

Discussion Questions

- **Marquis vs. Warren:** In his carefully argued essay, Don Marquis goes through great lengths to make a *general* argument for the wrongness of abortion based on some *general*, wrong-making feature. (Vaughn 193) That general wrong-making property/feature is of course his “future-like-ours/ future-of-value” (abbreviate: FLO/FOV). Marquis of course advertises his FLO/FOV as a *sufficiency* condition (199) for the wrongness of killing (and therefore, by inference to the best explanation¹ the wrongness of abortion). Because he considers the FLO/FOV to be an *essential* reason why killing is considered seriously wrong, as opposed to the ‘accidental generalizations’ like personhood accounts and sanctity of life accounts (196), he goes on to argue how his account strikes essentially is free from the difficulties confronting personhood and sanctity accounts (198-199), as well as the ‘desire’ and ‘continuation’ accounts (199-203.)

All very well. *However* could one fault Marquis for having conjured up a property that is abstract beyond use, to where it renders his argument tautological, i.e. always (trivially) true? For notice: FLO/FOV is a property invariably referring to *possibility*: It is *possible* the fetus will have a future “including a set of experiences, projects, activities” s/he will *probably* at some time or another, *value*.² Recall Warren’s approach (applied to personhood): The *actual* should always outweigh the *possible*.³ So in the case of abortion could one try to pin down this FLO issue (thinking of utilitarianism) that it boils down to the mother’s *actual and immediate* experiences (which we can presume she *won’t* value if she carries the pregnancy to term) versus the *possible* experiences the fetus *might* value? If so would this drastically reduce the scope of the wrongness of abortion in Marquis’s argument?

Discussion

Jad Sleiman (§ 0206) and Derek Emmell (§ 0203) made the crucial point that ‘value’ as connoted by Marquis in his FLO/FOV need not imply any notion associated with ‘pleasure,’ as advocated by the Utility Principle. This blocks an excessively critical

¹ The general structure of the IBE argument Marquis adopts runs as follows: Consider a collection of typical (i.e., throw out the ‘hard’ cases (Vaughn, 193)) cases in which we could agree that killing is wrong. FLO/FOV is (according to Marquis) the best explanation possible for why we’d consider such killings immoral, *and* FLO/FOV accords naturally with our intuitions on the matter. (197) Now consider the case at hand: abortion. The move is to show that the wrong-making feature (FLO/FOV) in the case of killing can also ‘cover’ the case of abortion, since the fetus likewise possesses the FLO/FOV property. (203) “The future of a standard fetus includes a set of experiences, project, activities,...which are identical with the future of adult human beings and...young children. **Since the reason that it is sufficient to explain why it is wrong to kill human beings...also applies to fetuses, it follows that abortion is seriously wrong.**” (198)

² Recall his ‘suicidal teenager’ counter-instance to the desire account. Certainly FLO/FOV takes care of this problem, as the according to FLO/FOV it is only sufficient that the person value his or her experience at *some* time.

³ Recall also the problems of rule utilitarianism. The same seems to hold here: *How* can one assess such value defined in possible terms? (No one can look into the future).

response to Marquis, as suggested by my above question as a possible response based on Mary Anne Warren's utilitarianism (favoring, among other things, the actual over the possible in the case of personhood). In other words, one could only go so far to dispute Marquis' account by weighing the *actual* FOV of the mother against the *possible* FOV of the fetus on any utilitarian grounds—simply because Marquis doesn't suggest (according to **Jad** and **Derek**) a future valued at some time by the person, or a valuable future, has anything to do with pleasure. Quite the contrary, even in an extreme case (that Marquis would be prone to rule out) in which a baby would be born under dire circumstances, rendering a future of valuable experiences doubtful (disease, war, extreme poverty) doesn't necessarily mean that the s/he wouldn't *value* his or her life, nor that his or her life might not *have value*. For instance, to cite philosopher Connie Rosati⁴, the *narrative* a person has concerning his or her life (i.e. how she draws meaning, value, and aims, and reinterprets her life as it evolves in time) may make for a "good" or "interesting" story (i.e. a future with value, contributing to welfare of person) but not necessarily *be* good (i.e. pleasurable, easy, or even *desirable*) for the person living it! Marquis seemed to suggest this as much, in his passage how the suicidal teenager presents itself as a problem to the desire account, but not his FLO/FOV account (Vaughn 202-203). It's important to keep this sense of 'value' separate from some utilitarian notion of pleasure.

Some, however, saw potential conflicts of FOVs (analogous to conflicts of values, conflicts of duties) between mother and infant as arising in a more serious manner than what Marquis would allow for or admit.⁵ **Alexander Marbach** (§ 0207) mentioned that the plausibility of the aforementioned issue (conflicting FOVs occurring in far more 'ordinary' cases in a morally significant fashion) provides further evidence of the weakness of such a notion like FLO/FOV, separate from its being couched in irreducibly 'potential' terms.

Erin Coco (§ 0207) and **Alex Smallcomb** (§ 0203) however suggested a comparative 'timeline' account of FOVs—insofar *ceteris paribus* (i.e., all things being equal) one would place proportionately more weight on a fetus's FOV versus that of its mother for the simple reason that the fetus has a longer projected lifespan (hence with proportionately greater opportunity for "set[s] of experiences, project, activities..."(198) compared with that of the mother. Again, though, it bears emphasizing that nowhere in Marquis' argument does he directly suggest 'weighing' people's FOVs against one another (which *prima facie* may strike one as utilitarian. Nevertheless, such a 'timeline' notion is *indirectly* suggested in Marquis' passage concerning how his account differs from the sanctity of life accounts insofar as not ruling out voluntary active euthanasia in the case of someone terminally ill and suffering and having not much remaining of a

⁴ In a talk she gave in the University of Maryland's Philosophy Department Colloquium, March 26, 2008 (4:00pm-6:00pm).

⁵ Marquis would only grant moral permissibility of abortion in extreme cases (analogous to cases in which killing would be permissible): when the mother's life is in imminent danger or when the zygote hasn't developed into anything resembling a being which one can unambiguously ascribe a FLO/FOV to. "Since the loss of the future to a standard fetus, if killed, is...at least as great a loss as the loss of the future to a standard adult human being...abortion, like ordinary killing, could be justified only by the most compelling reasons." (Vaughn, 199) Such overriding "compelling reasons" could be understood as a case when the mother's FOV overrides that of the fetus, though Marquis never explicitly addresses the issue of conflicting FOVs.

FOV to speak of.⁶ One could make the case that the ‘comparative timeline’ suggested by **Erin** and **Alex** is a *rule utilitarian* approach (as opposed to Mary Anne Warren’s *act utilitarian*), since one is projecting ‘long run’ scenarios: as opposed to the *immediate* one, in which Warren would argue the moral value of the *actual* person (the mother) always outweighs that of the *potential* person. Moreover, one adopts the comparative timeline as a *general rule* guiding one’s decisions whether or not to have an abortion, even if such decisions may violate (in the short run) the utility principle.

In addition, **Alex** suggested that perhaps Marquis should have consulted actuarial statistical data to render his FOV/FLO account more concrete: in such a manner that isn’t couched in such a hypothetical manner: For, on the one hand, Marquis advertises FLO/FOV as an ‘objective’ property to humans and beings similar to us. On the other hand, as my above complaint/question addresses, it seems an awfully peculiar way of ascribing such an ‘objective’ property couched in irreducible terms involving possibility.⁷ Undoubtedly Marquis may have refrained from constraining his FOV/FLO with too much empirical data because of his claim that his account “cannot be faulted for deriving an ‘ought’ from an ‘is’.”(197)

Daniel Loveland (§ 0203) and **Karuna Panitz (§ 0206)** both suggested ways to ‘overhaul’ Marquis’ notions of FLO/FOV in ways remarkably reminiscent of Marianne Warren’s objection (against Regan): “Human lives...have greater intrinsic value, because they are worth more to their possessors.”(409) (Note however this article by Warren was not required reading). Contrary to Singer (who adopts a rather flat Benthamite approach to utility insofar as ‘units’ of moral worth (capacity for experience positive or negative hedons) cannot be ranked or stratified, Warren’s utilitarianism is more along the lines of J.S. Mill, which argues that utility (pleasure) *can* be stratified and ranked.⁸ The ‘greater intrinsic value’ is based on humans’ capacity for such ‘higher’ experiences of utility which translate into a greater awareness of the worth of one’s existence. Humans can reflect on their life *as a whole* and assess its worth. As far as we know, animals cannot. It’s not immediately clear that this Mill-version of “qualified speciesism” immediately suggests a slippery-slope to the more blatant renditions of speciesism that Singer would no doubt accuse this kind of reasoning of. For in this case, it is *not* that one is *excluding* non-human animals from the domain of intrinsic worth, only that *within the domain*, human intrinsic worth is more ‘central,’ and may take up proportionately more ‘area’ within the entire domain of what one considers has intrinsic value.

⁶ “If the patient’s future is intolerable, whatever his or her immediate past, we want our account to allow killing the patient...it is the value of that patient’s future which is doing the work in rendering the morality of killing the patient intelligible.” (201)

⁷ Either one is saying something tautological, or something trivially true in all cases. For example: “It’s possible it will rain someday somewhere on the earth” is obviously tautological. Or the very notion of ‘objectivity’ gets rather skewed. For instance (as I mentioned in class) it’s true (in a logical sense) to say of a white table that it has the property of possibly being some other color (since it’s logically possible for the table to have been painted another color like green or yellow) but no one would ascribe such a property as ‘objective’ except in the most hypothetical of senses. The table is *actually* white, *this* is an objective fact.

⁸ Recall in one of the early class discussions Mill’s notions of ‘higher’ pleasures like reading, composing music, art, etc., versus the ‘lower’ ones associated with food, alcohol, sexual activity, etc.

- **Singer vs. Marquis:** Leland Saunders mentioned the strong parallels in Marquis' notion of FLO/FOV and Singer's notion (taken from Jeremy Bentham, 414) of sentience, i.e. capacity for suffering. However (recalling question above) doesn't sentience refer to an *actual capacity* as opposed to the FLO/FOV referring to something inevitably *possible*? Do you think that makes Singer's utilitarian-based argument stronger than Marquis'? Or do you think that FLO/FOV and sentience are sufficiently similar to where the distinction I mention here doesn't make a moral difference?

Discussion

Zina Makar (§ 0207) on the contrary suggested that Singer's Benthamine notion of sentience is actually *weaker* than Marquis' FLO/FOV, insofar as sentience doesn't presuppose high-level cognition necessary for one to value one's experiences, and form projects, goals, and a narrative conception of one's life vis-à-vis such activities (whether *actual* or *aspired for*). Sentience just presupposes enough 'mentation,' i.e. mental activity, *to have experiences*. Such experiences need not be colored with complex cognitive interpretative activity. So regardless whether or not Marquis couches his FLO/FOV notion in possibility or potentiality, the fact remains that there are far stronger epistemic⁹ conditions placed on this notion than on mere sentience alone. This may restore the symmetry between Marquis' and Singer's wrong-making properties in the form of a "trade-off": Though Marquis' FLO/FOV is logically weaker (as it essentially involves a *possible* projected future) than Singer's logically stronger property of sentience (i.e., a being's *actually* possessing a capacity to suffer), it is also the case that Marquis' FLO/FOV is *epistemically* stronger than Singer's notion of sentience.¹⁰

- Recall Singer's orphan child parity claim, with respect to experimentation. Consider Marianne Warren's objection (against Regan): "Human lives...have greater intrinsic value, because they are worth more to their possessors." (409) Can the same charge be levied against Singer here? Consider another analogous case (brought up by one my former students, Bashira Moore, Spring 2007) suppose one lost control of one's car and it's certain one will either strike and kill an (orphaned) infant or strike and kill a dog.

Discussion

Cassie Wilson (§ 0207) as well as others emphatically expressed the natural (or practically 'hard-wired' belief, as mentioned by **Alexander Marbach (§ 0207)**) intuition that one would aim for the dog. Barring all issues involving legal culpability (i.e. assume the scenario takes place in an area in which there are no witnesses or laws, etc.) nevertheless the intuition seems to stay the same. emphatically expressed the natural (or practically 'hard-wired' belief, as mentioned by **Alexander Marbach** and **Douglas Weithoner, Cassie Wilson (§ 0207)** 'tweaked' the thought-experiment a little by asking questions concerning what if the dog was your pet, and/or the orphaned infant was deathly ill (having only one hour to live) and/or the dog was being trained for heroic

⁹ 'Epistemic,' means 'pertaining to the philosophical study of the nature of knowledge' (i.e., epistemology).

¹⁰ The question of there being a distinction between *experiencing pain sensations* and *suffering* is an interesting issue in and of itself. One may assume, in Bentham's relatively simplistic psychology, that the two senses are the same. However, other traditions (e.g., Buddhism) distinguish *pain* (as a *physical* sensation) from *suffering* (as a high-level *psychological* condition, brought about by unfulfilled desires, expectations, attachment, and identification.)

missions like search and rescue operations? All their questions put to the test Singer's Benthamite utilitarianism in such a manner as it's easy to envision Singer claiming that not only hitting the orphan baby or the dog are morally equivalent (i.e. so choose one arbitrarily, 'flip a coin,' if you will) but that in some instances it may prove morally permissible to hit the child, not the dog. Moreover, the fact that sits ill with our 'hard wired' intuitions would be an example of Singer would argue is innate (and irrational) prejudice towards one's own species. However, when subjecting the same thought experiment to Warren's more nuanced utilitarianism (inspired by Mill, not Bentham) her assessments would undoubtedly come down on the side of your intuitions, that in most (if not all cases) it's morally preferable to hit the dog.

- Regan's deontological position stipulates 'inherent value' as applying equally and inherently "to those who are experiencing subjects of a life." (428), hence rendering equal rights and an unqualifiedly abolitionist position against animal farming, experimentation, hunting.¹¹ Is this a circular or question-begging criterion? Recall the basic structure of Regan's argument:

P1: Human beings have the right not to be treated as a resource for others.

P2: If **P1**, then any being that is the experiencing subject of a life (ESL) has the right not to be treated as a resource for others.

P3: Many nonhuman animals are ESLs.

Therefore Many nonhuman animals have the right not to be treated as a resource for others.

- As a seeming afterthought, Regan argues that philosophers should be concerned with the *why*, not the *how* concerning searching for accounts 'solving' problems they're analyzing (428). Agree? Disagree?

Aside from the leaps Regan makes as evident in **P2**, everyone in all sections unanimously considered Singer's position the better one (compared to Regan's), for the simple reason that his utilitarianism doesn't altogether dispense with the 'how', as Singer's position leaves the door open for *reform*, not just complete and unqualified abolishment (of animal farming, hunting, and experimentation.)¹²

¹¹ As opposed to Singer, in which reform is possible by the lights of his argument.

¹² Though obviously Singer sets the bar very high here. Nevertheless, "Singer's arguments could be used to support reform of the meat production industry just as easily as its total elimination." (Vaughn, 407)