

Philosophy 104, Ethics, Queens College, Spring 2006  
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Lecture Notes, April 10

## I. Warren's criteria

Last week, I distinguished between biological humanity and moral personhood.

A person is a member of the moral community.

For Kant, this entails rationality.

For Mill, this entails the ability to have happiness.

I also introduced Warren's criteria for personhood:

- 1) Consciousness, ability to feel pain
- 2) Developed capacity for reasoning
- 3) Self-motivated activity
- 4) Communication
- 5) Self-awareness

The paradigms are us: adult humans.

The fetus is no more like an adult human than a fish.

Even an eight-month old fetus is not a lot more like a paradigmatic human than an embryo.

It is not conscious, can not reason or communicate, etc., p 195.

The fetus is thus not a person, on Warren's criteria.

These criteria obviously and uncontroversially distinguish normal adult humans from animals, even dolphin, chimps and crows, and from human fetuses.

It is interesting how some animals and the fetus have rudimentary versions of our abilities.

The question here is whether these are the correct criteria for personhood.

For example, one might think that persons are any things that have the potential to have these abilities.

## II. Potential

The fetus is a potential person, unlike a fish.

One might think that potential personhood is a lot like real personhood.

Warren denies that potential personhood is sufficient for moral personhood.

She considers aliens turning all my cells into replicas.

I am morally permitted to escape.

Similarly, the (potential person) fetus has no right to life over the (actual person) mother.

If every speck of dust were a potential life, as Thomson considered, then we would not value potentiality at all.

We are misled by the rarity of potential.

### III. Marquis's criterion for personhood

Marquis argues that Warren's criteria are too narrow, and that the proper criteria for personhood includes the fetus.

He develops his criterion by considering the following:

When is killing wrong?

We kill plants and (some of us) kill and eat animals.

But killing persons is clearly wrong.

What makes the difference? If we can figure out that, maybe we can apply it to the borderline cases (like the fetus).

To understand a right to life, we have to understand why killing is wrong.

Killing persons is wrong, says Marquis, because it deprives the victim of his/her FLO (future of value like ours).

Marquis argues that this proper criterion for personhood includes the fetus.

### IV. FLO Theory of why killing is wrong

1. Killing causes premature death.

2. Premature death deprives an individual of a future of value.

3. Depriving an individual of a future of value is wrong.

Therefore, killing is wrong.

See p 208.

Marquis is presenting a different set of criteria for personhood.

Anything with a FLO is a person.

This is not a biological criterion, so not narrowly chauvinistic.

Aliens and sentient machines can have FLOs too.

### V. Applications of FLO

Marquis presents a series of applications intended to convince us that the FLO criterion is correct.

AIDS or cancer patients are sad because of the loss of their FLO.

If we ask why they are sad, they say agree.

Marquis calls this the Considered Judgment Argument for the FLO theory.

The Worst of Crimes Argument for the FLO theory.

Compare murder to assault, rape, cutting off a limb.

The loss of a FLO is what makes murder the worst of crimes.

Appeal to Cases Argument for the FLO theory:

Suicides : We stop them because we know they have a FLO, even though they may not know this.

"[I]t is not the mere desire to enjoy a FLO which is crucial to our understanding of the wrongness of killing.

Having a FLO is what is crucial to the account..." (p 209)

Comatose people: Even if they aren't conscious, they have a FLO.

Euthanasia: We permit it if the future looks awful, if they don't have a high probability of a FLO.

## VI. Objections to Marquis's FLO theory of personhood

### Potentiality Objection:

Fetuses only have potential FLOs.

But potential presidents are not presidents, and do not have presidential rights.

So, the fetus doesn't really have a FLO.

Marquis's response:

FLOs include potential in them.

It is the loss of potential for adults, that makes killing wrong, p 210.

That is, a fetus, if left alone, has a FLO, already.

### Argument from Interests Objection:

You have to be sentient to have interests.

Fetuses are not sentient, so do not have interests.

Since they don't have welfares of their own, they have no moral standing.

Marquis's response:

Consider the temporarily unconscious patient counter-example, p 211.

One can in fact have interests without sentience.

### Contraception Objection:

Contraception prevents the sperm and egg from having their FLO.

The FLO theory seems to make contraception wrong.

One may even extend Marquis's contraception objection.

Male masturbation, destroys sperm, so it is immoral as well.

Similarly, if a woman fails to get pregnant, her egg is lost.

The unfertilized egg loses its FLO.

The FLO theory seems to entail that every woman has a responsibility to fertilize all of her eggs.

Marquis responds that in the cases of sperm and eggs, no individual loses its FLO.

The sperm and egg are two individuals, and no determinate person.

This response is wrong.

The sperm is a determinate individual, and so is the egg.

Marquis can bite the bullet, and just accept that contraception and masturbation are wrong, and that women are required to fertilize their eggs.

This seems counterintuitive.