

**Boonin on the Future-Like-Ours
Argument against Abortion**

Pedro Galvão

Centro de Filosofia da Universidade de Lisboa

David Boonin's recent book¹ is an impressively deep and detailed attempt to establish the moral permissibility of abortion on terms that the critics of abortion already accept. In order to show on such terms that the moral case against abortion is unsuccessful, one must defend abortion without committing oneself to the moral permissibility of infanticide. I am going to argue that, at least on this account, Boonin fails to undermine Donald Marquis's future-like-ours (FLO) argument against abortion. The position he develops in criticizing that argument strongly supports the permissibility of infanticide.

According to Marquis², let us recall, the loss of a future of value is what explains the wrongness of killing, and abortion is wrong because it imposes such a loss on the fetus. Boonin is willing to accept the FLO approach to the wrongness of killing, but attempts to show that, on the best way to develop this approach, it turns out that although infanticide is wrong, most abortions are all right. His attempt to establish this result is flawed – or so I will argue.

I

Let me summarize Boonin's critique to the FLO argument. We have to consider five cases:

- (A) The typical human fetus;
- (B) The typical human infant;

- (C) The temporarily depressed suicidal;
- (D) The temporarily comatose adult;
- (E) The typical human adult.

A finer distinction is needed to deal with case A. We have

- (A1) The typical preconscious fetus;
- (A2) The typical conscious fetus.

Since the fetus becomes conscious only at some point from 25 to 32 weeks after fertilization, and the vast majority of abortions occur earlier than that, claiming that it is all right to kill in case A1 is enough to endorse the general permissibility of abortion.

According to Boonin, the FLO argument against abortion rests on the following principle:

- (P1) If an individual P has a future-like-ours F and if either (a) P now desires that F be preserved, or (b) P will later desire to continue having the experiences contained in F (if P is not killed), then P has a right to life.

But there is a simpler, non disjunctive, FLO principle:

- (P2) If an individual P has a future-like-ours F and if P now desires that F be preserved, then P has a right to life.

We assume that killing is wrong in cases B-E, and want to explain this in a FLO way. Boonin's central claim is that, despite appearances to the contrary, P2 is enough to account for the wrongness of killing in cases B-E. So, on grounds of parsimony, P2 is the better FLO principle – and P2, unlike

P1, does not support the idea that the preconscious fetus has a right to life.

Not all versions of P2 can do the job. If we say that P has a right to life if he has a future-like-ours F and now has the *occurrent* desire that F be preserved, we will be unable to explain the wrongness of killing the temporarily comatose adult. And since most of the time even a typical human adult do not has such occurrent desire, we will be also unable to deal with case E. But, in the same way we retain dispositionally our beliefs each time we go to bed, the comatose *now* has the *dispositional* desire that his FLO be preserved. So the “dispositional desire” version of P2 can account for the wrongness of killing in case D. And obviously also in case E.

The depressed suicidal, however, does not desire now that her FLO be preserved – not even dispositionally. Can P2 account for the wrongness of killing in this case? Not if we think that P has a right to life if he has a future-like-ours F and has now the *actual* desire that F be preserved. But since the suicidal *would* desire that her FLO be preserved if she had formed her desires under better conditions, we can say that she *now* has the *ideal* desire that her FLO be preserved. So the “ideal desire” version of P2 can account for the wrongness of killing in case C.

Boonin argues forcefully that, when desires matter morally, dispositional desires are the relevant ones, and that the same is true of ideal desires, at least in those cases where the actual desires have been formed under significantly imperfect conditions, such as lack of important information or deep emotional distress. I think that his arguments for these claims are right. Therefore, I accept that the best versions both of P1 and P2 are the “ideal dispositional desire” ones.³

But what about the human infant? Boonin attempts to deal with this case by claiming that, like in case C, the infant *now* has the *ideal* desire that his FLO be preserved. Let me quote at length the passage where he argues for this view:

A newborn infant does have actual conscious desires. He has a desire to enjoy the sensation of warmth, for example, and the experience of satisfying his hunger. It is true, of course, that the infant cannot put the content of his desires into words, and so there is one sort of conscious desire that he does not have. But this does not mean that he does not have any conscious desires at all. It is also true that the newborn infant does not yet possess the concept of himself as a continuing subject of experience, and it is true that he does not understand that death involves the annihilation of such a subject. Indeed, it seems unlikely that he has any concepts at all and so in this sense unlikely that he understands anything. But if he did understand these things, he would surely desire that his future personal life be preserved since he would understand that this is necessary in order for him to enjoy the experiences that he does already consciously desire to enjoy. And in this sense, at least, he is no different from the hiker who would desire to turn right if he understood that this was necessary in order for him to satisfy the strongest desires that he does in fact have. On the account that I have been defending, then, all that is required for the newborn infant to satisfy the conditions sufficient for having the same right to life as you or I is that he have a future-like-ours and that he have actual conscious desires that can be satisfied only if his personal future is preserved (even if he does not understand that his personal future must be preserved in order for him to satisfy these desires). I do not believe that it is controversial to maintain that the

newborn infant has conscious desires in this fairly minimal sense, and so the account that I have been defending as superior to Marquis's can easily accommodate the claim that the newborn infant has a right to life.⁴

The conscious fetus already has actual desires similar to the infant's desires. So Boonin thinks that, since the satisfaction of such conscious desires requires the preservation of the fetus's future, he too now has an ideal desire to preserve his FLO. For this reason, P2 supports the wrongness of killing in case A2.

Case A1 is strikingly different. Because ideal desires are supervenient on actual desires, one cannot have the former without having the latter. As Boonin remarks, "[t]here is no desire that a rock would have under more ideal circumstances, for example, because a rock does not have any desires to begin with".⁵ Therefore, we cannot meaningfully say that the preconscious fetus has the ideal desire that his FLO be preserved, and so P2 does not have the implication that it is wrong to kill in case A1.

I agree. I also agree with the claim that *if* the "ideal dispositional desire" version of P2 can account for the wrongness of killing in cases B-E, then this principle is better than P1. But P2 cannot account for the wrongness of killing the infant.

II

Having actual desires is a necessary condition for having ideal desires, but it is not a sufficient condition for having any kind of ideal desire. So is Boonin right when he claims that the infant, in virtue of his actual desires, already has the ideal desire that his future personal life be preserved? The infant surely does not have the ideal desire that his *overall*

future be preserved. The infant's actual desires, as Boonin examples make clear, are of a very limited sort, and their satisfaction only requires at most the preservation of a tiny portion of his immediate future. Therefore, unlike the depressed suicidal, he has only the ideal desire that a tiny, insignificant part of his FLO be preserved. Is this enough to say that under P2 the infant has a right to life? Here we have to distinguish between two versions of this principle:

- (P2a) If an individual P has a future-like-ours F and if P now desires that his *overall F* be preserved, then P has a right to life.
- (P2b) If an individual P has a future-like-ours F and if P now desires that *any part of F*, no matter how small, be preserved, then P has a right to life.

P2a clearly fails to explain the wrongness of killing the infant. But, at least if we accept Boonin's rationale for the FLO approach to the ethics of killing, P2b also fails to give us a strong reason to reject infanticide. That rationale comes in this passage:

The great merit of the future-like-ours approach in general is that it enables us to account for the prima facie wrongness of killing by understanding killing as one instance of a more general category of acts that are prima facie wrong: acts that frustrate the desires of others. It is in general prima facie wrong to act in ways that frustrate the desires of others, and in general more seriously prima facie wrong to act in ways that frustrate their stronger desires. And surely the desire to enjoy one's personal future is one of the stronger desires that one expects others to have.⁶

True, the desire to enjoy one's *overall* personal future is one of the stronger desires most people have. The problem is that the infant does not have such an ideal desire. What he ideally desires is something much weaker: that a very tiny portion of his immediate future be preserved. Therefore, if we assume Boonin's rationale for the FLO approach, from P2b we will get the conclusion that infanticide, even if it is *prima facie* wrong, is easily justifiable, because it only frustrates a rather insignificant desire. So neither P2a nor P2b adequately support the rejection of infanticide.

There is another reason why P2 fails to explain the wrongness of killing in case B. The infant's actual desires are indeed of an extremely limited sort. He just likes certain conscious experiences (e.g., the sensation of warmth) while he is having them, and so desires to enjoy them as long as they last, and dislikes other conscious experiences (e.g., the sensation of hunger) while he is having them, and so desires to satisfy the needs that prompted them as long as they last. When the conscious experiences cease, these desires vanish with them. So an *unconscious* infant does not desire, not even dispositionally, to enjoy the sensation of warmth and the experience of satisfying his hunger. A temporarily unconscious infant, unlike the temporarily comatose adult, seems to have no actual dispositional desires that can be satisfied only if his personal future is preserved. Therefore, a temporarily unconscious infant has no ideal desire that his FLO be preserved. This means that under P2 such an infant has no right to life. And this means that under P2 infanticide will not be *prima facie* wrong if the baby is already unconscious, or maybe even if, before performing the killing, we make him unconscious with some powerful anesthetics. So P2 does not adequately support the rejection of infanticide.

There is an obvious way to amend P2 in order to make it grant the right to life to the temporarily unconscious infant. We could say that an individual P has a right to life if P has a future-like-ours F and P now desires that F be preserved *or P had such a desire some time in the past*. But this revision would be hopelessly ad hoc, and with it P2 would cease to be obviously better than P1 on grounds of parsimony.

III

So far I have assumed that P1 is the principle upon which the FLO case against abortion rests. But I think that this assumption is wrong. The “real” FLO principle is just this:

- (P3) If an individual P has a future-like-ours, then P has a right to life.

Somewhat surprisingly, at the beginning of his critique to Marquis’s argument Boonin accepts P3, and not P1, as the moral principle underlying the FLO case against abortion. For he says that, according to Marquis, “the property that the individual’s [in cases B-E] share and that is sufficient to make killing them seriously wrong is the property of having what he calls a ‘future-like-ours’”. (2003: 57). This is really Marquis’s view.⁷ A sufficient condition for having a right to life is just the possession of a FLO, not the possession of a FLO plus something else.

Because Boonin’s critique is entirely addressed to P1, it affords us no reason at all to prefer P2 to P3, and by the standards of parsimony this latter principle is clearly superior to the other two. Let us accept P3, then, as the right FLO principle. By taking P3 as a premise, we only need to add a further premise in order to reach the conclusion that the typical human fetus has a right to life:

(F) The typical human fetus has a future-like-ours.

Boonin does not challenge this premise. Since he gives us no reasons to reject either P3 or F, should we conclude that his critique is entirely irrelevant to evaluate the soundness of the FLO argument against abortion?⁸ No. After we accept P3 as the right *FLO principle*, there is still room for disagreement about the right *FLO concept*. And there is a pair of alternative FLO concepts that strongly resembles the pair P1-P2 of alternative FLO principles. For this reason, although Boonin's critique is misguided because it addresses a wrong FLO principle, it can be restated (with the necessary adjustments) as a defense of a particular FLO concept. The success of such defense, as we shall now see, would amount to the conclusion that the typical human fetus has *not* a future-like-ours. The FLO argument against abortion would thus be unsound.

What is the right FLO concept? What property one should have in mind when one talks of having a future-like-ours? Fortunately, no detailed answer to this question is required for the present discussion, but a cursory clarification is in order.

Having a FLO is matter of having a future that contains valuable experiences. Maybe it is also a matter of having valuable activities, projects, commitments, but for the sake of simplicity let us restrict ourselves to experiences. Not every future that contains valuable experiences is a FLO. An oyster-like future is not a FLO, no matter how much pleasure there is in it. If an individual has a FLO, some of the valuable experiences contained in her future must have a certain *quality*. Perhaps a chimpanzee-like future is a FLO, but maybe the experiences with the required quality are accessible only to human beings. It is very hard, or even impossible, to specify adequately the "higher goods" that

must be present in any FLO. However, the possession of a FLO surely involves having a future with valuable experiences that are above a certain qualitative threshold.⁹ Let us call “experiences V” to those experiences. Presumably, not any future with some experiences V is a FLO. A future is not to be regarded as a FLO if it contains too few of such experiences, or too many experiences with negative value (e.g., an enormous amount of physical pain). So let us say that having a FLO is a matter of having a future that contains some adequate balance of valuable experiences V. Moreover, it seems that those who have a FLO must value or desire to have such experiences some time in their lives. So this is a plausible way to identify the property of having a FLO:

- (C1) An individual P has a future-like-ours iff his future contains an adequate balance of valuable experiences V and P now desires *or* will later desire to have such experiences.

If one takes C1 as accounting for the right FLO concept, premise F remains acceptable, for it can be said that the typical human fetus will later desire to have the relevant experiences. But in the same way Boonin advances P2 as an alternative to P1, one can propose the following, more parsimonious, alternative to C1:

- (C2) An individual P has a future-like-ours iff his future contains an adequate balance of valuable experiences V and P now desires to have such experiences.

From C2 it follows that the typical preconscious human fetus has no future-like-ours – and thus that premise F is false –

because he does not have any present desires at all. But is C2 a plausible alternative to C1? Does it allow us to deal properly with the cases above considered? It could be argued that the comatose and the suicidal both have a FLO under C2, for the former now dispositionally desires, and the latter now ideally desires, to have the relevant experiences. Therefore, by P3, both have a right to life.

However, C2 leads to the undesirable conclusion that the human infant does not have a FLO. Since the satisfaction of the infant's rudimentary actual desires surely does not require having any valuable experiences above a reasonably high qualitative threshold, we are left with no grounds to say that he now has an ideal desire to have such experiences. For this reason, C2 does not allow us to explain in a FLO way why infanticide is wrong. I conclude that, even if we try to make Boonin's critique relevant to the assessment of Marquis's argument by reshaping it as critique to a particular FLO concept, the wrongness of infanticide precludes its success, at least as an attempt to establish the moral permissibility of abortion on terms that the critics of abortion already accept.

¹ David Boonin. 2003. *A Defense of Abortion*. Cambridge, Cambridge University Press.

² Donald Marquis. Why Abortion is Immoral. *The Journal of Philosophy* 1989; 76: 183-202.

³ Boonin just discusses the "actual occurrent desire" version of P1, because he thinks that this is the FLO principle advanced by Marquis.

⁴ Boonin, *op. cit.* note 1, pp. 83-84.

⁵ *Ibid.* p. 80.

⁶ *Ibid.* p. 67.

⁷ Marquis says, e.g., that "for any killing where the victim did have a valuable future like ours, having that future by itself is sufficient

to create the strong presumption that the killing is seriously wrong". Marquis, *op. cit.* note 2, p. 195.

⁸ This argument obviously includes a third premise: if the typical human fetus has a right to life, then abortion is normally wrong. Following Judith Thomson, Boonin has much of interest to say against this premise. Judith Thomson. A Defense of Abortion. *Philosophy and Public Affairs* 1971; 1: 47-66. Boonin, *op. cit.* note 1, pp. 133-281.

⁹ Other kind of qualitative threshold will still be needed if one rejects a purely experiential account of the FLO concept.