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Creation Ethics: The Moral Status of Early Fetuses and the Ethics of Abortion

There has been considerable discussion of the moral status of early fetuses and the ethics of the choice whether to abort a pregnancy. But one tenable view about the moral status of early fetuses has been regularly ignored. As a consequence, a very liberal view about the ethics of abortion is more attractive than has previously been thought.

Let us use the term “early fetus” as follows:

- (1) “early fetus”: a fetus before it has any intrinsic properties that themselves confer moral status on the fetus.

I assume that there is a nonnegligible period of time in which fetuses are early fetuses in my sense; it may be as short as a few weeks or as long as several months, depending on which intrinsic properties can themselves confer moral status. One plausible view says that an early fetus is a fetus before it has any conscious experience and before it can properly be described as the subject of experience.¹

Consider a woman, Katherine, who is wrestling with the question

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1. Someone might believe that up until the moment of birth, or for some time after, an individual has no intrinsic properties that themselves confer moral status on it. While the arguments I make about early fetuses might be put forward about fetuses at any stage of development or about young babies, they are not written with such applications in mind.

whether early fetuses have moral status. Katherine contemplates the early fetuses that die in early abortions. She has the intuition that these early fetuses have no moral status; their deaths simply do not matter morally. She thinks that nothing morally significant happens in an early abortion, and that no moral justification whatsoever is required for an early abortion. However, then Katherine goes on to contemplate the early fetuses that are carried to term and that become persons. She thinks of a couple who wants to have a baby. A woman in the couple becomes pregnant, and the couple decides that she will carry the pregnancy to term. Very quickly, the couple starts to care about and to love the fetus, while it is still an early fetus. Katherine believes that such an early fetus is the appropriate object of love. This very thing, the early fetus, is the beginning stage of the child of this couple. Because it is itself the beginning of their child, their love for it seems appropriate. Because this early fetus is the kind of thing it is appropriate to love, Katherine believes that it has some moral status.

Katherine appears torn by two conflicting views of the moral status of early fetuses. She has the intuition that early fetuses that die in early abortions lack moral status; she generalizes to the view that all early fetuses lack moral status. She has the intuition that early fetuses that will become persons have some moral status; she generalizes to the view that all early fetuses have some moral status. It seems that Katherine must give up one of her intuitions. The situation seems this way because we all make the following assumption:

- (2) For any two early fetuses at the same stage of development and in the same health, either both have some moral status or neither does.

This assumption is left unquestioned not only by all philosophers who write about abortion, but by everyone who discusses abortion.

Claim (2) can be denied. Katherine can keep both of her intuitions while denying the corresponding generalizations. She can take the following view of the moral status of early fetuses:

- (3) The Actual Future Principle: An early fetus that will become a person has some moral status. An early fetus that will die while it is still an early fetus has no moral status.

The Actual Future Principle says that an early fetus's actual future determines whether it has moral status. The Principle says that there are two

significantly different kinds of early fetuses.² Early fetuses that die while they are still early fetuses go through their entire existence without any intrinsic properties that themselves confer moral status. But an early fetus that will become a person is a very different kind of thing: it will one day have the full moral status of a person, and that is a good reason to think it has some moral status now.³

I make the following assumption; I do not have the space to argue for it:

(4) If early abortion requires any moral justification whatsoever, then this is so because the early fetus that dies in the abortion has some moral status.⁴

2. For simplicity, I will sometimes talk as if all early fetuses fall into these two categories. But there is a class of early fetuses not addressed by the Actual Future Principle: those early fetuses that will die after they have developed some intrinsic properties that themselves confer moral status but before they have become persons. I leave open to further discussion what a proponent of the Actual Future Principle should say about the moral status of these early fetuses.

3. Warren Quinn ("Abortion: Identity and Loss," *Philosophy & Public Affairs* 13, no. 1 [Winter 1984]: 24–54) makes the point that it is numerically one and the same individual which is a fetus and then later a person. However, Quinn neglects to recognize that this fact only applies to some fetuses. He claims that the fact that the person is "already present" (p. 40) in the fetus is reason to think that all early fetuses have some moral status. But this fact gives us no reason to think that fetuses that will not become persons have some moral status. The person is not "already present" in one of these fetuses; there is and will be no person to be so present. The Actual Future Principle recognizes the moral status of early fetuses that will become persons; it is precisely these early fetuses in which persons can be said to be already present.

Eric T. Olson ("Was I Ever a Fetus?" *Philosophy and Phenomenological Research* 57 [1997]: 95–110) points out that contemporary philosophers commonly accept two incompatible views: that the criterion of identity for persons is psychological, and that we persons were once fetuses. It is clear that we do not bear the appropriate psychological relations to the fetuses that we commonly believe became us, so one of the views must give. I agree with Olson that it is the criterion of identity that must give. What we are is biological living organisms, with the same criteria of identity we would apply to other animals. Questions as to which future contingencies are as good as my own survival, and which future lives I should anticipate as my own, do turn on the appropriate psychological relations; but this is a distinct matter from the question what is identical with me. (See Derek Parfit, *Reasons and Persons* [Oxford: Clarendon Press, 1984].) A related point is this: it is a mistake to claim that I am essentially a person. I was once a fetus, and that fetus might never have become a person. Therefore, I am something that might never have been a person. I am something that is a person now, but I was not always a person—and I may well not always be a person in the future (i.e., if I end up in a vegetative state before dying).

4. It might be claimed that early abortion is wrong (or requires some moral justification) because the abortion deprives the fetus of its future. Peter K. McNerney ("Does a Fetus Already have a Future-Like-Ours?" *The Journal of Philosophy* 87 [1990]: 264–68) de-

Given (4), the Actual Future Principle implies the following view:

- (5) The very liberal view on the ethics of abortion: Early abortion requires no moral justification whatsoever.⁵

Note that what I am calling “the very liberal view on the ethics of abortion” (“the very liberal view” for short) is much stronger than the common liberal view that early abortion is permissible but requires at least some justification, however minimal.

In this paper, I am concerned to establish four conclusions:

Conclusion 1: The Actual Future Principle is a tenable view of the moral status of early fetuses.

Conclusion 2: The very liberal view on the ethics of abortion is compatible with several attractive views with which it has seemed incompatible. Therefore, the very liberal view on the ethics of abortion is more attractive than has been thought.

These first two conclusions matter to everyone who cares about the moral status of early fetuses and the ethics of abortion. To the propo-

fends against this claim by appealing to the fact that fetuses lack “mental life” and cannot plan or “control” their futures, unlike persons (p. 266). McNerney claims that fetuses bear a different relation to their futures from persons, such that a person “already has” (p. 265) a future, though a fetus does not; therefore, a fetus is not deprived of its future by an abortion. Contra McNerney, I think we must accept that abortion deprives fetuses of possible futures that would be good. In this sense, abortion can be seen as a loss for the fetus—as bad for the fetus. However, this badness need not matter morally, because the fetuses in question lack moral status. (Interestingly, the reasons McNerney gives in support of his argument are reasons to think fetuses lack intrinsic properties that themselves confer moral status.) By contrast, smoking during a pregnancy that will be carried to term, is bad for the fetus and *therefore* matters morally, because the fetus has some moral status.

It might be claimed that early abortion requires some moral justification not because the early fetus that dies in the abortion has some moral status, but because the early fetus's life has intrinsic value. I take the following attitude toward this view: I don't think we should make a claim like “life has intrinsic value” unless we are forced to, unless we have good positive reasons to make such a claim or we find such a claim necessary to explain everything we want to explain. Ronald Dworkin (*Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom* [New York: Vintage, 1994]) claims that an advocate of a liberal view on abortion needs to posit that life has intrinsic value in order to explain why it is reasonable to regret an abortion; my argument for claim (13) below rejects Dworkin's argument.

5. It is consistent with the very liberal view on the ethics of abortion that some early abortions may require moral justification, when they have particular aspects that not every early abortion need have. The very liberal view merely claims that an action will never require moral justification simply in virtue of being an early abortion.

ment of the very liberal view on abortion, Conclusion 2 is particularly welcome. But Conclusion 2 is also significant to those who think early abortion requires justification or cannot be justified, because Conclusion 2 says that their opponent's view is more attractive than they might have thought. My third conclusion is of more limited interest, in that my arguments can only be taken to argue from some views to this conclusion:

Conclusion 3: The Actual Future Principle is the correct view of the moral status of early fetuses.

I provide arguments to bring someone from a moderate liberal view on abortion (held for particular reasons) to Conclusion 3. No argument is provided to bring someone from a conservative view about abortion to Conclusion 3. I state my fourth conclusion at the end of this article.

I take myself to have *prima facie* established Conclusion 1 by stating the Actual Future Principle. Below, I consider some objections to Conclusion 1. My argument for Conclusion 2 relies on Conclusion 1. The very liberal view has seemed incompatible with several attractive views precisely because it has seemed that a proponent of the very liberal view must hold that all early fetuses lack moral status. The tenability of the Actual Future Principle shows us that a proponent of the very liberal view need not say this. Conclusion 2 is established by my arguments for claims (6) through (9) and (13) below.

First:

(6) The very liberal view is compatible with the view that some early fetuses are the appropriate objects of caring attitudes such as love.

My discussion of Katherine's intuitions demonstrated that (6) is true. It is possible to have the view that early abortion requires no moral justification whatsoever because the early fetuses that die in early abortions have no moral status, while also having the view that some early fetuses have moral status and are the appropriate objects of caring attitudes.⁶

6. It might be objected that we cannot really *love* something, such as an early fetus, that we know so little about. I do claim that we can love early fetuses; I claim that this is very common. While our love for early fetuses cannot reach the depth and complexity of our love for persons, it is real love directed at a particular individual. The couple knows that there is a living being in the womb of the pregnant woman, and they have attitudes toward that being. They are not merely anticipating loving their future child. The fact that the fetus is itself the beginning of their child is reason to love it now. Furthermore, the couple does know some things about the fetus: depending on how long into pregnancy fetuses

This is so because we can see that, as the Actual Future Principle holds, there are two significantly different kinds of early fetuses: those that die while they are still early fetuses, and those that will become persons.

Second:

(7) It is possible to give a good account of how the very liberal view is compatible with prohibitions on harming early fetuses that will become persons.

It might seem that the very liberal view is incompatible with our intuitions about our obligations not to harm some early fetuses. There is an existing account that responds to this worry without relying on the tenability of the Actual Future Principle; but it is a bad account. According to the existing account, we are prohibited from harming those early fetuses that will be carried to term not because of anything constitutive of the harming itself. It is not that these things, these early fetuses, are the kind of things we shouldn't harm. It is merely that there is a bad further consequence of harming these fetuses: in the future, a baby is born who suffers from fetal alcohol syndrome or some other bad effect of the earlier harming. This bad account may fail to address the worry expressed by those who challenge the liberal view. The worry may not simply be that the liberal view is incompatible with prohibitions on harming early fetuses. Rather, it may be that the liberal view is incompatible with its being the case that some early fetuses are the kind of things we are prohibited from harming. The worry is that the liberal view cannot appeal to the nature and status of these early fetuses themselves in explaining why we are prohibited from harming them. The tenability of the Actual Future Principle allows us to satisfy this worry. The Actual Future Principle says precisely that some early fetuses have some moral status, thus they are the kind of things we are prohibited from harming. We are able to give a good account of the compatibility of the very liberal view and our intuitions about prohibitions on harming some early fetuses.

Third:

(8) The very liberal view is compatible with a reasonable view about miscarriages of early fetuses: a couple may be understandably upset

are early fetuses in my sense (a point I have left open), the couple may be able to hear the fetus's heartbeat, see ultrasound pictures of it, and even feel it move.

about such a miscarriage, but it is inappropriate to mourn the death of the fetus.

It may seem that the very liberal view is incompatible with any reasonable view that takes seriously the badness of early miscarriages. Suppose that a woman in a couple becomes pregnant, and they decide to continue the pregnancy to term and raise the child. This couple starts to love the fetus while it is still an early fetus. Then the woman suffers an early miscarriage; the fetus dies. The couple's natural response is to mourn the death, treating it as the same kind of thing as the death of a person, something that is bad because it is bad for the subject who died. It seems that the very liberal view must say that this couple is being silly and irrational: because the deaths of early fetuses in early abortions lack moral significance, this death must lack moral significance as well.⁷

In fact, a proponent of the very liberal view can say the following. The couple is understandably upset by the death of the fetus; this is clear. They loved a living being and then that being died; that is a traumatic event. While the fetus lived, the couple was rational to love the fetus, according to the Actual Future Principle, because they had a false belief. They thought that the fetus was the beginning stage of their child. They thought that the very living being in the woman's womb was identical with their child. If this had been true, then the fetus would have been the kind of thing that is the appropriate object of love: an attitude of love toward the fetus would have been warranted by (and appropriate given) the nature of the fetus. But as it turns out, the fetus was not the beginning of their child; its entire existence lacked any moment of consciousness or experience. It turns out that the fetus did not have any moral status. The couple rightly recognizes the miscarriage as a terrible thing that has happened to them; not only is it traumatic, but now they must start again in their attempt to have a child. However, they should also recognize that the death of the fetus should not be mourned—it should not be treated as the death of a morally significant being—because it turns out that the fetus lacked moral status.

7. Rosalind Hursthouse ("Virtue Theory and Abortion," *Philosophy & Public Affairs* 20, no. 3 [Summer 1991]: 223–46) argues that "proponents of the view that deliberate abortion is just like an appendectomy" run into inconsistency when faced with miscarriage: "to react to people's grief over miscarriage by saying, or even thinking, 'What a fuss about nothing!' would be callous and light-minded" (p. 238). My argument for claim (8) shows that proponents of the very liberal view need not react this way.

Fourth:

(9) The very liberal view is compatible with an explanation of the unique position of a woman genuinely unsure whether she will abort her pregnancy.

A pregnant woman who is genuinely unsure whether she will abort her pregnancy is in a unique position; it is importantly unlike other cases of difficult choice between two alternatives. Any good account of the moral features of the choice whether to abort a pregnancy should account for the unique uncertainty of such a woman's situation; the very liberal view in combination with the Actual Future Principle does so. In other cases of difficult decision, it is natural to approach the decision by first recognizing what attitudes one ought to take toward the relevant elements of the situation and then deciding on the basis of these attitudes what to do. The pregnant woman cannot do this. She cannot first determine what attitude she ought to take toward the fetus and then decide whether to abort the pregnancy. The decision she makes will determine what attitude she ought to take. If she chooses abortion, then it turns out that the fetus is morally insignificant. If she chooses to continue the pregnancy, then the fetus is the beginning of her child, and she owes it her love. This circle may look like a defect of the Actual Future Principle. But in fact, I think it is the true situation of women genuinely unsure whether they will abort their pregnancies. Their choice is unique, because it determines a feature of their present situation. Most choices simply determine the future, but the choice whether to abort determines the present moral status of a living being.

I take my arguments for claims (6) through (9) above to have established Conclusion 2: the very liberal view on abortion is compatible with several attractive views with which it has seemed incompatible. These arguments have relied on Conclusion 1, which says that the Actual Future Principle is tenable. I will now consider three objections to Conclusion 1. I am not concerned here to defend the stronger claim that the Actual Future Principle is the correct view. But the Actual Future Principle may appear to be incoherent or to be plainly wrong on its face. I will consider three versions of this objection.

(10) First Objection: "Facts about a fetus's actual future can't determine its moral status, because something's moral status is determined by its 'nature.'"

The objector points out that one could bring up all sorts of facts to differentiate fetuses into categories and then assign different moral status to the various categories. For instance, we could stipulate that all early fetuses in North Carolina have some moral status, while those in South Carolina have none. This stipulation would be absurd because the facts appealed to don't play a role in what kind of thing each fetus is. The objector may propose the following claim: a thing's present nature is solely determined by the intrinsic properties it now has. It does seem that a thing's present intrinsic properties are relevant to the kind of thing it is now; but other properties may be relevant as well. I propose: a thing's present nature is solely determined by the intrinsic properties it ever has. On this view of a thing's nature, the Actual Future Principle does appeal to facts about a fetus's nature in determining whether it has moral status. My proposal rules out many stipulations of fetuses' moral statuses (such as the Carolinas stipulation above), demonstrating that the Actual Future Principle is at least less arbitrary than these other stipulations.

Compare the Actual Future Principle to a possible revision of it: the Mother's Intention Principle states that an early fetus has some moral status if and only if the woman pregnant with it is planning to carry it to term. This principle preserves not only the liberal view on abortion and the rationality of caring attitudes toward early fetuses, but also the rationality of mourning the deaths of early fetuses in miscarriages. Despite some initial appeal, the Mother's Intention Principle must be rejected. Consider the case of a woman who is firmly decided on one day that she will abort her early pregnancy, but the next day is convinced by a friend's argument to carry her pregnancy to term; she firmly holds that intention for a week, then has a discussion with another friend and the next day has an abortion. According to the Mother's Intention Principle, the early fetus in question has no moral status on the first day, then has some moral status for a week, then for a day has no moral status again before it dies in the abortion. This is metaphysically absurd; these fluctuations in moral status do not correspond to any fluctuations in anything we might call the fetus's nature. The intentions of the woman who carries a fetus are weak, relational properties of that fetus; they are not among the facts that can determine what kind of thing it is. The Actual Future Principle does not require us to accept any similar metaphysical absurdity. Throughout each fetus's existence as an early fetus, the question whether it has moral status yields a single answer. It does not depend on the day of the week.

(11) Second Objection: “If the Actual Future Principle is true, then inaccessible facts determine a fetus’s moral status. We can’t ever know how to treat an early fetus, because we can’t be sure of its moral status.”

This objection neglects the fact that we often do know a fetus’s overwhelmingly likely future. Whenever a woman is sure that she is going to abort her early pregnancy, and the means to have an abortion are within her reach, we can be confident that the early fetus lacks moral status. Whenever a woman has decided to continue her pregnancy, we can be confident that the early fetus has moral status. If future events occur as expected, we will have treated each of these fetuses as was appropriate and our attitudes toward them will have been appropriate to their moral statuses. But sometimes unexpected events occur. A woman who planned to continue her pregnancy may suffer a miscarriage; I discussed this case in arguing for (8) above. A woman who expected to be able to have an abortion may find herself unable to obtain one. In this case, it turns out that something we thought lacked moral status in fact had moral status. We have failed to love or care for this being, but more importantly we may have harmed it. The pregnant woman may have smoked while knowing she was pregnant, because she was planning to abort. Her choice to smoke was morally blameless in that, given the facts as she knew them, her action should not have harmed any other being with moral status. When she becomes unable to obtain an abortion, she will be upset by the fact that she has harmed a being with moral status, but she should not blame herself. The Actual Future Principle does not hold us to standards we cannot meet. Like all moral principles that give moral relevance to facts we may sometimes not know, the Principle merely implies that there may be situations in which it turns out that we caused bad events without realizing we were doing so.⁸

8. Suppose a woman, Julie, smokes during pregnancy, intending to abort and reasonably believing that she will be able to obtain an abortion. Then things occur such that Julie would have to go to extraordinary means to obtain an abortion. It might seem that Julie is obligated to go to those extraordinary means *because otherwise she will have done something wrong*: i.e., harmed the early fetus by smoking. I deny this. What Julie ought to do in this situation is no different from what she ought to do if the fetus had been similarly harmed by some accidental process (I am not here taking any stand on whether we have any obligations to abort damaged fetuses). The worry seems to presuppose the following principle: our present actions are constrained by the condition that we make it such that none of our earlier actions in fact caused morally relevant harm. I am not convinced of this principle.

Note that the case of the woman who smokes while she is planning to have an abortion is distinct from the case where we genuinely aren't sure what the early fetus's future will be. If a pregnant woman is considering having an abortion, but knows she may not choose to do so, it is morally impermissible for her to smoke. In any case where we are genuinely unsure of the facts of our situation, we should do the morally cautious thing.

The third objection says that the Actual Future Principle "plays a trick" in allowing our actions to determine whether these very actions are permissible:

(12) Third Objection: "According to the Actual Future Principle, you just can't lose! If you abort, then it turns out that the fetus you aborted was the kind of thing it's okay to abort. If you don't abort, then it turns out that the fetus was the kind of thing it's not okay to abort."

I have two responses to this objection. First, the objector is right that "you just can't lose" if you have an abortion. As I have argued, the Actual Future Principle implies the very liberal view on abortion. Therefore, according to the Actual Future Principle, no moral justification is required for an early abortion. Second, the objector's final claim is wrong. It is not the case that if you don't abort, then it turns out that the fetus was the kind of thing it's not okay to abort. It is true that the Actual Future Principle divides early fetuses into two different kinds of things and that it says that fetuses of one of these kinds have moral status while fetuses of the other kind do not. This does look awfully like the claim that fetuses of the first kind are the kind of thing it's not okay to kill, while fetuses of the second kind are the kind of thing it is okay to kill. That interpretation would be correct if the Actual Future Principle said that it is a necessary truth about each fetus whether it has moral status. But the Actual Future Principle does not say that. The Actual Future Principle does not say that a fetus that lacks moral status could not have had moral status, nor does it say that a fetus that has moral status could not have lacked moral status; clearly these are both possibilities. Rather, it says that each fetus has its status in virtue of facts about that fetus's actual life; these facts might have been different. If we do not abort an early fetus (and the fetus does not die in an early miscarriage), then it turns out that the fetus is the kind of thing that has moral status, according to the Actual Future Principle. It is not the case that this fetus is the

kind of thing it would have been wrong (or at all morally problematic) to abort. If this fetus had been aborted, it would have turned out to be a different kind of thing, a kind of thing with no moral status.

According to the Actual Future Principle, early fetuses have their moral statuses contingently. Therefore, in morally evaluating events, one must be careful to evaluate actual events with respect to the actual moral statuses of the early fetuses involved; and one must evaluate *counterfactual* events with respect to the *counterfactual* moral statuses of the fetuses involved—the moral statuses the early fetuses would have had in that counterfactual situation. The objector's first claim evaluates an actual event with respect to the early fetus's actual moral status; that is right. But the objector's second claim evaluates a counterfactual event with respect to the fetus's actual moral status, which it would not have had in that counterfactual event—this is where the objector goes wrong.⁹

I turn now to an independent consideration in support of Conclusion 2; this argument does not rely on the tenability of the Actual Future Principle. I will argue that:

- (13) The liberal view on abortion is compatible with the rationality of two common experiences of women who have abortions: finding having an abortion very difficult (though the choice to abort is settled) and regretting an abortion (though one does not regret the choice to abort).

It is commonly thought that the very liberal view on abortion is incompatible with the rationality of women's finding having an abortion very difficult when the choice to abort is settled, and with women's regretting an abortion when they do not regret the choice to abort. I take it to be

9. Some may worry that the Actual Future Principle attributes implausible "godlike" powers to us, in that we can determine the moral status of other beings. However, there is nothing godlike about our ability to determine the future, so the worry must be that the future should not be relevant to something's moral status. I respond to this worry in discussing claim (10), but two further points are relevant. It may seem that *all beings* have their moral statuses simply in virtue of their present intrinsic properties. However, human beings at the end of their lives may plausibly be said to have their moral statuses in virtue of their pasts as well as their present states. Furthermore, some early fetuses (those that will become persons) are *unusual* in that their present intrinsic properties are much less morally significant than the intrinsic properties they will come to have; this is not true of persons, and it can explain why the moral statuses of early fetuses and persons would be determined differently.

clear that such experiences are quite common. There is something upsetting and saddening about having an abortion, for many women, which is independent of uncertainty about the choice itself. It has seemed that the only way to explain these experiences is by saying that these women are recognizing their moral responsibility for a morally significant bad event, the death of the fetus. The very liberal view blocks this explanation. It seems that a proponent of the very liberal view must say that women who regret their abortions are silly or irrational.¹⁰ I will offer another explanation.

I explained the unique position of a woman genuinely unsure whether she would abort her pregnancy by the difference her choice makes to the fetus; I will explain the reasonableness of regret by the difference the woman's choice makes to the woman's own life. When a woman becomes pregnant, she sees vividly two very different possible futures. In one possibility, the woman's life continues largely as it has been: she aborts her pregnancy and there need be no disruption of her life. In the other possibility, the woman carries the pregnancy to term; she becomes a mother. It is likely that she raises the child, in which case she will come to love a living being that she has created, and most likely her child will love her back in a way she may be loved by no one else in her life. Becoming a mother changes a woman's life, and fundamentally changes who she is as a person. Pregnancy forces into a woman's mind the consciousness of what her life would become were she to continue the pregnancy—and that consciousness is vivid even if she is certain that she will not continue the pregnancy. A woman may regret an abortion because she regrets a lost possibility for her own life: the chance to become the woman she would have become if she had had a child at that time.

Claims (6) through (9) together with claim (13) establish Conclusion 2. It has seemed that the very liberal view is incompatible with the following attractive views: that some early fetuses are the appropriate objects of caring attitudes, that some early fetuses are the kind of things we

10. Dworkin (in *Life's Dominion*) makes the very argument I have described (and will now reject). He poses the following rhetorical questions as challenges to the claim that nothing bad happens in an abortion: "Why should abortion raise any moral issue at all. . . . Why is abortion then not like a tonsillectomy? Why should a woman feel any regret after an abortion? Why should she feel more regret than after sex with contraception?" (p. 34).

are prohibited from harming, that it is understandable to be upset by an early miscarriage, that the position of a woman genuinely unsure whether she will abort her pregnancy is unique, and that it is reasonable to regret an abortion when one does not regret the choice to abort. I have argued that the very liberal view is in fact compatible with these attractive views. I take it that many people who are attracted to the very liberal view on abortion adopt a moderate view instead, because they want to hold some of these attractive views. My arguments should convince these people to adopt the very liberal view and the Actual Future Principle in place of a moderate view; these are the people to whom my Conclusion 3 is addressed.

I will now argue for a fourth conclusion. I claim that virtually everyone who discusses pregnancy and abortion gets things fundamentally backwards. Most people believe that the choice whether to abort a pregnancy is a morally significant choice; I agree with this. But most people think that the choice between aborting and failing to abort is significant because aborting would be morally significant. They think that one ought to deliberate seriously and recognize one's moral responsibility before aborting. I deny that this is true. Because I hold the very liberal view on abortion, I believe that nothing morally significant happens in an early abortion.

However, the choice whether to abort a pregnancy is very morally significant. This is so because failing to abort a pregnancy is morally significant. Creating a person always involves occurrences of great moral weight.¹¹ Not only does the pregnant woman's own life change, but her moral responsibility to others changes as well. She is committed to a lifetime of responsibility to the child; even if she makes an adoption plan

11. Sarah Stroud ("Dworkin and Casey on Abortion," *Philosophy & Public Affairs* 25, no. 2 [Spring 1996]: 140–70) criticizes Dworkin's claim (in *Life's Dominion*) that the state has an interest in fostering moral deliberation and a recognition of moral responsibility for morally weighty actions such as having an abortion. Dworkin thinks this implies that the state can require women to think about alternatives to abortion, by imposing waiting periods and required distribution of information about such alternatives. Stroud points out that the same rationale could justify the state's legally mandating parental or spousal consent of the continuation of a pregnancy or requiring that pregnant women read about the arguments for abortion. My claims go further than Stroud's. She merely points out that the moral weight some people stress about abortion also exists in the failure to abort; I deny that this moral weight is present in abortion.

for the child, she has a unique responsibility and relation to that person. Because it is so morally significant, *and because there is a morally insignificant alternative*, the creation of a person should not be undertaken lightly.¹² I claim:

Conclusion 4: If the very liberal view on abortion is true, then: It is false that one ought to both deliberate seriously and recognize one's moral responsibility before aborting.¹³ Furthermore, one ought to both deliberate seriously and recognize one's moral responsibility before failing to abort.

While there is nothing wrong with having an abortion on a whim, there is something gravely wrong with allowing a pregnancy to continue without moral deliberation.

12. Hugh LaFollette ("Licensing Parentism," in *Morality and Moral Controversies*, ed. John Arthur [Upper Saddle River, NJ: Prentice Hall, 1997], pp. 442–49) suggests that "the state should require all parents to be licensed" (p. 442). He argues that we presently regulate "any activity that is potentially harmful to others and requires certain demonstrated competence for its safe performance" (p. 443) such as driving a car or being a surgeon, and that parenting meets this criterion. LaFollette never comments on a central assumption of his suggestion: that creating a child is something that is chosen, that can be avoided, and that is thereby a candidate for regulation. His suggestion presupposes exactly what I here claim: that creation is something we choose, for which we are morally responsible.

13. I here deny the following claim: whenever someone has an early abortion, she ought to both deliberate seriously and recognize her moral responsibility for aborting. I am not myself making the stronger claim that it is never the case that one ought to deliberate seriously or recognize one's moral responsibility for a particular early abortion. This may be true of an abortion that has some features that not every early abortion need have. (See footnote 5.)