

# Meeting the Epicurean challenge: a reply to 'Abortion and Deprivation'

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## ABSTRACT

Anna Christensen argues that it is implausible to claim that abortion and murder are morally impermissible given that they deprive individuals of a future like ours (or 'FLO'). In this essay, I provide two responses to Christensen's argument. First, I show that the premises upon which Christensen's argument relies have implausible implications. Second, I provide a direct response to Christensen's challenge, showing that abortion and murder are morally impermissible given that they do deprive individuals of an FLO. Doing so involves drawing a distinction between (1) Acts of killing and (2) Death (which is the outcome of acts of killing). Christensen focuses on the latter, but it is the former that is the proper subject in the abortion debate. I conclude that Christensen has failed to provide a response to arguments—like the one presented by Marquis—that murder and abortion are impermissible given that they deprive individuals of an FLO.

## CHRISTENSEN'S ARGUMENT: THE EPICUREAN CHALLENGE

Christensen<sup>1</sup> argues that Marquis<sup>2</sup> is mistaken when he claims that abortion is morally impermissible because it deprives individuals of an 'FLO'. Christensen describes Marquis's antiabortion argument as follows. First, the opponent of abortion maintains that 'killing someone is wrong, in general, when it deprives her of a future like ours' or 'an FLO'. [p22] Depriving someone of an FLO involves 'cutting short the lifespan she would otherwise have lived' and so steals away whatever 'joys that life would otherwise have had to offer'. [p22] Fetuses have 'the same potential for an FLO that an adult human being has', so it follows that abortion is wrong for the same reasons as murder (namely, the acts deprive individuals of their futures). [p22] As a reply to this argument, Christensen presents what she calls 'the Epicurean Challenge'.

Christensen claims that 'the concept of 'deprivation' requires that someone exists who can be deprived'. [p23] As such, we should wonder: When a person is murdered (or a fetus is aborted), *who* is deprived of an FLO? There are two possible responses here. First, 'it could be that the individual who is currently living (but not yet dead) is deprived. Second, it could be that the individual who is dead (and no longer living) is deprived'. [p23] But, Christensen argues, serious problems arise for both options.

She begins by considering the second option: Those who are deprived are the individuals that have been murdered (or aborted). She then advances Epicurus's view of death (which we will grant for the sake of argument): Death 'involves total

annihilation' of 'both body and soul'. [p23] When a person dies, she ceases to exist altogether. As such, 'no individual survives death to be benefited or harmed' and so, 'death is therefore "nothing" good or bad to those already dead and *it cannot deprive them*'. [p23, emphasis added] In short, deprivation is a kind of harm. Those who are dead—those who have ceased to exist altogether—literally cannot be harmed. So, it makes no sense to say that the dead are deprived of their future. There is no 'them' to be deprived.

Next, Christensen considers the first option: Those who are deprived are individuals that 'are currently alive'. [p23] Here, Christensen advances a crucial principle, which I will call the 'Future Harms' principle (or FH, for short):

### Future harms principle

'Living humans cannot be affected by an event that has not yet happened to them if the event would not affect them after it occurred.' [p23]

Let death be an event. A living person's death does not affect her after it occurs. At death, she has ceased to exist and so cannot be affected by anything. Thus, FH implies that living persons cannot be harmed by death. This means that depriving someone of an FLO by causing their death cannot count as a harm to them (while they are still alive), since no such harm has occurred yet.

Marquis' claim is that murder and abortion are wrong because they deprive a person of an FLO. But when we ask '*who* is deprived by murder (or abortion)?' both answers available to Marquis lead to absurdities. This is the Epicurean challenge. If we claim that the living individual (who *will be* murdered or aborted) is the one deprived of an FLO, FH implies that this is impossible. If we claim that the dead individual (who *has been* murdered or aborted) is the one deprived, we contradict ourselves. There *is* no such individual to be deprived and to say that a dead individual is deprived of something implies the dead individual exists. Christensen concludes that whatever makes murder and abortion wrong—if anything—it 'is *not* that it deprives someone of her FLO'. [p25] Thus, Marquis's argument that abortion is wrong because it deprives fetuses of an FLO is mistaken.

## MEETING THE EPICUREAN CHALLENGE

Here, I provide two responses to the Epicurean challenge. First, I show that FH has implausible implications. Second, I argue that even if we accept FH, there is still a straightforward way for defenders of



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Marquis to attribute the wrongness of murder and abortion to the fact that these acts deprive victims of an FLO.

Imagine we try to argue that FH is false. To do that, we would need to describe a case in which two things hold true:

- There is some future event, *e*, that would not affect an agent, *S*, after it occurs.
- That presently (ie, prior to *e*) *S* is affected by *e*.

If we understand 'affect' in a broad sense, then it is easy to show that FH is false. Anxiety is a kind of effect. Suppose *S* feels anxious about her inevitable death, *e*. Obviously, (a) holds true, since *S*'s death has not yet occurred and will not affect her after it occurs. But given that *S* is presently affected by *e*, it seems that (b) is true as well. If so, then FH is false. This is far too easy, however. Christensen can just respond that *S*'s anxiety about her inevitable death is not an effect of her death. Instead, anxiety is an effect of *S*'s *anticipating* (or thinking about) her inevitable death. Her death *itself* is not affecting her in any real way (in fact, it *cannot* affect her because it has not happened yet). Thus, even though (a) is true in this case, we have not shown that (b) is true.

Notice, however, that the same story can be told for *any* future event. Following the current line of reasoning, future events *never* affect *S* (in the present). This is true whether future events would affect *S* after they occur or not. In other words, the consequent of FH—that 'living humans cannot be affected by an event that has not yet happened to them'—is trivially true. This means that the antecedent of FH—that 'the event would not affect them after it occurred'—is unnecessary. For simplicity, therefore, we should shorten FH to FH\*:

FH\*: Living humans cannot be affected by an event that has not yet happened to them.

Given that the consequent of FH is trivially true, it follows that FH and FH\* are logically equivalent. The issue is that FH\* has some very strange implications.

For example, if some person, *S*, mails a bomb to another person, *R*, has *S* harmed *R* (prior to *R*'s opening the package)? It looks like the answer (for Christensen) is 'no', even if *R* will be horribly injured by the bomb at some time in the future. What is troubling, however, is this: Suppose that *R* dies the instant he opens the package. *R* is not harmed at that moment either (since there is no *R* present to *be* harmed). Thus, in this case, *S* has done no harm to *R* whatsoever (at *any* point in time). There is simply no time at which we can attribute harm-doing to *S* if we accept Christensen's claims. So, which is more plausible: The claim that *S* has harmed *R* (at some point in time) or Christensen's claims about harm? If the former strikes us as more plausible, then we have some reason to think that something has gone wrong with Christensen's argument (even if we have not isolated a particular problem just yet).<sup>1</sup>

Suppose we leave FH alone, however. If we want to provide a direct response to Christensen, we will need to show that there is a plausible way to attribute the wrongness of murder and abortion to the deprivation of an individual's FLO. I shall do so. In the process, I will assume that FH (and, by extension, FH\*) is true, while ignoring any wider (and troubling) implications these principles may have.

Consider a case where one person, *S*, shoots and murders another person, *R*. If Marquis is right, then *S* wronged *R* (at least in part) because *S* deprived *R* of *R*'s future. The Epicurean challenge threatens to undermine the claim that *S* deprives *R* of *R*'s future. But imagine the time line of *R*'s murder<sup>ii</sup>:

- T<sub>1</sub> – *S* encounters *R*.
- T<sub>2</sub> – *S* fires a gun at *R*'s head from point-blank range.
- T<sub>3</sub> – The bullet *S* fired pierces *R*'s body, causing a fatal injury.
- T<sub>4</sub> – *R* is dying.
- T<sub>5</sub> – *R* dies.
- T<sub>6</sub> – A funeral is held for *R*.

Did *S* harm *R*? It seems like it. If so, then at what *time(s)* is *R* harmed by *S*? On Christensen's account, it is very clear that *R* is not harmed by *S* at T<sub>6</sub>, since there is no *R* that exists to be harmed. Christensen spends most of her essay arguing that *R* is not harmed by *S* at T<sub>5</sub>. After all, at that moment *R* ceases to exist and Christensen insists that an individual must persist throughout the process of being harmed in order to be harmed.<sup>iii</sup> Next, merely encountering *S* does not seem like a harm to *R*, so T<sub>1</sub> is not a good candidate for a time at which *S* harms *R*. Defenders of Marquis will, therefore, have to argue that *R* is harmed by *S* at T<sub>2</sub>, T<sub>3</sub>, T<sub>4</sub> or some combination of those times.

I will argue that *R* is harmed by *S* at T<sub>2</sub> and that *S*'s action at T<sub>2</sub> is wrong because that action deprives *R* of *R*'s FLO.<sup>iv</sup> To show this, note that *R* exists before and after T<sub>2</sub>. This satisfies Christensen's requirement that the agent being harmed persists throughout the process of being harmed. Crucially, it is also at T<sub>2</sub> that *S*'s deliberate action leads to a massive change in the trajectory of *R*'s life.<sup>v</sup> It is at T<sub>2</sub> that *S*'s action steals away *R*'s would-be future. Thus, at T<sub>2</sub>, *S*'s action constitutes an immense harm to *R*, even though *R* does not die until T<sub>5</sub>. These considerations help to clarify an important distinction between (1) An act of killing and (2) Death.

Acts of killing bring about death. *S*'s act of killing *R*, for example, has the (negative) consequence of causing *R*'s death. Typically we would condemn *S* for firing a gun at *R*, whether *R* died later or not. That is, *S*'s morally blameworthy action occurred at T<sub>2</sub>, not T<sub>5</sub>. Once *R* dies at T<sub>5</sub>, we rightly describe *S*'s act as 'an act of killing' but *S*'s relevant action occurred at T<sub>2</sub>. Imagine, for instance, *S* ceased to exist at T<sub>3</sub>. At T<sub>5</sub> and later, it would still make sense to say that *S* killed *R* (even though *S* does not exist at those later times). Now, following Marquis's line of thought, *S*'s act at T<sub>2</sub> is morally blameworthy given its impact on *R*'s future: *S*'s act has radically (and negatively) altered the trajectory that *R*'s life would have followed absent *S*'s act. Put differently, *S*'s action puts *R* on an extremely short path to death in a scenario where *S* would have had an FLO otherwise.<sup>vi</sup> Given that moral blame naturally attaches to acts of killing (eg, murder), it seems that acts of killing should be the primary subject in the abortion debate (rather than death

<sup>ii</sup>Where 'T<sub>n</sub>' refers to a particular moment in time, times occur in sequential order, and the duration between each particular time may vary.

<sup>iii</sup>Cf. Christensen (2019) 'individuals can be harmed, because they persist in some way through the event that harms them. But...in death, no subject persists through the death event.' [24]

<sup>iv</sup>I assume *R* has an FLO because, for Marquis,<sup>2</sup> killing may not *always* deprive individuals of an FLO (eg, people who are 'incurably ill', may lack one). [191]

<sup>v</sup>For the sake of simplicity, I will suppose that once *S* pulls the trigger (at T<sub>2</sub>) *R*'s death at T<sub>5</sub> becomes unavoidable.

<sup>vi</sup>What if *R* would die soon anyway? Marquis<sup>2</sup> responds that in those cases, either *S* does not harm *R* or *S* harms *R* for some other reason. [191, 194]

<sup>i</sup>Christensen's claims also imply that we cannot harm future generations. This is highly controversial, however. See, for example, Carter,<sup>3</sup> Davidson,<sup>4</sup> Feinberg,<sup>5</sup> Meyer<sup>6</sup> and Partridge.<sup>7</sup>

itself).<sup>vii</sup> The morality of abortion—an *act of killing*—is what is being debated, not death (which is one *consequence* of an act of killing). Christensen instead focuses on death—the *outcome* of killing—while arguing that death cannot be thought to be a harm to the deceased (or to the living).

To be fair to Christensen, insofar as Marquis<sup>2</sup> asserts that *death* is a harm to individuals, her critique is on target.<sup>viii</sup> But defenders of Marquis need not rely on this particular assertion. Specifically, Marquis<sup>2</sup> also claims that ‘the loss of one’s life is one of the greatest losses one can suffer’ and so ‘killing someone is wrong, primarily because the killing inflicts (one of) the greatest possible losses on the victim’. [p189] In the case with *S* and *R*, *R* dies at  $T_1$ , but there is a very real sense in which *R*’s loss of life occurs at  $T_2$ . It is that moment at which *R*’s FLO is stolen away. At  $T_2$ , *R* has lost the life he or she *would have had* absent *S*’s act. Thus, it is at  $T_2$  that *S* has harmed *R* (by depriving *R* of an FLO) even though *R* does not die until sometime later than  $T_2$ .

Christensen may respond by arguing that *S* did not murder *R* at  $T_2$  since murder is a kind of killing and killing a person implies that they are dead (but *R* is not dead at  $T_2$ ). So we cannot say the wrongness of *S*’s action at  $T_2$  is identical with the wrongness of *murder*. In response, suppose *R* is shot by *S* at noon on 1 July and *R* dies of his injuries at noon on 7 July. *S* is later convicted of murder. We should ask: On what day did *S* murder *R*? ‘July 1<sup>st</sup>’ seems like the best answer. After all, *S* has been convicted for a crime that he committed on 1 July. That crime is murder. This is so even if *S* could not be *charged* with murder until after noon on 7 July (since *R* did not die until that time). The act that is morally relevant—the act that deprived *R* of *R*’s future—the act that we describe as ‘murder’—occurred on 1 July. This type of case is not unusual either because an assault that causes death and death itself are rarely (*if ever*) truly simultaneous. The act that causes death and death itself occur at different times in most (if not *all*) cases of murder, as well as most (if not all) cases of abortion (even granting that the amount of time between the act and the result is often minute).

One may object, however, that there are many cases in which acts of killing cause instantaneous death.<sup>ix</sup> A nuclear blast, for example, seems to cause instantaneous death. In response, this type of objection confuses two senses of ‘instantaneous’. The first (and literal) sense of the word involves cases in which an act of killing and victim’s death occur at literally the same moment in time (ie, simultaneously). This is the sense of the word relevant to my claim that an assault that causes death and death itself are rarely (*if ever*) truly simultaneous. That is, an act of killing and a victim’s death are rarely (*if ever*) instantaneous (in a literal sense). The second sense of ‘instantaneous’ is used in cases—like the nuclear blast case—where we fail to perceive time between the cause of a person’s death and their death. Even in the nuclear blast scenario, however, time passes between the detonation of a bomb and the death of anyone nearby (even though we cannot perceive any passage in time between the two events). Thus, if we rely on the first (literal) sense of ‘instantaneous’, then it seems like an act of killing (by any means) is never *actually* simultaneous with a victim’s death. This matters because on Christensen’s account of harm, an individual, *R*, must persist through an event for the event to count as a harm to *R*. There

<sup>vii</sup>As we will see in the next paragraph, Marquis<sup>2</sup> himself seems to miss this distinction.

<sup>viii</sup>For example, Marquis<sup>2</sup> writes, ‘when I die, I am deprived of all of the value of my future. Inflicting this loss on me is ultimately what makes killing me wrong’. [190]

<sup>ix</sup>I am grateful to an anonymous reviewer for raising this concern.

is no requirement that the individual persist for any *noticeable* amount of time.

With these considerations in mind, Christensen’s claim that *S* does not murder *R* at  $T_2$  seems mistaken. It may be that observers do not *know* whether or not *S* has murdered *R* until a time later than  $T_2$ . It may be that observers cannot *perceive* that time passes between *S*’s act and *R*’s death. But that does not change the moral status of *S*’s act. On the other hand, imagine it *is* an error to say that *S* murders *R* at  $T_2$ . Still, this response ignores the crucial difference between acts of killing and the outcome of those acts (ie, death). Again, it is the former that should be the primary subject of moral concern in the abortion debate. It is the dramatic altering of an individual’s trajectory in life (in an extremely negative way) that constitutes wrongdoing in cases of murder and abortion. These claims hold independently of the claim that death *itself* cannot harm the living nor the dead.

In sum, (contra Christensen) murder and abortion *do* deprive individuals of an FLO. This is because both actions dramatically change the trajectory of victims’ lives (in extremely negative ways) while the victims are still alive. The moment a victim is assaulted with lethal force always (or almost always) comes prior to their death.<sup>x</sup> It is at *that* moment—the moment of assault—that the individual’s future is stolen away. This is a tremendous harm to that individual. So even if Christensen is correct in saying that *death* cannot harm the living (nor can death harm the dead), that does not undermine the claim that acts of killing (like murder and abortion) *do* harm individuals given that those acts *do* deprive individuals of an FLO (even when death—the ultimate consequence of acts of killing—occurs at a later time than the relevant acts).

## CONCLUSION

In this essay, I have provided two types of response to Christensen’s ‘Epicurean Challenge’. First, I have shown that her claims about harm (on which the challenge relies) have implausible implications. These implications should make us suspicious of Christensen’s argument even if they are not sufficient to overturn it. Second, I provided a direct response to the Epicurean challenge, showing that Christensen has overlooked an important distinction between acts of killing and death.<sup>xi</sup> The former is what is relevant to the abortion debate, as those types of acts deprive victims of an FLO. So even if Christensen is correct in claiming that death itself is not a harm to living (nor to the dead) that claim—and, in fact, the Epicurean Challenge itself—is not a threat to arguments like the one presented by Marquis, which associate the wrongness of murder and abortion with depriving victims of an FLO.

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<sup>x</sup>What if lethal assault and death are simultaneous? In that case (as discussed above), Christensen must maintain that no harm is done to the ‘victim’. But that seems extremely implausible.

<sup>xi</sup>And again, in fairness to Christensen, it may be that Marquis<sup>2</sup> made the same mistake.

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