

The Value of Unrealized Possibilities

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In “Why Abortion is Immoral,” Don Marquis argues that a sufficient condition for the wrongness of killing an adult is the victim’s loss of a valuable future like ours. Our future is valuable because it is full of valuable possibilities. Because the wrongness of killing an adult is due to the privation of future possibilities, and fetuses have future possibilities, Marquis concludes that killing a fetus is comparably wrong. In this paper I will consider three objections to this account that concern a thing’s relation to its future. Peter McInerney contends that due to an adult’s sentience he has a stronger relation to his future than a fetus has, so a fetus cannot truly possess a future like ours. Similarly, Robert Lovering argues that futures are valuable only insofar as psychologically continuous persons experience them. Because early fetuses are not psychologically continuous, their futures are not valuable. Finally, Walter Sinnott-Armstrong argues that Marquis equivocates in his meaning of “loss.” “Loss” means either the privation of a future to which the victim has a moral right or the privation of a future to which the victim has no moral right. If the former definition of “loss” is accepted, Marquis must also explain how a fetus has a moral right to the means of realizing its future for his future-like-ours argument to be sound.

I will argue that the future-like-ours account correctly recognizes the value of future possibilities and the immorality of depriving another of these possibilities, even those possibilities that would not otherwise be realized. Although each being will realize only one future, the wide array of future possibilities it has prior to its one future obtaining are nonetheless valuable. I will begin by summarizing Marquis’ future-like-ours account

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of the wrongness of killing and the replies of McInerney, Lovering, and Sinnott-Armstrong.

Marquis argues that his future-like-ours account is the best explanation of the wrongness of killing. He suggests that killing a person is wrong not primarily because of its effects on the killer or on the friends and family of the killed but rather because of its effects on the victim. Killing deprives the victim of more than any other crime does, because it deprives him of all his future possible experiences (Marquis 189). This loss of future possibilities is so great that inflicting it is almost always a *prima facie* wrong.

Marquis demonstrates the strength of this argument through several examples in which the wrongness of killing cannot be established firmly on other common bases. First, if the wrongness of killing were due to the victim's humanity, it would not be wrong to kill basically human-like extraterrestrials, were we to find them. But on Marquis' account, if the aliens had valuable future possibilities like our own and the possession of such possibilities entailed the immorality of killing, it would be wrong to kill them. This coincides with common intuition. Second, insofar as other animals may have valuable future possibilities, we could explain the impermissibility of killing them despite their lack of personhood. Third, euthanasia may be permissible when it is determined that the patient's future possibilities have little value. If a person in extreme pain without hope of recovery prefers death to endless suffering, she could be killed without violating her right to life. And yet, if the wrongness in killing were due to her humanity, then she could not be killed, which seems intuitively unjust. Finally, the future-like-ours theory straightforwardly applies to babies and little children because they clearly have future possibilities to lose. Arguments which contend that killing humans is wrong because they are thinking, rational beings leave out the young and innocently ignorant, even though killing a small child is a *prima facie* wrong. Because the future-like-ours explanation of the wrongness of killing coincides so well to common moral intuitions in these fringe cases, it has a breadth of application and relevance not found in other theories. Given that the future-like-ours account is preferable to the personhood, biological humanity, or sentience accounts, Marquis makes an implicit inference to the best explanation in favor of the future-like-ours account.

Marquis defends his account from several possible attacks. First, one might argue that a fetus cannot value its own future, so its future's value is dubious. This argument assumes that value is subjective. Marquis replies that although many do not value their own lives, such as people who are suicidal, their lives clearly have unrecognized value. This shows that the value of a life and its future possibilities does not depend solely on the person's recognizing it. Thus, a fetus does not need to recognize the value of its future for

that future to have value. Second, if a person cannot care about something, then he has no right to that thing. This argument concludes that because a fetus cannot care about its own life, it has no right to live. Marquis offers the counterexample of a patient who has the right to have his insurance company pay for a medical procedure despite his incapability of understanding it. Similarly, a fetus's inability to care about its life does not negate its right to life. The final argument is that a fetus cannot be a victim because a fetus lacks sentience. This argument fails because the future-like-ours theory bases the wrongness of killing on the privation of a future, not on a victim's sentience. Although the fetus lacks sentience, its future possibilities include a fully rational and thoughtful existence. Such a future is clearly valuable, so the fetus should not be killed. Against all of these arguments, the future-like-ours account still explains the impermissibility of abortion.

Of course, Marquis does not address every possible objection to his theory, and since the publication of his essay, a number of objections have been presented. For example, McNerney replies that our relation to our future is more complex and problematic than Marquis' account assumes. Marquis' account assumes that we already possess our future in some way. But in what way and to what degree can anything already possess its future? If a person does not significantly possess his future, then he suffers no privation by its supposed loss. So in order for abortion to be immoral, the fetus must already *at that time* possess its valuable future (McNerney 265). Without ownership of its future, it has nothing to lose.

The relation between any person and her past and future stages is a difficult subject for philosophical investigation. McNerney addresses three common explanations of the continuity of personal identity and argues that these explanations entail that a fetus's relation to its future differs from an adult's. First, continuity of personal identity is based on memory. A person that remembers her past actions is a "later stage" of the same person that performed those actions. Similarly, the future person stage that will remember what the person is currently doing is "her future" (McNerney 265). This continuity of memory establishes continuity of identity. Early fetuses do not have developed memories of past experiences, so they do not have continuity of identity. Second, a continuity of character establishes continuity of identity. McNerney explains, "Continuity of character is that in which later person stages either have a character similar to the earlier person stages or are different in ways that are explicable by the operation of normal causes" (McNerney 266). A fetus does not have a character or personality in the normal sense. A fetus does not have integrity, fortitude, virtue, courage, or any other such character traits. This lack of character traits precludes a continuity of personal identity. Third, McNerney explains continuity of identity by the relation of intention to action. An earlier

person stage intends an action that the later person stage performs. A fetus does not deliberate or act intentionally, so it cannot have that relation to its future person stage. Thus, McInerney argues that although adults have meaningful relations to their futures, fetuses do not. Consequently, abortion is not immoral because the fetus cannot be deprived of a future that it does not already have.

Like McInerney, Lovering also argues that fetuses do not have the same relation to their futures as adults do. When we say that we have a future, the word *have* is ambiguous. Lovering offers four common meanings of *have* (Lovering 134). First, to have is to *possess*, such as to have money or a car. Second, to have is to *experience*, such as to have a headache or a dream. Third, to have is to *be disposed to exercise a moral trait*, such as to have patience or integrity. Fourth, to have is to *be in a certain sort of relation*, such as to have a sister or an employee. Which of these meanings corresponds to our having a future? To have a future cannot mean to possess a future because the future is not property. To have a future cannot mean to experience it because we cannot experience the future until it becomes the present (when it is no longer the future). To have a future is clearly not a moral disposition. Lovering concludes that to have a future is to be in a certain sort of relation to it: one of continuous consciousness. Similarly to McInerney, Lovering considers this continuity of consciousness necessary for the continuity of identity. Early fetuses do not have continuous consciousness, so they do not have the same relation to their futures as we do. Because fetuses do not have a future like ours, Marquis' account does not entail the immorality of abortion.

Walter Sinnott-Armstrong also considers the meaning of having and losing a future. But unlike Lovering, Sinnott-Armstrong does not argue that one must already possess something in order to suffer injustice by its loss. He defines a loss as a case in which "(i) the agent does the act, (ii) the loser does not gain or keep the valuable thing, (iii) the loser would gain or keep the valuable thing if the agent did not do the act" (Sinnott-Armstrong 62). This clearly includes the loss of a valuable future caused by murder, assuming that the person would not otherwise have died at that moment.

Sinnott-Armstrong makes a further distinction between "moral losses" and "neutral losses." With a moral loss, the loser has a moral right to the means of obtaining what he lost, while the agent does not. With a neutral loss, the loser has no moral right to the means of obtaining what he lost (62). To illustrate the distinction, Sinnott-Armstrong considers a race between Kristin and Lee. Kristin wins the race and thus causes Lee the loss of a valuable trophy. But this loss is neutral rather than moral because Lee has no moral right to the means of obtaining the trophy. He has no more of a moral right to win the race than Kristin does. Although Kristin

causes Lee a loss, we don't feel that she does anything wrong by winning the race. This example shows that it is not wrong to inflict a neutral loss on someone. Unless someone has a moral right to the means of obtaining what he loses, it may be permissible to deprive him of it. "To cause a moral loss is to violate the loser's moral right when the agent has no moral right to do so" (63). This compels us to decide if a fetus has a moral right to the means of sustaining its life. A fetus needs to reside in a womb to live, but does it have a moral right to use the pregnant woman's body? Marquis' goal in his future-like-ours account is to sidestep the issue of fetuses' rights versus women's rights. Sinnott-Armstrong concludes that Marquis' future-like-ours account does not successfully avoid this rights debate because it entails the immorality of abortion only if the fetus has a moral right to use the woman's body.

McInerney, Lovering, and Sinnott-Armstrong all offer different views on the nature and value of our relation to our future. The former two argue that a person must have psychological continuity to have a valuable, meaningful future. Otherwise, the person does not "have" her future and cannot lose it. Sinnott-Armstrong suggests that even the privation of the means of obtaining a future state is a loss, although the person does not yet "have" her future. I argue that the current relation one has to one's future is less morally relevant than the diverse possible futures of which one may be deprived. Possible futures have value independently of which one actually obtains. Because possible futures are valuable, any inflicted loss of them is significant.

An epistemic problem of Marquis' future-like-ours account is that we cannot know in advance if an actual future will be valuable. This is especially the case with fetuses. Even if the fetus does have one specific future (which McInerney rejects) we have no way of knowing its value. Perhaps the fetus would not survive birth. Or perhaps the fetus's life would consist of nothing but misery and suffering. Or perhaps the fetus would grow up to be the next Einstein or Mozart or Hitler. Our ignorance of its future should make us hesitate before limiting its possibilities. I argue that depriving a person of future possibilities is just as immoral as depriving him of future actualities.

The harm that may result from an action sufficiently establishes its immorality. Let us consider two scenarios: (1) I go to dinner at my professor's house, play with matches carelessly, and burn down his house, or (2) I go to dinner at my professor's house, play with matches carelessly, and do not damage his property. In both cases, my carelessness shows disregard for the safety and security of my professor's family and property. This is immoral regardless of the result, simply because of the possibilities of harm which I introduce.

Many laws are based on the assumption that it is immoral to increase risk. A few months ago a police officer cited my friend for driving 107 miles per hour. Excessive speeding is illegal because it increases the probability of accidents, which can cause loss of property or life. My friend has never caused a car accident. More importantly, his driving 107 miles per hour that sunny day did not cause a car accident. No victim suffered any loss of property or life. My friend was outraged that he was punished for increasing the probability of an adverse event that did not actually obtain, but our legal system accepts that his speeding was wrong despite the lack of loss to a victim. In our current legal system, the increased probability of negative effects sufficiently justifies an action's illegality. If abortion at least increases the probability of negatively affecting the fetus's future possibilities, its illegality can be justified.

Now let us consider a hermit living autonomously on a farm in a remote wilderness. He grows his own food and makes his own clothes. He has no contact with the outside world and has sworn that he will never again leave his farm for any reason. Let us assume that his true future is that he never leaves his farm until his death; that is what he actually does regardless of external influences. I decide to construct a 40-foot-tall concrete wall around the perimeter of his farm, thereby preventing his possible escape. This seems intuitively unkind and immoral, although I only deprive him of his unrealized possibilities. I only prevent him from doing what he would not do. Remember, in this case his real future does not involve his escape. Nonetheless, his leaving the farm would always be possible were it not for my building the wall. My depriving him of his possibilities is immoral, even if he would never realize those possibilities.

Further, let us consider the case of a paraplegic with virtually no chance of recovering use of his lower half. I break into his house one night, find a hacksaw in his garage, and chop off both of his legs. It may be that medical breakthroughs in his lifetime would have enabled the paraplegic to walk again had I not amputated his legs. Even if such medical breakthroughs do not occur in his lifetime, my actions are clearly immoral. At least in part, the immorality of amputating his legs is due to the remote possibility of his walking again. In all of these examples, depriving another person of valuable possibilities is immoral (and justifiably illegal), even if those possibilities would not have otherwise been realized.

This understanding of the value of unrealized possibilities resolves many of the complaints we have considered. For example, Lovering argues that psychological continuity is necessary to have a valuable future. But the mere possibility of future psychological continuity is valuable in itself. Even if a fetus does not yet have psychological continuity, it surely has the potential to develop it in the future. Depriving the fetus of this

valuable future possibility is immoral. McInerney argues that fetuses cannot have continuity of personal identity because they do not have character traits, memories, or intentions. But an early fetus also has the possibility of developing valuable character traits, forming joyous memories, and acting on well-conceived intentions in the future. Even if the fetus's psychological connection to its future may be dubious, the fact that the fetus may realize valuable possibilities in the future is obvious. Sinnott-Armstrong argues that depriving someone of the means to realize her future is immoral only if she has a clear moral right to those means and the agent who causes the loss does not. But even if a fetus does not yet have the moral right to the means of sustaining its life, it surely has the possibility of possessing such a right in the future. The possession of moral rights is valuable, so the possibility of possessing them in the future is valuable as well. In all of these cases, one cannot get around the fact that the fetus has valuable future possibilities of which it would be deprived if it were aborted. Such a deprivation of valuable possibilities is immoral, so abortion is immoral.

Even though we cannot establish that a fetus has a clear relation to its actual future (as McInerney contends), a fetus clearly has a wide variety of possible futures. The fetus does not need to already possess a specific future in order to suffer a loss from abortion. The loss of possibilities is significant regardless of which specific future would have otherwise been realized. Depriving another of an array of possibilities is at least as immoral as depriving him of a specific future. Because abortion deprives a fetus of all of its possibilities, its immorality is comparable to that of depriving an adult of his possibilities by murdering him.

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