote formed from a sperm fertilizing one ovum is the same zygote formed from that sperm and any other ovum (Stone 817). The falsity of this claim is again obvious.

Stone also argues against the position that the fetus is identical to the separated sperm and ovum (817). This is to say that the combination of the sperm and ovum, before any conception, is identical to a fetus. Some odd consequences result from this stance. If the person that develops from the fetus is the same as the sperm and ovum before conception, then the person exists even if conception never takes place (Stone 818). It follows then that if the sperm and ovum found different partners (and conception transpired), from these two sperm and two ova a combination of four different humans would have formed—although only two humans would develop to adulthood (Stone 818). This is absurd.

Thus Stone proves the potentiality argument to be legitimate. This addresses the victim centered version of the contraception objection. Assuming Marquis's definition of the wrongness of killing is correct, Stone sufficiently defends him.

Overview of Jacobs

Jacobs presents a non-victim centered version of the contraception objection. Where Stone was defending Marquis from objections that assumed his position was correct but objected to his argument, Jacobs argues that Marquis's position is dissatisfactory altogether. As mentioned in the introduction, Marquis says the *prima facie* wrong-making feature of a killing is the loss to the victim of the value of its future (MP). Concerning the contraception objection, Marquis argues that MP does not entail contraception as wrong because MP requires a victim and no victim can be identified in contraception (202). Therefore, the reason for one being wrong is different than for the other. Also, the difference between abortion and contraception is that abortion eliminates the future of a specific person

(it has a victim) whereas contraception does not. For the sake of this paper, contraception is only focused on the preventative measures taken and not retroactive actions such as morning after pills. The question arises: is the difference sufficient to differentiate between the two in terms of morality?

Jacobs argues that it is not sufficient (102). In fact, Jacobs argues that MP presents contraception as immoral. Jacobs argues this by showing MP to be based on something more fundamental. He says the *prima facie* wrong-making feature of the elimination of a valuable human future is that a valuable set of experiences is lost (Jacobs 103). In other words, Jacobs argues that the underlying wrong-making feature is not that *someone* loses valued experiences but merely that some valued experience is lost. It is now not focused on victimization but on the loss of future valuable experiences. I will refer to this revised definition as MP1. Jacobs argues that in order for killing to be wrong under MP, it must also be wrong under MP1 (102). Jacobs defends this argument by saying that the wrongness of depriving a future is preceded by the wrongness of depriving that which is valuable (102). A human life like ours is valuable. Therefore, depriving someone of a valuable future like ours is what makes killing wrong. Therefore, it easily follows that the only difference between abortion and contraception is that one has an identifiable victim and the other does not (Jacobs 102).

Everything else between abortion and contraception is the same; they both have a valuable set of experiences in their futures. Because of this, Jacobs shifts the focus away from the victim and towards the thing being deprived. Being focused on the thing being deprived, MP1 has a broader scope than MP. It follows that MP then entails MP1. Yet, because MP1 does not include a victim, MP also entails situations of wrongdoing that likewise include no victim—namely the situation of contraception.

Jacobs's argument hinges on the premise that you can act immorally without having anyone be the victim (103). He uses three examples to support this premise and therefore prove MP to entail the wrongness of contraception:

1. Suppose Mozart was dying and in his final days wrote an exquisite symphony. Knowing he would soon die, he gives it to a friend for dissemination. Just after Mozart's death, his friend becomes jealous and burns the whole symphony score without telling anyone. This wrongs no one. There is no victim. Mozart is just as famous as is possible. But the friend's action seems wrong. Therefore, eliminating a valuable state of affairs can be wrong even if there is no victim.

2. I am aware that if I conceive a child with a noted peace activist, there is a very high probability that we produce a reformer similar to Martin Luther King or Gandhi. She, the peace activist, is unaware of this. We have intercourse but, because I do not wish to be responsible for the child, I use a condom. No child is conceived. There is no victim. Yet my actions seem wrong.

3. I am about to embark on a solo boat excursion but would like my wife to bear a child before I leave. Because of a medical drug that my wife has recently taken, we are told that if she conceives within the next two months, the baby will have serious, but not life-threatening, disabilities. I could wait until the two months are past to conceive the child but then I will not see the child before I leave for the excursion. I decide to conceive now. By doing so, I give the child a life worth living, but still one of disability. But this life would be better than no life, which would be the case if I wait two months because then a very different child will be conceived. There is no victim. Yet it seems I have done something wrong. (Jacobs 104)

Overview of Marquis's Response to Jacobs

Marquis responds to Jacobs by both showing that none of Jacobs's counterexamples are actual counterexamples and by arguing that there are reasons to accept MP while rejecting MP1. He nullifies Jacobs's examples by showing, in each case, that there are clear victims to the wrongful act (Marquis 151–52). In every instance, either another person, another group of people, or the world as a whole fell victim to the wrongful acts of another (Marquis 152). Since these examples are designed to provide instances when an action is wrong and no victim is identified, Marquis's efforts clearly reject the examples as relevant.

To argue the combined acceptance of MP and rejection of MP1, Marquis describes various widespread beliefs concerning the wrong-making feature of killing (148–49). While the accounts vary in nature, they all include a victim as part of their explanation (Marquis 150). Marquis also argues that the wrong-making feature that underlies MP is not, as Jacobs says, the elimination of a valuable life, but rather harm (150). He explains harm to be understood in terms of an individual being worse off now than he otherwise would have been (Marquis 150). Therefore, MP is simply

referencing a particularly vile harm—the deprivation of a valuable future (Marquis 150). Harm, therefore, requires a victim.

Marquis addresses a possible objection that his argument is deceitful. He argues that it is not because he is not saying that the future is loitering somewhere in the universe but is just not obtained; he is saying the future never existed (Marquis 150). However, the individual who was killed did exist. Since the natural history of human organisms is to realize a future of value, the future is rooted in reality—the reality of a current living organism (Marquis 151). Therefore, his defense of MP is based on reality and thus, one can accept MP and reject MP1 concurrently.

Problem

Ultimately, though Stone supports the victim centered objection of MP and Jacobs's non-victim centered objection to MP is proven weak, there is still the question: is MP the best possible option? If there is an example in which a wrong is committed and no victim is present, then Marquis's argument is faulty. The problem comes in the ability to determine all possible examples. In the remainder of the essay, I will argue how a wrongful act is always victimizing. While I will not attempt to outline all possible wrongdoing examples, I will address different categories of wrongdoing and provide evidence that in each there is a victim. Once I establish this, it easily follows that Marquis's MP is well-defended and the best possible option.

Argument

The different categories of wrong-doing I will discuss are (1) the victimization of another directly, (2) the victimization of another indirectly, and (3) the victimization of the offender. Category (1) has been the subject of the entire debate between Marquis, Jacobs, and Stone. It has been attacked and defended. These people have all argued under the assumption that the victim is someone other than the offender—the recipient of the offense. This may be where much of the discrepancy of ideas originates. I believe that, with the addition of the two other categories, the dilemma regarding MP is greatly simplified. The dilemma advances from whether or not there is a victim to which of all the participants in the situation is victimized.

Examples of (1) are the most obvious of all the categories. One example of (1)—a situation in which the recipient of an action is also the victim—is Edmund Dantes stabbing Fernand in the leg with a sword. Fernand is the

recipient of the action. He is also the victim. We can defend this using Jacobs's MP1 (the *prima facie* wrong-making feature of the elimination of a valuable human future is that a valuable set of experiences is lost). Fernand is therefore wronged. By definition, he is therefore a victim. We can also show victimization by Marquis's clarification that harm is the underlying element of MP. Fernand is worse off now than he would otherwise have been because now his leg is in severe pain and he is temporarily incapacitated. Hence, Fernand is again shown as a victim. Here we are using the arguments of both Marquis and Jacobs to come to the same conclusion that there is a victim in category (1) of wrong-doing. For the sake of this paper, I will forgo the continuation of this discussion with more examples because its accuracy has been well established by the arguments of Marquis, Jacobs, and Stone.

Examples of (2) are a little more difficult to recognize. They are the ones which Jacobs presents as being victimless. These examples of wrong-doing need to be analyzed with the perspective of chain reaction consequences. It is obvious that every action we perform has consequences. It sometimes is something drastic. Often, it is something simple and insignificant. Examples include the watering of a plant to make it grow, saying hello to a stranger on campus which causes him or her to smile, and taking out your trash so your house does not stink. These examples at first seem to have no consequences on the world around us. Yet upon further inspection, their consequences become obvious. This is the perspective needed to perceive the victimizations in category (2).

Category (2) is the situation of wrong-doing in which the recipient of the wrongful act is not victimized, but another bystander is victimized indirectly. I will provide two types of examples of this. One has an inanimate object as the recipient of the wrongful act and the other has a person as the recipient of the wrongful act. In both cases, the recipient is not the victim, yet there is a victim present. The first example is if I decide to graffiti the outside wall of a building. I have undoubtedly done something wrong. The only recipient of my graffitiing is the wall. The recipient of the wrongful act is not a victim. However, there are victims. One victim is the owner of the store. She is now obligated to clean up the graffiti. She has more responsibilities and more work ahead of her than she otherwise would. Also, the graffiti might have the potential to harm her by disrupting her business by deterring customers. Another victim may be a passerby who is offended when he sees the graffitied wall. These two indirect victims are actually quite directly related to my wrongful act. However, the victimization need not stop here. If either the owner or the passerby are so perturbed by the graffiti that they return home disgruntled, their families or associates would be victims because now they are exposed to the negativity or anger of the

owner or passerby. They are more detached victims from my wrongful act, yet they are still victims of it. This is the importance of the perspective of chain reaction consequences.

It is possible that one may object to this example by saying it is irrelevant because the recipient is not human. They may argue that we are dealing with a situation that requires human recipients. To respond to such an objection, I will provide another example that shows category (2) to have a victim. The example is Jonny lying to Maya that Jake is a terrible person. Jonny obviously seems to have done something wrong. Maya is the recipient of his wrongful act. The victim of Jonny's action is Jake, who now has lies going about that he is a terrible person. He is the one who has a reputation to rebuild. He is the one who will have people treat him differently. He is the one who is harmed—worse off now than he otherwise would have been. He is the one who is losing out on valued future experiences. Therefore, victimization occurs to Jake indirectly.

Some may argue that, according to my perspective of chain reaction consequences, Maya would also be a victim. An extension of this example may therefore be necessary. Suppose that instead of lying to Maya about Jake, Jonny instead supplies weapons to an evil man who uses them for evil purposes. Jonny is doing something that is wrong. However, it cannot be said that he is wronging the evil man or that the evil man is the victim of Jonny's bad act, even though he is the recipient. The victims would be the people the evil man uses the weapons against. Therefore, there are victims in category (2) of wrong-doing. Proving the legitimacy of this category is vitally important because it shows that the recipients of an action are not always the victims of the action. This undoubtedly caused some confusion for Russell Jacobs, or at least provided a foundational aspect of his argument.

Finally, category (3) is the situation in which the offender (the one who commits the wrongdoing) is the victim. In all situations previously mentioned in this essay, the victim has been closely related to the recipient of the wrongful act. In category (1), the victim *was* the recipient. In category (2), the victim was *associated with* the recipient. Now, in category (3), the victim (offender) again needs to be connected to the recipient.

In some instances, the offender is also the recipient. This is seen in examples such as lying to yourself or hurting yourself in some way or another. However, I will address the situation in which the offender is not the recipient but is still victimized. In a separate essay, Marquis describes Kantian tradition to teach that an action is wrong if it is incompatible with the dignity of a rational agent (76). This means that, while Marquis has said the underlying element of what makes something wrong is harm, another perspective is that something is wrong if it is incompatible with a rational agent's dignity. The dignity of an individual is defined by John

Perry to be the natural, undefiled tendency of man (416). Something can be determined to be wrong if it runs contrary to the natural, undefiled tendencies of an individual.

This is supported with the acknowledgement by Steven Tudor that the vast majority of crimes are accompanied by feelings of remorse, shame, and guilt on the part of the offender (270). This claim is taking into consideration the extent to which the offender is actually rational. I assume that psychopaths are not fully rational and so ethical demarcation is more difficult to perform and beyond the scope of this paper. The vast majority of rational offenders exhibit shame or guilt or some other similar emotion. This emotion is evidence that there is a discordance between what the offender did and what the offender is naturally inclined to do. Not only does this inconsistency between action and inclination imply wrongness according to Kantian tradition, but this presents a conflict within the individual. An individual participating in conflict is worse off now than he otherwise would be. Therefore, he is harming himself. Therefore, he is victimizing himself. He is also depriving himself of valued experiences (a life without this conflict) and is therefore victimized as well.

Conclusion

By proving that there is a victim in every instance of wrongdoing, I substantially defend Marquis's argument that contraception is not included in his definition of the wrong-making feature of killing. The variety of examples that I have presented provides for considerable evidence for my claim that every wrongful act has a victim—even if it is merely the offender himself. However, I concede that I have not outlined every possible example. My absolute claim regarding victimization may therefore receive objection. However, the purpose of my argument—to support Marquis's defense against Jacobs—has been fulfilled. If there is a victim in wrong-doing, then there most certainly is in abortion. Therefore, Marquis's claim that killing is wrong because it deprives the victim of all value of its future still stands.

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