

A Defense of the Deprivation Argument

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ABSTRACT

Some believe that abortion is wrong because it harms the fetus by depriving it of its future. Dean Stretton rejects his argument. He claims that the harm of death is not a sufficient source of the right to life and that, even if it were, a fetus cannot be seriously harmed by being deprived of its future. In this article I critically assess Stretton's arguments for each of these claims and find these arguments problematic. In doing so, I believe that I successfully defend against Stretton's attack the initial plausibility of the deprivation argument.

NOT TOO LONG AGO Don Marquis offered what has come to be known as “the deprivation argument” against abortion.¹ The argument is rather uncomplicated. Using “FLO” to stand for “future like ours,” Marquis reasons as follows: “Deprivation of an FLO explains why killing adults and children is wrong. Abortion deprives fetuses of FLOs. Therefore, abortion is wrong.”² There is a great deal of plausibility to this argument. I look upon being deprived of my future as a significant harm, and I think that others ought not do that to me. Now since a fetus also has a future, and a future like mine, isn't it similarly harmful to kill it? Ought that not be done to it?

Recently, Dean Stretton challenged the deprivation argument by proposing that “the serious harm of death is *not* a sufficient source of the right to life...” and that, even if it were, the fetus “cannot be seriously

¹ Don Marquis, “Why Abortion is Immoral,” *Journal of Philosophy* 86 (1989): 183-202.

² Don Marquis, “An Argument that Abortion Is Wrong,” *Ethics in Practice*, 2nd ed., ed. Hugh LaFollette (Malden MA: Blackwell, 2002), p. 92. This is an updated version of the 1989 article from *Journal of Philosophy*.

harmed” by being deprived of its future.³ In what follows I consider Stretton’s arguments for these two claims and show that the supporting arguments are highly questionable. This being so, the initial plausibility and reasonableness of Marquis’s argument remains intact.

THE EQUALITY OBJECTION

I begin with Stretton’s argument that the harm of death is not a sufficient source of a right to life. In laying out what he refers to as “the equality objection,” Stretton asserts the principle that the wrongness of an act is a function of the harm that the act causes. He formulates this principle in various ways: “The wrongness of a harmful action generally varies, at least roughly, with the degree of harm it causes: the greater the harm, the greater the wrong.”⁴ Also, “in general the more harm an action would cause one to suffer, the more *prima facie* wrong it is for others to perform that action...”⁵ Finally, “the greater the potential harm, in other words, the stronger one’s right that others not inflict that harm.”⁶

Stretton sees problems arising when one applies this principle to the issue at hand and then tries to square the conclusion it yields with our moral intuitions. He writes,

Suppose A is killed at age 15, B at age 75, and that they would otherwise have lived to 90. For simplicity, suppose A’s quality of life would have been at least as high as B’s quality of life... So death deprives A of the value of 75 years of future goods, B of the value of 15 years of future goods. If death is a harm because and to the extent that it deprives the victim of the value of future goods, then it would follow that the harm of death for A is (at least) *five times greater* than the harm of death for B.⁷

The problem, as Stretton sees it, is that Marquis has committed himself to

³ Dean Stretton, “The Deprivation Argument Against Abortion,” *Bioethics* 18/2 (2004): 79-80.

⁴ *Ibid.*, p. 151.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*, p. 150.

the position that, *prima facie*, killing A would be five times more wrong than killing B and that, because of this, A's right to life is significantly stronger than B's. But this conclusion, Stretton claims, is contrary to our common intuition that A and B have an equal right to life. "So," Stretton concludes, "Marquis's account is incorrect: it gives the wrong results."⁸

What can be said in response to this critique? One may begin by noting that Stretton's equality objection rests on the belief that Marquis holds death to be a harm "because and to the extent that it deprives the victim of the value of future goods."⁹ One should also note that Stretton's equality objection seems to assume at least two things: (1) the total value of any individual's future goods is measurable in an objective, quantifiable sense, and (2) the values of all individuals' futures are commensurable. These two claims, along with the aforementioned principle (3) that "the wrongness of a harmful action generally varies, at least roughly, with the degree of harm it causes: the greater the harm, the greater the wrong," lead to the "wrong results" that ground Stretton's conclusion that Marquis's argument fails.

Yet it is not at all clear that Marquis holds, or is committed to, any of these three propositions. Consider proposition (1). Marquis writes,

[T]he misfortune of premature death consists of the loss to us of the future goods of consciousness. What are these goods?...The goods of life are whatever we get out of life. The goods of life are those items towards which we take a 'pro' attitude. They are completed projects of which we are proud, the pursuit of our goals, aesthetic enjoyments, friendships, intellectual pursuits, and physical pleasures of various sorts. The goods of life are what make life worth living. In general, what makes life worth living for one person will not be the same as what makes life worth living for another.... The lists are usually different in different stages of our lives....What makes my future valuable to me are those aspects of my future that I will (or would) value when I will (or would) experience them, whether I value them now or not.¹⁰

Marquis's account here seems quite compatible with the possibility that

⁸ Ibid., p. 151.

⁹ Ibid., p. 150.

¹⁰ Don Marquis, "An Argument that Abortion Is Wrong," p. 87.

a 90-year old may value his future just as much as (or more than) when he was 30, while still acknowledging that, objectively speaking, his pool of future goods has diminished. Indeed, Marquis's account seems quite compatible with the tendency to place increasing value on one's remaining days just *because* one sees the number of these days diminishing due to age or illness. This understanding of the subjective complexities that affect an individual's "future of value" is not consistent with the excessively depersonalized and quantitative assumptions of Stretton's equality objection.

Adding force to the case that Stretton's equality objection may simply not apply to Marquis's explanation of the wrongness of killing is the fact that the language of Stretton's critique is not matched by Marquis. Stretton seems to understand "the value of one's future" to be equivalent to "the total value of future goods (minus future evils)..."¹¹ Marquis, though, speaks of the *kinds* of goods that one would or will value, and he does not seem at all concerned with a quantitative determination and commensuration of the value of these goods. Indeed, he seems to reject this approach when he writes,

Suppose that we tried to estimate the seriousness of a crime of murder by appraising the value of the FLO of which the victim had been deprived. How would one go about doing that? In the first place, one would be confronted by the old problem of interpersonal comparisons of utility. In the second place, estimation of the value of a future would involve putting oneself, not into the shoes of the victim at the time she was killed, but rather into the shoes the victim would have worn had the victim survived, and then estimating from that perspective the worth of that person's future. This task seems difficult, if not impossible.¹²

Marquis's focus is on the individual and the future that this individual does (or will) value, while Stretton's critique focuses on the net-value of the goods in that future. It appears, then, that Stretton's quantitative approach to the value of an individual's future seems off the mark as a summary of Marquis's position. As such, Stretton's critique, relying upon

¹¹ Dean Stretton, "The Deprivation Argument Against Abortion," p. 150.

¹² Don Marquis, "An Argument that Abortion Is Wrong," p. 91.

this quantitative approach, is likewise off the mark.

But what about Stretton's suggestion that Marquis is committed to the proposition that death is a harm "because and to the extent that it deprives the victim of the value of future goods"? If one accepts that death is a harm because it deprives the victim of the value of future goods, as Marquis does, is one thereby committed to the proposition that the degree of the wrongness of killing varies with the value of those future goods? In other words, must the wrongness of types of acts admit of degrees if (and in direct proportion to) the harm that these types of acts cause admits of degrees? I think not. Imagine a person twice as intelligent as you, with twice the number of meaningful relationships. Is lobotomizing that person somehow more wrong than lobotomizing you? I believe the common intuition is that it is not, even if it were granted that the two lives in question may not be equally rich in goods. Or, more graphically, imagine a person who has been gang-raped by ten people. Each of the assailants commits the same kind of horrendous act, but after the fifth assault the victim falls unconscious. Are assailants six through ten guilty of less seriously wrong acts since the harm they inflicted was less than what assailants one through five inflicted? Again, I think not. I believe the common intuition is that all ten acts of rape are equally wrong, even if it were the case that the *degree* of harm caused by each act was not the same. And Stretton seems likely to share these intuitions since, with respect to the killing of A and B from his example cited above, he writes,

The common intuition—so widely and firmly held that we may reasonably take it for granted (at least in the absence of compelling reasons for rejecting it)—is that beings such as A and B have an *equal* right to life: killing one is *equally* as wrong as killing the other.¹³

But what principle can explain and support the various intuitions just mentioned? I say it is the principle that, in some cases at least, all acts that inflict a certain *kind* of harm are *prima facie* wrong, and equally so, because of the nature of the harm caused, even if that kind of harm admits of degrees. This principle seems the most reasonable explanation for the judgments above, and in the absence of this principle one may wonder

¹³ Dean Stretton, "The Deprivation Argument Against Abortion," p. 151.

how these judgments can be maintained. And one may rely on this principle to argue that every killing is equally wrong, *prima facie*, since every killing inflicts the same *kind* of harm: the permanent removal of the possibility of ever having any (or another) meaningful experience. While the “aggregate of goods comprising one’s entire valuable future”¹⁴ may vary from one individual to another, or within one individual’s lifetime, nevertheless the *nature* of the harm of killing, its comprehensiveness and finality, is the same in all cases. Looked at in this way, then, judging all killings to be *prima facie* equally wrong is simply a matter of judging similar kinds of harm similarly. To locate the wrongness of killing in the kind of harm that killing causes does not necessarily commit one to the position that those killings that cause less harm are, for that reason, somehow less morally wrong.

Finding the kind of harm that killing causes to be decisive in this way removes the force of Stretton’s equality objection. Stretton has argued that Marquis leaves one with no plausible way of reconciling the claims (1) that killing normal adults is wrong primarily (or substantially) because of the level of harm it causes the victim, (2) that all murders are equally wrong, other things being equal, and (3) that the level of harm suffered by the victim varies greatly from murder to murder.¹⁵ He goes on to claim that since (2) and (3) are “more obvious” than (1), then (1) must be rejected. The consequences, he believes, are these: “Marquis’s argument—and the deprivation argument generally—is plainly committed to (1), and cannot plausibly deny (2) or (3); hence we are not justified in accepting its conclusions.”¹⁶

But, as we have seen, Marquis need not be (and seems not to be) committed to (1). Furthermore, were one to replace the word “level” in claim (1) with “kind,” claim (1) would become “killing normal adults is wrong primarily (or substantially) because of the *kind* of harm it causes the victim.” This reformulated claim, at the heart of the deprivation argument, seems easily reconciled with the other two. Thus, another reason offered by Stretton for rejecting Marquis’s argument disappears.

¹⁴ *Ibid.*, p. 159.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, p. 160.

THE SNAIL-MINDED PRIMATE

We move now to Stretton's argument for claiming that the fetus "cannot be seriously harmed" by being deprived of its future.¹⁷ To make the case that depriving a being of a FLO is not necessarily harmful to that being, Stretton asks us to suppose that scientists have created a new species of primate whose members enjoy a mental life that is "no richer than that of a bright garden snail."¹⁸ These primates, however, are physiologically capable of sustaining and being controlled by a normal adult human cerebrum; so, if a cerebrum were somehow to be implanted in one of them, the primate would then "think, act, feel, desire, and so on, just as we do...."¹⁹ Stretton continues:

You are, suppose, in an operating theater. On the left is a snail-minded primate with its original cerebrum. On the right, in a vat, is the unconscious cerebrum of a normal adult human. In the middle is a cerebrum transplant machine. When the machine is switched on, the arm of the machine will swing round to the right and pick up the cerebrum from the vat. It will then swing round to the left, remove the organism's original cerebrum, discard it, and transplant the human cerebrum in its place. The organism will then wake up, be conscious, and generally carry out a valuable existence that it will highly value.... The machine is now turned on.... The arm swings round to the vat and picks up the cerebrum. It begins to swing round to the other side of the room. Suddenly, however, you decide to end the whole project.... [Y]ou dash forward and pull out one of the wires from the machine. This causes a short circuit, preventing the transplant from taking place.... A short time later the primate wakes up, oblivious to all that has happened, and continues to do whatever it is that snail-minded primates do.²⁰

Stretton believes that most people would feel intuitively that short-circuiting the machine was not at all wrong. He reasons, though, that if this act caused serious harm to the primate, then it would be considered seriously wrong (rather than not wrong at all). So, he concludes, the act

¹⁷ *Ibid.*, pp. 179-80.

¹⁸ *Ibid.*, p. 160.

¹⁹ *Ibid.*

²⁰ *Ibid.*, pp. 162-63.

must not have done serious harm to the primate.²¹ How does all this connect to the deprivation argument? Stretton explains:

By short-circuiting the machine, you have *deprived the primate of a highly valuable future*. A key premise in Marquis's argument is therefore false: if a being has a highly valuable future, it *does not follow* either that an act depriving the being of that future seriously harms the being or that such an act is *prima facie* seriously wrong. The argument is therefore unsound.²²

Stretton's reasoning here is simple. The snail-minded primate was not seriously harmed by being deprived of a FLO, and since the fetus is like the snail-minded primate, the fetus can't be seriously harmed by being deprived of a FLO. If abortion doesn't seriously harm the fetus, then how can abortion be morally wrong?

One may begin responding to Stretton's hypothetical, and the argument that it grounds, by noting that the snail-minded primate (smp), as a certain *kind* of thing, has a future like the future that those kinds of things have; it does not, however, have an FLO because it is not the kind of thing that we are. Indeed, if the smp in question were destined to live a life as a perfect, completely satisfied smp, its future would nevertheless be a future not-at-all like ours. But such is not the case with a zygote, embryo, fetus, etc. These all have a future just like ours since they are naturally the same kind of thing that we are. What does the future of a human fetus look like? It looks like our present. But, again, this is not true of the smp. To put it bluntly, things like them do not become things like us. The proposed cerebral transplant would change the kind of thing the smp is, and would thereby give it a new future, one that would only then, post-transplant, be like ours. Since it is only after the cerebrum transplant that the smp can be said to have a FLO, to short-circuit the transplant machine is not to deprive the smp of an FLO because the smp does not have such a future of which it can be deprived.

Rather than constituting a deprivation of an FLO, I submit that short-circuiting the transplant machine is a *failure to confer* an FLO. Indeed, the purpose of the machine is to confer a human cerebrum to a being that does

²¹ Ibid., p. 163.

²² Ibid.

not have one, and with that cerebrum comes an FLO. But surely to refrain from conferring a cerebrum is not to remove a cerebrum. Removing a cerebrum is, *ex-hypothesi*, necessarily subsequent to its conferral; if the human cerebrum was never conferred, it cannot be removed, and if the FLO that the cerebrum brings with it was never conferred, then it too cannot be removed. Similarly, if I decided *not* to perform a sex-change operation on a male rabbit, that decision would not be best-described as one where I *deprived* that rabbit of a future like a female rabbit. It would be more accurate to say that I failed to confer a certain kind of future, one that the male rabbit did not have, on that rabbit. And if I chose to perform this operation, then my conferral upon that rabbit of a future like a female rabbit would be, at the same time, a deprivation of its future as a male rabbit. It was a male rabbit, it had a future as a male rabbit, and I removed that future and replaced it with a future as a female rabbit. Rejecting this distinction between *depriving* and *failing to confer* will leave one committed to the position that the choice to perform the operation on the rabbit, and the choice not to perform it, are each deprivations with no morally relevant differences between them. The differences, though, between these two acts seem obvious and significant, and one would expect our moral language to acknowledge this distinction.

To emphasize and further illustrate the real difference between *depriving* and *failing to confer*, consider the choice to refuse to give you \$1 million and the choice to take \$1 million from you. These two acts are clearly different in kind and would likely be subject to different moral assessments. Does not the distinction between *depriving* and *failing to confer* capture and explain well this difference? Other examples are easy to find: I choose not to donate a kidney to someone with whom I am a perfect match. In that case I *fail to confer* the kidney (and a certain kind of future—one without dialysis). Later, that person comes and takes one of my kidneys for the transplant. I have been *deprived*. Surely what I did (a failure to confer) was not equivalent in any sense to what was done to me (a deprivation).

Now consider the fetus (or zygote, embryo, newborn, etc.). To kill it is not simply to fail to confer something that it does not yet have. To kill it is to take away (to deprive) what it already has, namely, a future like *ours*. Killing a fetus, then, deprives the fetus of an FLO but short-circuiting the cerebrum transplant machine does not deprive the smp of an

FLO. As it turns out, then, the lesson from the smp hypothetical (that to deprive is not necessarily to harm) does not transfer to the case of the zygote, embryo, etc. The analogy fails, and with it goes Stretton's putative falsification of "a key premise" in Marquis's argument.

PSYCHOLOGICAL CONNECTEDNESS

Stretton lays much of his critique of the deprivation argument upon his concept of "psychological connectedness," and so we now turn to this element of his argument. We have seen Stretton maintain that even if a fetus can be deprived of a flo (just like the smp), it can't be harmed by this deprivation, no matter how goods-packed its future would have been. This position may seem odd to some: to deprive a being of every valuable experience that it would otherwise have had is not to harm that being seriously. Some who find this conclusion counterintuitive may object to Stretton as follows: Since a human individual in its fetal stage will, at a later stage of its development (say, as a teenager), be harmed by being deprived of its future, how can it be that depriving that *same* being of that *same* future is not *now* harmful to it? What is it, one may ask Stretton, that makes sense of this odd position? Stretton's answer is his notion *psychological connectedness*.

What exactly is *psychological connectedness* (PC)? What *is* this attribute that Stretton claims excludes the fetus from the class of beings that can be seriously harmed by being deprived of its future? Stretton lays the groundwork for this key concept when he writes:

Let us say a set of future goods or evils that will be attained by a being has *moral significance* to that being to the extent that the being can now be harmed by being deprived of that set of goods, or benefited by being caused not to attain that set of evils.²³

After this stipulation, Stretton offers the principle that he claims "explains why the deprivation argument fails":

the moral significance to a being of a set of future goods or evils that will be attained by that being varies, other things being equal, with the degree of

²³ Ibid., pp. 171-72.

psychological connectedness between the being as it is *now* and the being as it will be when it attains those goods or evils.²⁴

He adds:

Let us also say a being at one time and a being at another time are *psychologically connected* to the extent that there are 'direct connections of memory, belief, desires' and the like between those beings—as, for example, when the second being remembers something the first being experienced.²⁵

Given all of the above, he reasons:

Since the foetus at first is *not at all* psychologically connected to its own future, and then for some time is only *very weakly* psychologically connected to that future, the foetus during this time cannot be seriously harmed by being deprived of future goods (or, therefore, by death); it therefore lacks a right to life.²⁶

Stretton finds that this notion of psychological connectedness

entails that if a being has never been conscious, and thus has no mental states, then the being is not psychologically connected to itself as it will be when it attains future goods, and so cannot be significantly harmed by being deprived of such goods.²⁷

He seems to suggest that a being has to be somehow conscious *now* of its future, somehow capable of suffering *now* over the prospect of its good(s)-diminished future. If a being isn't so connected to its future, then that being cannot be significantly harmed by having that future taken away. The fetus, he argues, is such a being.

On the face of it, though, this *conscious-now* interpretation of PC would seem to exclude not only the unborn, but also newborns, infants, toddlers, and some comatose children and adults. Stretton is aware of this

²⁴ Ibid., p. 172.

²⁵ Ibid.

²⁶ Ibid., p. 174.

²⁷ Ibid., p. 176.

implication and tries to steer clear of it. He constructs a hypothetical case of a baby whose eyes have not formed properly due to toxins in the mother's womb. When explicating and defending his notion of PC, he notes that it "*is* in the deformed baby's interest to attain the goods of sight" and so grants that the blind baby *is* psychologically connected to itself as it will be when it attains that good.²⁸

Later, Stretton more explicitly rejects the *conscious-now* interpretation of PC when he writes:

Suppose, however, that a baby is born comatose. Her brain is perfectly formed, but a chemical present in her body from conception has so far prevented her from realising consciousness. In five minutes the chemical will evaporate, and she will wake up. She will then, if not killed, live a long and happy life. Do we harm her significantly by killing her? My view entails we do not....Yet this seems implausible: intuitively, the baby *would* be significantly harmed by being deprived of future goods—hence *would* be significantly harmed by death—*even though* she has never been conscious. I accept this objection.²⁹

So, refining his notion of PC in light of these cases and intuitions, Stretton explains:

what grounds the baby's interest in attaining future goods is the fact that she has various psychological *capacities*: she has all the neural structures or architecture required for consciousness, learning, and so on, even though these structures have never been used.³⁰

With this in mind, he adds: "Let us widen our definition of psychological connectedness to include continuity of such capacities,"³¹ and in a footnote he writes,

So psychological connectedness consists (nearly enough) in the continued existence of psychological capacities (i.e. neural architecture, the neural

²⁸ Ibid., p. 173.

²⁹ Ibid., p. 177.

³⁰ Ibid.

³¹ Ibid.

structures that produce mental states) and/or mental states.³²

Such an adjustment to the concept of PC would protect not only the newborn but also the temporarily comatose patient so long as a sufficient amount of their neural architecture remains intact.

Yet one may well wonder what principle allows Stretton to judge that the neural structures of a not-yet-conscious baby are sufficient for a morally decisive PC to its future, but that the genetic structures that direct the production and development of these neural structures are not. This crucial issue is not addressed by Stretton. The right-to-life-generating “psychological capacities” that Stretton finds present in the newborn, child, adult, etc. are physical structures within the organism. But is not the organism’s DNA also a physical structure within the organism, and does it not enjoy a direct and directing causal connection to the neural architecture that produces PC?³³ Stretton has already stipulated that a being need not be currently exercising, nor have ever exercised, its capacity to be PC to its future; he allows the unexercised capacity to suffice for the newborn in his just-cited hypothetical. But does not the human organism have this unexercised capacity, in the form of its genome, from conception? If the newborn passes PC-muster because of its “neural architecture,” is it an unreasonable stretch to claim that the zygote, too, passes PC-muster because of its genetic architecture? If one’s neural architecture is significant because it establishes PC, then why shouldn’t one’s DNA be significant since it produces that neural architecture? In short, Stretton leaves one wondering by what principle one physical structure within the organism (DNA) is ruled-out as morally irrelevant while some other, related physical structure within that same organism (neural architecture) is judged morally decisive? Indeed, it seems arbitrary to claim that the element within the organism that produces the putatively morally decisive aspect of that organism is itself morally irrelevant

³² Ibid.

³³ The human organism’s DNA “contains all of the biological information needed to build and maintain a living example of that organism...DNA provides a blueprint that directs all cellular activities and specifies the developmental plan of multicellular organisms.” <[http://www.mydna.com/ genes](http://www.mydna.com/genes)>.

Stretton may reply to this objection by asserting that the capacity for PC must be developed. There is a difference, he may point out, between a *developed* capacity, and an *undeveloped* one. The neural architecture of a newborn should be considered a developed capacity for psychological connectedness, and the DNA of a zygote, embryo, etc. should be considered an undeveloped capacity for PC. This difference is morally relevant, he may argue, because the greater a being's PC to its future, the greater the harm to that being in depriving it of that future (and, correlatively, the less PC a being is to its future, the less harm done to it by depriving it of that future). Now since PC strengthens/intensifies as the organism develops, even if a zygote were connected to its future by virtue of its DNA, it would be so only in the weakest of senses. This being so, the harm caused by depriving it of its future would be the weakest of harms and, thus, the degree of wrongness of the act of deprivation would be exceedingly low. In this vein Stretton writes: "The foetus, being at best weakly psychologically connected to its own future, cannot be seriously harmed by being deprived of that future...."³⁴

But this reply is forceful only if the degree of harm caused by an act necessarily determines the degree of wrong of that act. I submit that my *kind-of-harm* argument from earlier defeats this claim and, as such, defeats this reply. On Stretton's own terms, then, I may argue that the zygote's psychological connection to its future is established by its DNA, and that therefore even if the deprivation argument applies only to beings that are PC to their future, it applies to zygotes, embryos, fetuses, etc.³⁵ This being the case, depriving the fetus of its future is the same *kind* of act as depriving you of your future, i.e., each is the permanent removal of the possibility of all future experiences from a being that is PC to that future. In this way, these acts are to be considered morally equivalent and, if Marquis is right, *prima facie* morally wrong.

Still, this line of attack on Stretton's argument makes use of this still

³⁴ Dean Stretton, "The Deprivation Argument Against Abortion," pp. 179-80.

³⁵ Or at least to zygotes, embryos, fetuses, etc. that have the genetic architecture necessary to some day be actually PC to their futures. Those human beings that are not so genetically endowed may fall outside of this protected group, a fact that will further undermine the decisiveness of Stretton's notion of psychological connectedness when determining a being's right to life.

somewhat vague concept *psychological connectedness*. Questions about just what this concept *means* and how it applies to cases remain. So we should continue to try to elucidate this notion that he places at the heart of his critique of the deprivation argument.

Two of Stretton's hypotheticals may be helpful here. In one, Stretton describes a computer that is in the process of developing a chip through which it will become "rational, self-aware, and so on: it will have a mental life just like ours."³⁶ He asks us to imagine that we knowingly interfere in this process *after it has begun* and so the computer does not succeed in creating and installing this chip. Our intuition, Stretton claims, is that our act "was *not at all* wrong."³⁷ Echoing his reasoning from the cerebrum transplant case, Stretton claims that if the act was not at all wrong, it must not have seriously *harmed* the computer, even though it did deprive the computer of an FLO. A second hypothetical offered by Stretton asks us to imagine that

In the future we might recreate consciousness in a patient by removing his or her dead cerebrum and replacing it with a live one....The cerebrum recipient would then awaken with the beliefs, desires, personality and apparent memories of the donor, and would live out some additional years of conscious existence.³⁸

Stretton believes that refusing to consent to such a transplant is not unreasonable, and "hence does not involve consenting to a serious harm (or *any* significant level of harm)."³⁹ To this he adds,

[S]uppose you must decide whether your irreversible comatose relative...is to undergo a transplant. Intuitively, you would not act seriously wrongly--you would not seriously harm him--by electing that the transplant not proceed.⁴⁰

³⁶ Dean Stretton, "The Deprivation Argument Against Abortion," p. 170.

³⁷ Ibid.

³⁸ Ibid., p. 166.

³⁹ Ibid.

⁴⁰ Ibid., p. 167.

Now Stretton claims that the cerebrum transplant candidate and the self aware computer (to which we shall return in a moment) “would not be significantly harmed by being deprived” of future goods, that is, of a future like ours, because, he explains, “these beings are not psychologically connected to themselves as they will be when they attain these goods.”⁴¹

What can be said of all this? To start with, I believe that there is a flaw in the cerebrum transplant hypothetical. Stretton’s conclusion that the cerebrum-transplant candidates are *not harmed* by the loss of a future like ours rests upon his claim that these candidates could quite reasonably decline the flo-ensuring transplant and, instead, allow themselves to die. But, Stretton continues, if this choice were the choice of a serious harm, then it would not be considered reasonable. Consequently, choosing to be deprived of all future goods in these cases must not be seriously harmful. And why not? Because, as Stretton sees it, these transplant candidates are not PC to their post-transplant futures, and so do not experience the possible deprivation of that future as harmful. But this hypothetical relies upon an equivocation for its force. There is a *you* (or a *him/her* in the case of your relative) that is the *self* who would accept/refuse the cerebrum replacement if it were in *your* (i.e., *that self’s*) interests, and then there is the *you* that is the biological organism that will persist through the cerebrum change. In his cerebrum transplant case, Stretton stipulates that the organism would wake up “with the beliefs, desires, personality and apparent memories of the donor,”⁴² that is, as a different *self*. The same stipulations are present in a cerebrum regrowth hypothetical he offers where the *self* that emerges after the change “will psychologically be utterly unlike you as you are right now.”⁴³ There will be “a new personality, memories, beliefs, desires, and so on.”⁴⁴ Given the *self*-replacing changes in the organism, it is not surprising that the current *self* does not take a strong interest in the life of that post-transplant/post-regrowth,

⁴¹ Ibid., p. 173.

⁴² Ibid., p. 166.

⁴³ Ibid., p. 169.

⁴⁴ Ibid., p. 168.

different *self*. In a real sense, to decline the option of cerebrum replacement is *not* to decline anything that will benefit *me*.

Consider, for example, the case of a person born blind. Imagine that a simple, painless eye transplant would enable them to see. In this case, the *self* that was born blind would be the *self* that is benefitted by the operation. For that reason it would indeed seem unreasonable for that self to decline such a great and easily achieved benefit to *their own self*. But if the operation were one that painlessly replaced both eyes but that also required replacing one's cerebrum with that of the eye donor, then the case is not so clear. Would it still be *unreasonable* for one to decline the operation and remain blind? If we accept the changes that Stretton stipulates a cerebrum transplant would cause, then surely it would *not* be unreasonable to decline the transplant. Why is this so? Surely it is not because being deprived of a future of sight is not a significant harm. Rather, it seems that the rejection of the more elaborate transplant is reasonable *from the perspective of the self doing the choosing*. It is true that in one sense the future of me-as-organism would benefit from the operation, but it is also true that me as *this* choosing self would not benefit. In this case, the choice for the choosing self is between two alternatives that, from the choosing self's perspective, are identical. To return to Stretton's two cases, in each case, the enjoyment of a future like ours will be over for the self doing the choosing. The choice for *that* self is not between being deprived of an FLO (through death) and enjoying an FLO (through a cerebrum replacement). Rather, the choice for the self doing the choosing is between being deprived of an FLO through a cerebrum replacement and being deprived of an FLO through death. So, the fact that the choosing self would not prefer the cerebrum-replacing option over death does *not* establish the claim that being deprived of an FLO is not harmful to the individual so deprived. Instead, the lesson may be that losing an FLO through a cerebrum transplant is, in cases like this, as harmful as death (rather than not harmful at all). Stretton's hypothetical is thus defective in that it does not make the point that being deprived of an FLO is not necessarily harmful.

What, though, of the case of the self-aware computer? Recall Stretton's judgment that ending the computer's already-begun progress toward self-awareness is not at all wrong. Recall, too, his claim that this judgment indicates that depriving that computer of an FLO is not at all

harmful. Finally, recall his assertion that this deprivation is not at all harmful to the computer *because* the computer is not PC to its future. The problem here, it seems, is that the plausibility and force of this self-aware computer case relies entirely upon the intuition that interrupting the computer's already-begun development toward self-awareness is not at all wrong. This intuition, though, may be grounded in an unreasonable (or at least questionable) discrimination between biological and mechanical things. Is it really so unquestionably the case that it would be not at all wrong to harm a computer that was in the process of becoming a self in the way described by Stretton? Would one be unreasonable to argue that the act was seriously wrong, and that it was so *because* it deprived an entity of an FLO that this entity would have achieved had one simply allowed it to continue its existence as the *kind* of thing that it was? And to explain that this decision was not at all wrong because the self-aware computer was not yet sufficiently PC to its future is simply to beg the question. So, given what we have seen of the other support for his notion of PC, it seems that Stretton is left with having to rest much, if not all, of the plausibility of the principle of PC, and its moral decisiveness in these cases, on this questionable intuition about would-be mechanical selves.

I think that the following hypothetical also stretches the limits of Stretton's notion of PC. Imagine that I have just been infected by you with a chemical agent. It works by accumulating in my brain for years until it reaches a critical mass and causes, in an instant, large-scale brain failure. At that moment, all at once, most of my neural architecture will collapse and all of my PC-generating mental-states will cease. I do not know that I have been infected so I do not know that the brain-collapse is coming, and I will not know when it arrives. For reasons that will be offered in a moment, I think that it is fair to say that I am harmed *now* by your act of infecting me with this slow-moving agent. Now since this is a case of me being deprived of my future, and since this deprivation is a genuine harm, Stretton's notion of psychological connectedness should be able to explain just why this deprivation is harmful. But can it? How are *me-now* and *me-then* psychologically connected? There are no "direct connections of memory, belief, desires' and the like between those beings—as, for example, when the second being remembers something the first being

experienced.”⁴⁵ There may be such connections between me-now and me just *before* the unforeseen lights-out experience (although, it should be noted, this would not be the case if me-now is three years old and me-then is sixty), but is that the best explanation for why I am harmed now by being infected? Indeed, how do my memories, etc. *then* (in the future, just before the agent hits its critical mass) of me *now* establish that I am harmed *now* by your choice? It all seems rather far-fetched.

I argue that it is more plausible to explain that in this hypothetical I am harmed now because your act now begins a causal series of events that will deprive me of a future that I *would have had* if you had not infected me. Marquis appears to support this explanation when he writes, “An individual’s future will be valuable to that individual if that individual will come, or would come, to value it.”⁴⁶ For example, if you do not currently value your undeveloped capacity to read some unknown language, does that mean that I do not harm you, diminish you, if I remove that potential from you? To do that to you is to eliminate the possibility of your enjoying a certain type of experience, and I think that most would agree that such an act would be wrong at least, if not only, for that reason. But is not the same the case *a-fortiori* with the fetus and its future? Marquis thinks so, writing that “To claim that a fetus *has* an FLO is to claim that a fetus now has the potential to be in a state of a certain kind in the future.”⁴⁷ And Marquis’s words here well describe Stretton’s hypothetical about the child born with soon-to-dissipate disabling toxins in its system. That Stretton himself accepted that this newborn is PC to its future places the burden on him to offer a rationally compelling case for *not* judging the fetus similarly since it too has the potential to enjoy its future even if it is not, on Stretton’s account, currently PC to that future.⁴⁸

Perhaps Stretton would respond to my hypothetical by pointing out

⁴⁵ Ibid., p. 172.

⁴⁶ Don Marquis, “An Argument that Abortion Is Wrong,” p. 87.

⁴⁷ Ibid., p. 90.

⁴⁸ This same point can be applied to *in-utero* gene therapy or *in-utero* genetic damage. Is not the fetus genuinely benefited by genetic therapy and genuinely harmed by genetic damage that occur during gestation, even though it is not, on Stretton’s account, PC to its future?

that the future-*me* that would-have-been were it not for the effects of this “self erasing” agent is a *me* that would have been psychologically connected to the present *me*, and this fact explains the harm of the deprivation. In this way, Stretton could perhaps maintain that it would be seriously harmful to infect me with this disease, but not seriously harmful to a fetus to kill it, since the *self* the fetus would have become would not remember anything about, or share any conscious interests with, the fetus it once was (just as we all don’t share any conscious interests with the fetus we each once were).

This reply, though, would leave Stretton ill-equipped to defend his intuition about the wrongness of killing the newborn child from his earlier hypothetical (or even older children for that matter since it may be the case that few, if any, human beings are psychologically connected in Stretton’s sense of the term to their first few years of life). This move would also leave Stretton unable to defend an intuition that I believe most people would have upon considering another of his hypotheticals. He writes:

Suppose it was like this: we all develop normally until age 30, whereupon we lapse into a coma. Our cerebrum tissue then decays and is absorbed by the body. Only the brain stem is left intact, so that all previous mental states are destroyed. Then a new cerebrum develops, along with a new personality, memories, beliefs, desires, and so on. All this occurs naturally, on account of one’s genetic code.⁴⁹

If such were the case, I believe that most people would find the right to life that we all have now to continue even during this transition period. While it may be true that this stage of the individual’s life would be non-PC (in Stretton’s sense) to any other stage, I believe that most would find this putative fact irrelevant to the question of that individual’s right to life during that non-PC stage. Marquis’s deprivation argument seems well-equipped to explain this intuition since, despite the dramatic changes, the organism in question—before, during, and after this stage—has a FLO that would be lost if one were to kill it. Stretton’s criterion of PC, though, seems unable to explain this intuition and would instead lead us to

⁴⁹ Dean Stretton, “The Deprivation Argument Against Abortion,” p. 168.

conclusions that I believe are rather obviously morally objectionable (e.g., that it would not be seriously morally wrong to prevent the new cerebrum from developing and then use these individuals as organ donors and test subjects for medical experiments). Since the being before the transition has no PC to the one during and after the transition, and since the being after the transition has no PC to the one before or during the transition, treating this being in the kinds of ways mentioned during the transition would not, on Stretton's standard of PC, cause serious harm to the being and so would not be seriously wrong.

A final hypothetical to emphasize the point: Imagine an adult who suffers brain damage that leaves him without any memory, or capacity for memory, or ability to anticipate future states. This person is conscious but wholly "locked" in the present. He has, then, no psychological connectedness to his past or future. Does this absence of PC mean that we do not harm him if we see to it that his future is less enjoyable than it would have been otherwise? Does killing him not seriously harm him by depriving him of an FLO? Stretton's criterion of PC, and the use to which he puts it, would leave us committed to answering "yes" to the first question and "no" to the second. Furthermore, his view entails that if one somehow first severs another's psychological connectedness to their future, then the victim cannot be seriously harmed by a subsequent act of depriving them of that future. Each of these conclusions seems counterintuitive and rather more implausible than the conclusions to which Marquis's deprivation argument would commit us.

A final bit of implausibility that Stretton's argument seems to imply is this: I look back at my whole life. I know that all of my experiences, remembered and forgotten, would not have happened, I would not have enjoyed them, had the organism that was *me-in-utero* been killed. That act of killing *me-in-utero* would have eliminated the entire life I have led, but it would *not*, on Stretton's account, have caused any significant harm to me then, even though, as Stretton agrees, there is a continuity of identity between *me-them* and *me-now*.⁵⁰ That, too, seems counterintuitive.

So, where does this leave Stretton's account of psychological connectedness? I think that human beings that are PC to their futures in

⁵⁰ Ibid., p. 150 n50.

Stretton's sense of the phrase are surely deserving of a right-to-life. The question, though, is this: Are *only* those human beings that are PC to their futures in that sense deserving of a right to life? Defending an answer of "yes" to this question is the burden Stretton has placed upon himself, and I do not think that he has been equal to the task. His argument is that if there is no PC between a being and its future, then that being cannot be harmed by being deprived of that future. What we have seen, I think, is that his case for this crucial "no-PC therefore no-harm" claim is weak and that, even if one were to accept this claim, a rationally forceful case can be made that the zygote, embryo, fetus, etc. *are* PC to their futures, if not by their neural architecture then by their genetic architecture.

Given all that hangs in the balance—the millions of lives at stake through abortions, embryonic stem-cell harvestings, and end-of-life decisions—shouldn't we expect from Stretton a more rationally forceful case that his notion of *psychological connectedness* is properly the difference between having a right to life and not? Indeed, there seems to be a significant disproportion between what is at stake in these debates and the clarity/forcefulness of the PC criterion that supposedly settles them.

CONCLUSION

So, where have we been? Recall that Dean Stretton challenges the deprivation argument by arguing that, (1) "the serious harm of death is *not* a sufficient source of the right to life..." (p.180), and that, even if it were, (2) the fetus "cannot be seriously harmed" by being deprived of its future.⁵¹ What I have tried to point out is that Stretton's case for each of these claims is seriously doubtful—the first because there is a real distinction between *depriving* and *failing to confer*, the second because the concept of *psychological connectedness* is vaguely formulated, the case that it is necessary for a right-to-life is weak, and the claim that the unborn lack this quality is seriously questionable and perhaps even arbitrary. Given all of this, I believe that the initial plausibility and rational force of Don Marquis's deprivation argument against abortion remains intact, undisturbed by Dean Stretton's attack.

⁵¹ *Ibid.*, pp. 179-80.