**“Health, Interests, and Equality**

Sally Markowitz believes or suspects that our pro-life commitments lead us to hold many positions that we don’t. We neither assume, state, nor imply: that abortion is wrong because fetuses are ensouled (9), divinely designed (3) or their mothers owe them special obligations (6); the natural is good (3) and obligations follow from what is natural (3); fetuses are persons (8), have an overriding right to their mother’s bodies (7) or aren’t parts of their mothers (8); and prisons should be full of women who abort (5). We’ll explain what positions we do hold and why.

We don’t appeal to what is natural or nature being good but merely to healthy development as determined by modern medicine to discover the interests of the mindless and minimally minded. All we assume are healthy functions. These depend upon organism design, but they don’t need a designer that’s a conscious agent, and we don’t assume one, even beginning our paper disavowing divinely created soul defenses of abortion on the ground that deadlock results. Instead, an etiological approach to organism design understands functions to be determined by what animal organs did in the past that explains their later presence.

We criticize Thomson’s famous violinist example with our rooftop case by appealing like Thomson to an example that’s strange to avoid biases of the natural and familiar. We never claim that the natural is good or even that women have natural duty to reproduce or the fetus has a natural right to the mother’s body. We mentioned in note 20 that pro-lifers didn’t need to bestow a right of the fetus to use the mother’s body for a right not to be killed would protect them as it does trespassers with a broken neck from being fatally moved. Markowitz says we beg the question in assuming special obligations to children that aren’t consent based. But we claimed in note 25 that we would show a duty to use one’s body to save another’s life without relying upon unchosen special obligations. It’s Markowitz who begs questions insisting that the fetus isn’t an “actual child” and abortion allows people the choice “when to become parents.” Abortion, it might be argued, instead enables them to cease being a parent to their aborted child. She also assumes what she must show when she asserts in opposition to our challenge to distinguish abortion from infanticide that “part of the very social meaning of birth” is that it’s a morally significant cut off point.

Markowitz makes the surprising claim that there *aren’t* *objective answers* about the metaphysics of whether the fetus is a person or part of the mother. We actually argued that pro-lifers needn’t care whether or not the fetus was a part of the mother though we noted that fetal parthood doesn’t allow abortion defenders to appeal anymore to a right to bodily integrity and right against trespassers. We also assumed the fetus and rooftop infant were only potential (Lockean) persons.

Many people have the intuition that the deaths of fetuses and newborns are bad but not as harmful and tragic as those of adults like a pregnant woman. We offer an explanation of that by understanding the harm of death to be due to the loss of future well-being and how tied the deceased would have been to that future. So we can explain the widely held view that the pregnant mother’s death is worse for her than the baby in her womb. Markowitz says that we have crafted “a principle that coheres with (our) deeply held views on abortion” but it “isn’t independently compelling.”(2) However, our view seems to explain many people’s judgment that the elderly demented are less harmed by their deaths than would be younger, healthier readers.

We aren’t hedonists so we don’t know why Markowitz thinks we hold Socrates *enjoyed* more well-being than a pig. She also suggests that our account can’t deal with those born terribly impaired and suffering. But we conclude our paper with a thought experiment that supports our belief that such creatures have great moral status. If there’s a scarce magical pill that could turn impaired fetuses or newborns into persons they would have a claim on it that non-human non-persons lack. That suggests their impairments (and death) are great harms and tragic. It may be that where there’s nothing to be done than considerations of triage come into play as they do in battlefield Mash units, but these don’t reveal anything about those humans left untreated as having less moral status. Our framework assumes interests in healthy development provide great value so no status is lost with physical disabilities or diseases like depression.

Markowitz believes that we’re wrong to speculate that it’s freedom from burdens and not equality that really concerns abortion defenders. She also thinks our thought experiments are flawed for they involved the loss of “one unlucky person” when “we are all of women born.” Ironically, if we imagine Thomson’s thought experiment generalized so all of us have to be supported for nine months in the future, thus making kidney disease universal like gestation, we suspect that a duty to provide burdensome aid would be even more evident. Anyway, we hope that she’s right and as the society becomes more equal that support for abortion rights would wane but we suspect that won’t be so. Part of our suspicion is that the most privileged women, those least harmed by social inequities, don’t seem any more willing to abandon abortion nights. Perhaps that’s because their position is tenuous. But it’s all moot. The principle that one can kill for the sake of innocents is untenable. We don’t have to speculate about the future but can look to the most inegalitarian period of our past. Can a runaway slave fatally ride her horse over a kid (not a slave owner or overseer) who is innocently blocking her only chance of escape for say another nine months? Surely not. Considerations of equality can’t justify killing innocents.