

## **ON HARMING AND KILLING: REPLIES TO HANSER, PERSSON AND SAVULESCU, AND WASSERMAN**

This symposium provides gratifying confirmation that I have achieved at least one ambition I had when writing my book: that it be taken seriously by philosophers whose judgement I respect and whose work I admire. I am honoured by and grateful for the careful attention that the four contributors have devoted to my work.

### **Death**

Matthew Hanser provides a succinct summary of my account of the badness of death and notes some of its problems. He is right about the ambiguity in the passage he quotes and his discussion clarifies certain distinctions that I had blurred. After summarising my view and adding detail to our map of the conceptual terrain, he sketches the broad outlines of a rival view. According to this novel and in many ways appealing view, the harm in death lies in the victim's loss of his or her vital powers. I agree with at least one of the core claims of this view: that some of the vital powers are goods independently of the contribution they make to our well-being. For example, the possession of certain higher cognitive capacities is good for us independently of whether it enables us to have a higher level of well-being than we would have without them. But this fact can be integrated into my account. I can accept that part of the reason why death is normally bad is that it may deprive its victims of those vital powers that are good in this way. The real source of contention between Hanser and me has to do with the relevance of comparisons between death and what would or might have happened in its absence.

If a person dies, is the harm he suffers affected by how long he would have retained his vital powers if he had not died? Suppose, for example, that a person who loses all of his vital powers through death at time  $t$  would have lost most of them through another cause in less than a minute after  $t$  if he had not died. Does that affect the magnitude of the harm attributable to the death? Or suppose there are indefinitely many ways in which he might not have died, and that in some of the alternatives he would have retained all his vital powers for many years while in others he would soon have lost varying numbers of vital powers through other causes. Does this complicate the evaluation of the harm of death? Hanser contends that none of this makes a difference to the harm the person suffers in dying. The loss of vital powers is in itself a harm, and the nature and magnitude of this harm is unaffected by what would have happened had it not occurred.

While Hanser claims that comparative considerations are irrelevant to the harm of death, he concedes that they are relevant to assessing the *misfortune* a person suffers by dying. So, for example, if two people with equivalent vital powers die they suffer the same harm, though one may suffer a greater misfortune if he or she would have lived a longer and better life than the other

if neither had died. Hanser's distinction between harm and misfortune thus raises an important question. What roles do considerations of harm and considerations of misfortune have in prudential and moral evaluation?

In his short piece, Hanser did not have space to develop a detailed understanding of what vital powers are or how they are individuated; so let us consider his own example of a vital power: sight. He claims that the loss of the power of sight is a harm whatever the alternative may be. And that seems right. But suppose that the alternative is death. Suppose that in order to save a person's life (for example, by removing a brain tumour) one must cause the person to lose the power of sight. Provided this person consents, we ought to cause this harm. For, although to lose this power is a harm, it is not, in the circumstances, a misfortune. In this case, then, the comparative consideration seems paramount. Hanser would agree, as the discussion of euthanasia at the end of his paper shows.

Hanser also discusses a case in which we cannot avoid killing one or the other of two people. Because on his view "everyone suffers pretty much the same harm in dying", we cannot be guided by the aim of inflicting the lesser harm. Yet, as he notes, we "still have to employ *some* criterion in deciding whom to spare, and the relative magnitudes of their prospective misfortunes would seem to provide as reasonable a criterion as any" (p. 10). So the ability to assess and compare misfortunes, both lethal and nonlethal, and to weigh them against harms, is of considerable prudential and moral significance.

Except in this one instance, however, Hanser makes no appeal to the notion of misfortune. His explanation of how euthanasia can be justified, for example, does not appeal to the claim that death is not, in the circumstances, a misfortune; it claims instead that it can be justifiable to inflict the harm of death in order to spare a person the even greater harm he would suffer otherwise. Even so, this seems to reveal an important point of agreement between us, which is that, in order to evaluate a harmful act in prudential or moral terms, we often must compare the harm it causes with what would have happened if the harm had not occurred. I believe, though Hanser may disagree, that this will force us to confront the problems, such as the problem of overdetermination and the Metaphysical Problem, that I claim beset comparative analyses of harm. If that is right, Hanser's noncomparative analysis of the harm of death cannot evade those problems.

There is, I admit, a case for thinking that the wrongness of killing might be explained at least in part in terms of the harm that killing inflicts on the victim but not in terms of the misfortune it causes. Hanser claims that the wrongness of killing should be explained at least in part in terms of the effect that killing has on the victim, and he appears to accept what I call the *equal wrongness thesis*: the claim (roughly) that the wrongness of killing persons does not vary with the magnitude of the losses suffered by the victim. The idea that the wrongness of killing varies with the degree of misfortune suffered by the victim is incompatible with the equal wrongness thesis, since death is a greater misfortune for some than for others. But if we accept that the wrongness of killing must be explained in part by the effect on the victim and if we also accept the equal wrongness thesis, Hanser's view will have considerable

appeal. For it enables us to accept that killing is wrong in part because of the harm it causes to the victim and yet allows for the idea that most killings of persons are equally wrong, since the harm of death is the same for most people.

Is it really the best explanation of why killings of persons are in general equally wrong that death is in general equally harmful? I doubt it but will not pursue this matter here. I will instead focus on the implications of Hanser's view for the exceptions, the cases in which death is *not* equally harmful.

It seems that on Hanser's view death involves a lesser harm for a person who has fewer vital powers or whose vital powers (or some of them) are of a lower order than those of others. Unless that is true, it seems that, on this view, the harm of death must be the same for an animal as for a person. But if the harm of death varies with the number or the level of the vital powers the victim loses, and if the wrongness of killing varies, other things being equal, with the degree of harm caused to the victim, it seems that killing individuals with fewer or lower vital powers must be less seriously objectionable, other things being equal, than killing those with more or higher powers.<sup>1</sup> Even if variations among vital powers are rare, this conclusion is inconsistent with the equal wrongness thesis.

Suppose, for example, that one murderer kills a healthy nonagenarian whose vital powers are all intact while another kills a 20-year-old who was similar to Helen Keller at the same age: an exceptional person with a promising future in prospect but blind and deaf. The nonagenarian seems to have suffered a greater harm but a lesser misfortune, while the Helen Keller doppelgänger suffered a lesser harm but a greater misfortune. Hanser's view, which links the wrongness of killing to harm but not to misfortune, presumptively implies that the first murderer committed a lesser wrong. The equal wrongness thesis implies that both murderers are guilty of equal wrongs. That seems to me to be right; but if I were to be persuaded that the equal wrongness thesis is false, I would find the apparent implication of Hanser's view less plausible intuitively than the claim that the act that caused the lesser harm but the greater misfortune (that is, the murder of the Helen Keller doppelgänger) was the more seriously wrong of the two.

There appears to be a dilemma here. If the wrongness of killing varies with the harm to the victim, and if the harm of death varies with the number or level of the vital powers lost, our account of the wrongness of killing will be inegalitarian, though in a narrower range of cases than many other accounts. If, however, we attempt to block this implication by stipulating that the harm of death does not vary with the number or level of vital powers lost (it might, for example, be determined instead by the loss of some core subset of virtually universal vital powers), then it will be difficult to avoid the conclusion that the harm of death is the same for animals, or at least for higher animals, as it is for persons. And given Hanser's assumption that the wrongness of killing must

1. In the remainder of the paper I will omit the clumsy phrase 'other things being equal'. But it is implicit in all subsequent generalisations about the wrongness of killing and the harm of death.

be connected to the harm of death, it seems to follow that the killing of animals is morally objectionable, at least in part, for the same reason and to the same degree as the killing of persons.

One way of evading this dilemma would be to claim that there is some core of vital powers that persons possess but animals lack. These powers might, indeed, be constitutive of personhood. And it might be claimed that what makes death uniquely and equally bad for persons is the loss of precisely these powers. This would enable us to claim that the equal wrongness thesis is limited in application to the killing of persons. For the harm of death would be less for animals, hence killing them would be less morally objectionable.

If, however, the core set of vital powers is possessed by all persons, including those who are severely physically disabled, but not by animals, it seems that it must consist of, or at least include, certain higher psychological powers. Personhood, in short, must be defined in terms of the possession of higher psychological capacities. But then the price of evading the dilemma in this way is to accept that death is a lesser harm for those human beings who lack these powers and are therefore not persons. Those in this category include fetuses, infants, and those who are gravely cognitively impaired, such as those whose radical mental impairment is congenital and those who have become profoundly demented through brain injury or disease. Unless there were an independent moral objection to killing individuals of these sorts, killing them would be less seriously objectionable than killing persons.

I would, with certain important qualifications, accept this implication. Indeed, the problem with this account, which would enable Hanser to avoid the dilemma I sketched, is that it is too similar to my view to be an interesting alternative to it. Both views set a threshold on the scale that measures psychological capacity such that killing those above it is gravely and equally wrong, while killing those below it is less seriously wrong. Without such a threshold, it is hard to see how Hanser's account can avoid the dilemma. All things considered, therefore, I am not persuaded that this account of the badness of death and the connection between the harm of death and the wrongness of killing resolves the problems in this area more effectively than the account I defended in the book.

### **Killing and Letting Die**

Ingmar Persson and Julian Savulescu (henceforth P&S) contend that my analysis of the distinction between killing and letting die violates a requirement of moral neutrality. They advance a number of counterexamples and offer their own alternative analysis of what it is to let someone die.

P&S claim, and I agree, that the distinction between killing and letting die must “not presuppose that killing is harder to justify than letting die”; hence we cannot “assume that some piece of behaviour must be a killing of a human being rather than an instance of letting die because it is morally wrong or, conversely, that it must be an instance of letting die rather than a killing because it is permissible” (p. 12). They then argue that my account of the

distinction violates the requirement of moral neutrality because it is “guided by moral considerations”. For it implies that whether an instance of withdrawing aid counts as killing or letting die depends on whether the resources withdrawn “properly belong to the Provider” of the resources—that is, on whether they are “resources that he can *rightfully* or *permissibly* use” (p. 15).

It is true that my account appeals, in certain cases, to moral notions such as ownership. But that does not mean that it violates the requirement of moral neutrality as they understand it. To appeal to the normative notion of ownership is not the same as to be guided in the classification of an act by intuitions about the act’s permissibility. A resource can rightfully belong to the provider of that resource and yet it can be wrong for him to withdraw it from someone who needs it for survival. That is, it can be wrong to let a person die by withdrawing resources from her even when one owns or has a right to those resources. Similarly, it can be permissible to kill someone by taking resources from her that she has independently of oneself or even rightfully owns. Cases of the latter sort are quite rare in my view but they would be conceptually dubious if my account were designed to ensure that impermissible acts that result in death always count as killings.

P&S’s alternative account denies that it can ever be the case that one merely lets a person die when one’s action causes a change that leads to that person’s death. Hence they claim that no instances of the withdrawal of life-supporting aid can be instances of letting die. Because they regard the distinction between killing and letting die as “an instance of the more general distinction between causing something (to occur) and letting it occur or be caused”, we can test the plausibility of this claim by exploring certain cases that do not involve death, and thus may be somewhat less morally loaded.

Consider a range of cases in which a person who is poor might become rich by acquiring the million dollars you carry in your wallet. In one case, you might give him the million dollars but decide not to. Both my account and P&S’s agree that you merely let him be or remain poor.

In the next case, this poor person attempts to take your wallet but you act to prevent his gaining possession of it. (This is analogous to resisting a person’s effort to use you as a shield—the case to which I appealed in the book and to which P&S refer on p. 20.) Because he would have been rich had you not acted to prevent the theft, you do not, according to P&S’s account, allow him to be poor but make him poor or cause him to be poor. Yet intuitively this seems an instance of letting him be poor, as my account implies. This is not because you act permissibly by preventing him from taking the money. It is because what he is denied is *your aid*. Admittedly, by preventing him from taking your money, you do cause something: you cause him to *remain* poor. But the question is then on which side of the making-allowing divide this falls with respect to his being poor. I believe, for what I think are non-moral reasons, that in causing him to remain poor by denying him the aid of your resources, you allow him to be poor rather than make him poor. Matters would be different if you caused him to remain poor by denying him resources that were not your own. For example, if you were to prevent him from earning money from someone else, you would cause him to be poor.

Indeed, one defence of the moral neutrality of my account is that it also seems to imply that you would *cause* him to be poor if you were to prevent him from stealing *my* wallet. If my account were effectively motivated by moral concerns, one would expect it to imply that this act would merely let him be poor just as your preventing him from stealing your wallet would.

Next suppose that the poor person snatches your wallet and begins to run off with it but you tackle him and retrieve it. Still it seems that you have not made him poor but have let him be poor by refusing to let him save himself from poverty at your expense.

If, however, we extend the interval in which he has possession of your money, the implications of my account may seem to become less plausible while those of P&S's become more so. If, for example, the poor person successfully steals your wallet and hides it under his bed for many months, it seems more reasonable than in the previous case to suppose that you would make him poor if you were to find it and take it back. Or suppose that the poor person takes your wallet and over the course of a couple of years spends much of the money, giving every appearance of being extremely rich. If you then find him and recover from him all the spoils of the theft, so that he is again reduced to poverty, it does seem that you have made him poor rather than merely allowing him to be poor.

P&S's account captures this fact. If it were not for your act, the thief would have continued to be rich; therefore your act causes rather than allows him to be poor. (It would be hopeless for me to claim that he was never actually rich because the money and possessions were all along yours rather than his.) But it may seem that my account implies that you let him be poor because you withdraw resources that you have been providing, albeit involuntarily, that have been keeping poverty at bay. I believe, however, that it is compatible with my account to accept that you make him poor. You make him poor not because your *action* makes the difference between his being rich and his being poor (for that is also true when all you do is to prevent him from taking your wallet) but because, at the time at which you act, we perceive him as rich independently of you. At that point he is, *de facto*, a rich man, even if his wealth was earlier stolen from you. We do not regard him as continuing to rely on support from you in order to be rich. Thus, he would be rich even if you were to die.

We can imagine a variant in which this would not be true. Suppose that you allow a poor man to live in your mansion, wear your fine clothes, and drive your limousine. He gives every appearance of being rich. But he is not rich independently of you. If you cease to allow him the use of your possessions, it is plausible to say that you do not make him poor but merely stop shielding him from the effects of his poverty. This is so even if it is impermissible for you to deny him your support—for example, because you promised his mother you would support him for another six months.

The difference between these two cases is not a difference of property rights or the permissible use of resources. In neither case is the person who uses your wealth entitled to it. It has instead to do with the stability of his possession of what are legally your resources. The contrast is therefore a

variant of the contrast to which I have appealed, and which P&S cite on p. 20, between support that is self-sustaining and support that is in progress or continuing.

The way I have suggested we should understand this case has implications for the distinction between killing and letting die. If a person needs one of your kidneys to survive and you refuse to donate it for transplantation, you merely let him die. I believe, though P&S disagree, that you would also only let him die if you were successfully to resist his efforts to have the kidney forcibly removed from your body. But suppose he succeeds in having it extracted from your body against your will and transplanted into his and that he then lives with it for a considerable time. Most people believe that it would be permissible for you to recover the kidney, if that were possible, and have it re-implanted in your own body. But would that be to kill the organ thief? Before reading P&S, I would have claimed that my account implies that in recovering your organ you would merely be allowing the organ thief to die since you would be withdrawing life-supporting aid that you had been involuntarily providing—that is, you would be stopping the process by which you had been saving him. But that seems counterintuitive and I am grateful to P&S for helping me to see why that way of understanding the case is mistaken. In removing your kidney from the thief's body, you do kill him—though not, as P&S think, because your *action* makes the difference between his living and dying, but because it is inappropriate to suppose that you have all along been saving him, despite the fact that he has been surviving only with the use of your organ. Even though the organ has all along remained yours by right, we see him as stably possessing it *de facto*. To employ the terms I used in previous work, your involuntary aid to him was no longer in progress but had become self-sustaining.

Should we, as P&S suggest, draw a parallel conclusion about what I have called “merely extractive abortions”? Should we, that is, regard abortions that merely disconnect the foetus from its maternal source of life support as instances of killing? I think this conclusion should be resisted, though not because—though I do believe this—merely extractive abortions are permissible. Like Thomson's famous violinist who draws life support from an involuntary benefactor, the foetus does not seem to be in stable possession of the pregnant woman's body. The woman is instead the continuing source of its life support; she is continuously saving it from its own inherent vulnerability. Her removing it uninjured from her body is therefore plausibly regarded as ceasing to provide the support it needs to survive—a description that is substantially less plausible when applied to the removal of your kidney from the body of the thief.

This explains why P&S's analogy with leaving a shelter during a blizzard fails. While it is reasonable to think of a pregnant woman as providing support and protection for a foetus she carries in her body, it is not reasonable to think of a person who occupies a shelter—even his own shelter—during a blizzard as continuously providing life support for himself. Thus, to suppose that if he leaves the shelter he is withdrawing life-supporting protection that he has been providing for himself against the cold is no more plausible than

to think that if he jumps off his roof he is withdrawing protection that he has been providing for himself against his own vulnerability to gravity. The shelter, like the roof, is a stable, self-sustaining form of protection.

P&S dispute this, claiming that, on my account, the “life-preserving aid which you yourself provide . . . is ‘in progress’ [rather than self-sustaining] because you need to feed the fire” (p. 21). But this conflates the protection afforded by the shelter itself with that afforded by the fire. It is plausible to regard the fire as protection that requires recurring provision so that if you freeze because you fail to keep it going, you let yourself die by failing to save yourself. But if you leave the self-sustaining protection afforded by the shelter, you kill yourself. Of course, you *also* let yourself die by failing to re-enter the shelter but there is nothing odd about that. You could, similarly, kill yourself by taking poison and also let yourself die by failing to take the antidote.

The distinction between aid or protection that is self-sustaining and that which is in progress or continuing seems to me to have no obvious moral significance. And this is as it should be if my account is to respect the requirement of moral neutrality. But the idea that this component of the distinction between killing and letting die lacks moral significance on its own is compatible with what P&S call the “moral significance claim”—though I believe, in contrast to what P&S imply, that that claim should be only that the distinction between killing and letting die *sometimes* has moral significance, not that it always does.

### **Abortion and Prenatal Injury**

David Wasserman takes up my discussion of abortion and prenatal injury, claiming that the framework I develop in the book helps to bring out the problems but does not satisfactorily resolve them.<sup>2</sup> He focuses on one problem in particular. Suppose a pregnant woman has negligently, recklessly, or even deliberately injured her foetus in a way that will leave it permanently disabled, but with a life worth living. She now faces a dilemma. An abortion would be worse for the foetus but, given certain assumptions about foetal status that I and many other people share, it would not violate the foetus’s right to life because the foetus is not yet the sort of being that can have that right. If, however, the woman does not have an abortion, she will thereby allow it to be the case that her earlier action will violate rights that the foetus will have when it becomes a person.

It seems that the woman has a reason to abort the pregnancy—namely, that this will enable her to avoid having violated a right. Having an abortion would not, however, enable her to avoid all wrongdoing. By causing the injury, she reduced her foetus’s prospects and created conditions in which she now seems to have a reason to kill the foetus, which would be worse for it. Only if the foetus had no moral status, so that there would be no moral objection

2. I discuss the issues in this section at greater length in ‘Paradoxes of Abortion and Prenatal Injury’ (2002, unpublished).

to aborting it, or if she had had a morally decisive reason for doing what caused the injury in the first place, could she avoid wrongdoing altogether. Still, if it is true that an abortion would not violate the foetus's rights, it seems that an abortion would, as Wasserman notes, enable her to avoid having committed the more serious wrong.

If that is true, it seems she *ought* to have an abortion. But, as Wasserman rightly observes, most of us would regard it as admirable if she were to continue with the pregnancy, particularly if she were motivated by a concern for the foetus to refrain from having an abortion and then trying to conceive another child that would not be disabled, even when she herself would prefer to have a normal rather than a disabled child. "How," Wasserman asks, "can she be condemned for doing what is better for one entity, and worse for no one but herself?" (p. 27). He goes on to offer penetrating analyses of various ways of resolving the dilemma but finds them all wanting and thus is left at the end with a persistent sense that it would be ignoble for the woman to get her hands as clean as possible by having an abortion.

Wasserman appears to assume that, because my approach implies that even late abortion involves at most a comparatively minor wrong, it could comfortably resolve the dilemma by embracing the acceptability of abortion in the circumstances. To a limited extent that is true. If the woman is profoundly averse to being responsible for the care of a disabled child, her interest in avoiding that responsibility may outweigh the foetus's comparatively weak time-relative interest in continuing to live. But, although the abortion would be permissible, she would not, as I noted earlier, emerge with clean hands, for both her acts—the infliction of injury and the 'remedy' of abortion—would be worse for the foetus and thus objectionable.

Suppose, however, that the woman is indifferent, where her own well-being is concerned, among the three possible outcomes: having a disabled child, having no child at all, and having an abortion followed by the conception of a different child who would not be disabled. And suppose further that she can confidently predict that, if she were to carry the foetus to term, she would not suffer significant pangs of conscience for having caused it to be disabled. Does my account imply that she nevertheless ought to have an abortion in order to avoid the violation of rights? Perhaps even more than Wasserman, I find that conclusion implausible. So I would like to be able to show that my account does not imply it.

Suppose you have acted in a way that will later violate a right that I do not now have but that I will, unless something is done to prevent it, acquire in the future. Do you have a moral reason to prevent that right from arising? Obviously it would not be permissible for you to kill me or to violate any of my more important rights in order to prevent my future right from arising and being violated by your earlier act. But is that only because my present rights stand in the way of your doing what you would otherwise have moral reason to do (as in Wasserman's case in which the one person's right not to be thrown to the lions blocks your ability to prevent your previous action from violating the rights of the five)? Or do you in fact have no moral reason to prevent my acquiring that right? (This is important because it might be

thought that in both this case and the case of prenatal injury there is a moral reason to prevent a right from arising and being violated but that in this case my rights preclude that option while in the case of prenatal injury the foetus has no rights that stand in the way.)

To test for whether there is a moral reason in this case, suppose that by doing X you could prevent my future right from arising without violating any right of mine but that your doing X would now be worse for me than simply allowing my future right to arise and be violated by your earlier act. (Note that X has the same morally relevant features as an abortion that would 'remedy' the infliction of prenatal injury.) One view is that you ought to do X because this will ensure that you do not violate any rights. Although your doing X would be worse for me overall than your not doing it, merely doing what is worse for me is a lesser wrong than violating one of my rights. And you should do what will prevent your being guilty of the greater wrong.

Another view is that you ought now to do what would be better for me, the victim of your previous act, even if that means allowing yourself to become a rights violator. Indeed, to do X when that would be worse for me, just to prevent yourself from having violated my right, is impermissible in the circumstances.

I believe the second of these views is correct. There is no reason, in the circumstances, to prevent the violation of my right by preventing it from arising. To suppose that there is a reason to prevent the violation of my right even though that would be worse for me is to adopt a perversely agent-centred conception of the moral reasons that rights impose. To see this, suppose that it is not you but a third party who has done what will cause my future right to be violated. In that case it seems obvious that you would have no reason to do X to prevent the violation of my right given that that would be worse for me than simply allowing my right to arise and be violated. But if that is so, it seems that if you *would* have a reason to do X if *you* had been the one whose action threatens my future right, that reason cannot have anything to do with me (since it is irrelevant to my situation whether my future right would be violated by you or by someone else) but must instead be concerned only with your own moral ledger. (Note that the same is true in the case of prenatal injury. If a third party rather than the pregnant woman herself had caused the prenatal injury, she would clearly have no reason to have an abortion, which would be worse for the foetus, *just* to prevent the *other* person's action from violating her foetus's future rights.)

The explanation of why you have no moral reason to do X, thereby preventing yourself from violating my right, seems to be that it would not show respect for me as a bearer of rights to prevent my acquiring certain rights—even rights that will inevitably be violated—when your doing so would be worse for me. As noted, your concern must be for your own agency rather than for me. This is even more glaring when abortion is considered as a remedy for prenatal injury. In that case one pre-emptively and harmfully destroys the potential victim of the rights violation before that individual can become a bearer of rights. This is not a case of protecting an individual's rights or showing respect for that individual as a bearer or even potential

bearer of rights. To suppose that there is a rights-based reason to have an abortion is to conceive of rights as detachable from, and having their moral significance independently of, their bearers.

(There is an interesting parallel here with certain controversial cases involving causing people to exist. Suppose that you wish to have a child but that you have negligently, recklessly, or deliberately acted in a way that would violate the rights of any child you might conceive—for example, by causing the child to be disabled in a way that would violate its rights. Suppose, however, that it is nonetheless reasonable to believe that your child's life would be well worth living, despite the fact that your previous act would have violated its rights. Some people believe that it would be wrong for you to have a child in these circumstances, since that would mean that you would inevitably violate its rights. The view that I have defended, by contrast, suggests that because it would not be worse, or bad, for your child to exist, it would be permissible for you to have a child, even though doing so will make it the case that your earlier act will violate its rights. Matters are of course different if the rights violation would be so serious as to cause the child's life not to be worth living.)

What this shows, I think, is that it is compatible with the view I advance in the book to believe that, far from being morally required, abortion would not be permissible in the conditions we have been envisaging—that is, conditions in which a pregnant woman has injured her foetus in a way that will violate its later rights but in which abortion would be worse for the foetus and no better, prudentially, for the woman. This may seem an odd conclusion: that if a woman has injured her foetus, abortion may be justified by appeal to her own interest in avoiding responsibility for a disabled child but not by appeal to the claim that abortion is her only means of avoiding violating the foetus's rights. This is indeed odd, but it seems to me to be true.<sup>3</sup>

3. I am grateful to Hanser, Persson, and Wasserman for further helpful discussion of my replies to their pieces.