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A Critical Review of Animal and Fetus Rights in Utilitarianism or “How Come When It’s Us, It’s an Abortion, and When It’s a Chicken, It’s an Omelette?”¹

Anti-abortion advocates find ways of continuing the abortion debate by finding other moral dilemmas in which a “defenseless” being falls victim. One of these ways is by comparing attacks on animal welfare to abortion. They claim that animal advocates should also advocate for fetus rights.² In this paper, I will be considering the moral standing of animals and fetuses within utilitarianism—by discussing the Time Relative Interest Account and Harm-Based Account—and how the question of moral standing relates to discussions of abortion. The Time Relative Interest Account provides a more effective framework for considering the rights of both animals and fetuses in utilitarianism, and a lack of access to abortion poses a significant challenge to the utilitarian viewpoint often espoused by anti-abortion advocates because they fail to consider the lack of access implications within their utilitarian approach. Therefore, the utilitarianism that is animal rights-based arguments used in anti-abortion rhetoric is flawed and does not follow the moral theory of utilitarianism.

The utilitarian moral viewpoint is one that holds that the morally right act is the one whose consequences maximize the total balance of pleasure minus pain when considering all beings affected—save Jeff McMahan’s take which is a more nuanced approach as mentioned

¹ *Back in Town, YouTube*, 2015, <https://www.youtube.com/watch?v=zuwvv8NJmbY>.

² Gary L. Francione, “Abortion and Animal Rights: Are They Comparable Issues?,” 1995, pp. 1-11, 1.

later.³ This is no different when considering nonhuman animals, since this moral theory applies to sentient beings. The shared point that most utilitarians agree on is what a sentient being is. They are those that can feel pleasure and pain as well as having preference interests that can lead to satisfaction or frustration. However, there are two main schools of thought when we talk about how animals play into not only the pleasure but also the pain of humans. In one camp, you have the Time Relative Interest Account (TRIA), which argues that the amount of good an animal loses by dying is typically less than the good a person would lose.⁴ In the other, you have the Harm-Based Account (HBA). This theory holds that acts of killing are typically wrong because of the harm they inflict on the victims, and that the degree to which an act of killing is wrong varies with the degree of harm it causes to said victim.⁵ The HBA is regularly associated with the denial of moral significance to the distinction between killing and letting die.⁶ However, these two differing theories share some of the same virtues. They both imply that the killing of animals is less wrong than the killing of a human *and* the killing of a lower animal is less objectionable than the killing of a higher animal. Both of which will be explained more in-depth later.

The Time Relative Interest Account (TRIA) accepts that it is directly relevant to the evaluating of killing that the amount of good an animal loses by dying is typically much less than the good a person loses. This theory goes further than the earlier mentioned HBA theory because it takes into account the strength of the prudential unity relations, which are the relations of psychological connectedness and continuity with individuals, that would have bound an

³ Peter Singer, "All Animals are Equal," in *Animal Rights and Human Obligations* (New Jersey: Prentice-Hall, 1989), pp. 148-162, 149.

⁴ Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford University Press, 2002), 191.

⁵ McMahan, *The Ethics of Killing*, 191

⁶ McMahan, *The Ethics of Killing*, 191

individual to himself or itself in the future.⁷ Prudential unity relations ground our rational egoistic concerns and these relations grow in strength as the brain becomes more highly developed. Even if the prudential unity relations that would bind the animal to itself in the future were stronger, its time relative interest in continuity to live would still be weak. Since these relations are weaker in the case of an animal, the TRIA implies that there is a further reason for discounting the degree to which killing an animal is objectionable. This theory takes into consideration quality of life if the sentient being had not died, taking its potential future into account as well as pushing that there is very little psychological architecture to be carried forward even if that animal were to continue living. In short, there is very little psychological unity within the lives of most animals, therefore, animals' time relative interest is significantly weaker than humans.⁸ Jeff McMahan discusses the maximum good of animal lives versus person lives in three main ideas: the goods characteristic of an animal's life are of a lower quality than the goods characteristic of the lives of persons, the goods characteristic of an animal's life are of a lower quantity, and the badness of death. All of these aspects end up with McMahan concluding that animals lose less good than humans do when they die, whether they are killed or not.

The first argument McMahan contends with is that the goods characteristics of an animal's life are of a lower *quality* than that of a human. Since animals are limited in their cognitive and emotional capacities and capabilities, that also means that they lack the capacity for experiences that give life meaning. Human beings have the cognitive abilities to recognize experiences as being significant and see how they can affect the rest of their lives. These actions give richness and importance to lives of humans, and we would be "greatly impoverished" if we

⁷ McMahan, *The Ethics of Killing*, 195.

⁸ McMahan, *The Ethics of Killing*, 198.

did not have these experiences.⁹ McMahan argues that animals lack that capability and so can never really assign meaning to their lives, other than survival and reproduction. In addition, he argues that animals are incapable of deep personal relations that are based on mutual understanding.¹⁰ By this, he means that they lack both imagination and an aesthetic sense, and therefore are unable to experience important works of art, music, or literature. Having experiences like this would add to their knowledge and attitude towards the world and their existence. Animals are also incapable of creating these important works or having the capacity to engage in “complex and skilled activities.”¹¹ Based off of animals’ cognitive and emotional limitations and their incapability to have personal relations that are not based out of necessity, McMahan holds that the characteristics that make an animal’s life *good* are less developed and less qualitatively important than a human’s existence.

He then argues that the goods characteristics of an animal’s life are of a lower *quantity* than humans.¹² Most animals have a much shorter life span than humans. Even if an animal were lucky enough to live to the maximum length of their expected life, that maximum life is considerably much shorter than the maximum or even the average, typical human life span. McMahan puts it that most animals are “condemned” by their biology to live much shorter lives than humans.¹³ Since they have a shorter life span, they have less time to not only live their lives but also impact other lives, tying back into their quality of life. They do not have a life span long enough to be able to have impactful experiences and if those experiences do occur, they are far and few in between. The shortness of their life span makes it impossible for most animals to

⁹ McMahan, *The Ethics of Killing*, 195.

¹⁰ McMahan, *The Ethics of Killing*, 195.

¹¹ McMahan, *The Ethics of Killing*, 195.

¹² McMahan, *The Ethics of Killing*, 196.

¹³ McMahan, *The Ethics of Killing*, 196.

accumulate the same amount of goods characteristic as a human would have. Given all of this, the quantity of life that an animal loses in dying is less than that which a person loses.

He then adds additional reasons why animals would be losing less good than humans were they to die. McMahan argues that, in regard to desert, it may be that a good contributes more to the value of a life to the extent that it is deserved when it occurs.¹⁴ Desert presupposes responsibility and animals are not responsible agents, so their deserts, if any, are sparse and carry less moral consequence. In addition, he argues that they have a lack of important relations in life and therefore do not have the potential for complex narratives.¹⁵ The amount of good that an animal can lose through death is limited in this way—through a lack of relations—while that which a person may lose is not. The absence of narrative unity within the lives of animals is another reason why death is typically far worse for persons than it is for animals. There is also a lack of self-consciousness so therefore a lack of long-range desires and animals do not consciously make plans or sacrifices for the sake of the future.¹⁶ A future that is bigger than themselves.

All of this evidence regarding the capacity that the goods characteristics, the number of characteristics that are seen as beneficial and needed to understand moral positioning, that an animal holds is not only of less quantitative value but also a lower qualitative value, according to the Time Relative Interest Account (TRIA). Most typical animals lack the life span that is needed to accumulate the goods characteristics that are equivalent to a human, while also the experiences within that life span are not worth the same value that they would be in humans. Assuming, that a typical person's future would be of a significantly higher quality than that of a

¹⁴ McMahan, *The Ethics of Killing*, 197.

¹⁵ McMahan, *The Ethics of Killing*, 197.

¹⁶ McMahan, *The Ethics of Killing*, 198.

typical animal, the conclusion remains the same: persons typically lose considerably more good by dying than animals do.

On the other hand, there is another way of thinking about how killing affects animals and humans. The Harm-Based Account (HBA), puts forth that if it is the harm that the victim suffers that explains why killing is wrong, then it should follow that letting someone die should also be wrong, if other things are equal, for the same reason.¹⁷ This view holds that “acts of killing are normally wrong principally because of the harm they inflict on the victims, and that the degree to which an act of killing is wrong varies with the degree of harm it causes to the victim, other things being equal.”¹⁸ The harm that results from solely letting someone die—namely, loss of life—is the same harm that would be caused by killing.¹⁹ James Rachels, in “Active and Passive Euthanasia,” walks us through the Smith and Jones thought experiment. There are two cases presented about two family members who would gain a large inheritance if their cousin were to die. In the first case, Smith walks into the bathroom and horrifically shoves the child’s head underwater intentionally. Smith murders the child in cold blood, so that he may gain the inheritance. In the second case, Jones acts somewhat differently. He also stands to gain a wealthy inheritance and walks into the bathroom only to see that the child is already drowning in the bathtub. But instead of saving the child, Jones decides to not help. He stands there, and lets the child drown.²⁰ Rachels argues through this thought experiment that there is no morally significant difference between actively killing and letting die and that letting die can “only be regarded as a grotesque perversion of moral reasoning. Morally speaking, it is no defense at

¹⁷ McMahan, *The Ethics of Killing*, 191.

¹⁸ McMahan, *The Ethics of Killing*, 191.

¹⁹ McMahan, *The Ethics of Killing*, 192.

²⁰ James Rachels, “Active and Passive Euthanasia,” in *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues* (New York, NY: Norton & Company Inc., 2022), pp. 291-294, 293.

all.”²¹ The bare difference between killing and letting die, does not make a significant moral difference because the harm that is caused is the same, in this case, death.

HBA does have some virtues attributed to its argument. The Harm-Based Account explains not only why killing persons is worse than killing animals but also addresses why one kind of animal is different from another in terms of killing.²² It states that animals can vastly vary in their capability for well-being, making it so that certain types of animals could be harmed to a greater extent by death than others. Therefore, the Harm-Based Account implies that in normal circumstances, it is more “wrong to kill a dog, than a frog.”²³

However, despite these values, HBA is not sufficient when considering the “rights” of animals. The Time Relative Interest Account is the superior argument when discussing the moral weight of animals being harmed. TRIA takes a holistic view of all of the pain and suffering that would go into an animal being killed and relating to how that would weigh morally when compared to a human. HBA attempts to compare the dimensions of death between humans and animals. However, doing so is irrelevant, because the two groups exist on different moral standings. I believe that humans do hold certain characteristics that give us more moral weight than non-human animals and that is reflected in the TRIA better than the HBA. The TRIA argument shows that there is a different weight that is held by humans and non-human animals whereas the HBA solely takes harm into account. While I think the amount of harm being inflicted is important and that we should not be cruel to animals, there are many other factors to consider than just the ability to suffer. To reiterate, the TRIA takes into account the different

²¹ Rachels, “Active and Passive Euthanasia,” 293.

²² McMahan, *The Ethics of Killing*, 192.

²³ McMahan, *The Ethics of Killing*, 192.

implications of how a human being would suffer when compared to an animal and shows that the consequences for a human being dying would be more dire than those for a non-human animal.

Utilitarians like Jeremy Bentham and Peter Singer put forth an argument that differs from McMahan. While they never argued against abortion, anti-abortion advocates have used the arguments put forth by philosophers, especially Singer. Jeremy Bentham supports the idea that the interests of every being should be taken into account and given the same weight as other beings. His utilitarianism carries that the moral weight actions held were of instrumental value as opposed to intrinsic, all else being equal. The morality of something only matters in how it relates the ratio of pleasure and pain. So, for concepts such as autonomy, bodily or otherwise, were valuable, but only instrumentally and not inherently. When one is called to make a moral decision, we need to go through how an action's value affects pleasure and pain through the following: intensity (how strong the pleasure or pain is), duration (how long it lasts), certainty (how likely the pleasure or pain is to be the result of the action), proximity (how close the sensation will be to performance of the action), fecundity (how likely it is to lead to further pleasures or pains), purity (how much intermixture there is with the other sensation). One also considers extent (the number of people affected by the action).²⁴ All of these aspects make it so that every moral decision needs to be considered based on the needs of the majority of the population. Those who are against utilitarianism argue that it is wrong to use people as a means to an end, such as Immanuel Kant. Bentham's utilitarian theory serves as the foundation of the Harm-Based Account, as described by Jeff McMahan, as well as the theories developed by Peter Singer.

²⁴ Lewis Vaughn, "Consequentialist Theories: Maximize the Good," in *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues* (New York, NY: W. W. Norton & Company, 2022), pp. 93-115, 101.

Peter Singer takes an approach similar to Bentham's utilitarianism, in that the interests of every being should be taken into account and given the same weight as other beings. Singer uses the principle of equality which requires that a being that is suffering be counted equally with like suffering of any other being, including humans. Singer argues that "if a being suffers, there can be no moral justification for refusing to take that suffering into consideration."²⁵ Singer claims that human equality has nothing to do with intelligence, strength, or the morality of that person. The suggestions that all human beings are equal does not require that we give all human beings equal treatment. If that were true, women would be subject to prostate exam which are not needed. Instead of equal treatment, Singer argues for equal *consideration* of interests. This calls for us to be impartial and consider everyone who might be affected by our actions. Not doing so is discriminating and immoral. Singer goes further to argue that it should not only be everyone be considered, but every animal as well.²⁶ Speciesism is a large point of his argument, in his article, "All Animals Are Equal," and he describes it as giving moral preference to the interests of members of one's own species, over identical interests of members of a different species, solely because it is a member of your species.²⁷ Singer's utilitarianism specifies moral equality, between humans and animals. The identical interests of animals are equally important and must be treated with equal concern as those of humans.

Anti-abortion advocates use the principles of utility and equality to argue against abortion. They state that a fetus is similar to an animal in that the fetus' interests and suffering should be taken into account and given the same amount of moral weight as that of both non-

²⁵ Lewis Vaughn and Peter Singer, "All Animals Are Equal," in *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues* (New York, NY: W. W. Norton & Company, 2022), pp. 352-361, 352.

²⁶ Vaughn and Singer, "All Animals Are Equal," 352.

²⁷ Vaughn and Singer, "All Animals Are Equal," 356.

human and human animals. Anti-abortion advocates argue that if sentience is sufficient to establish moral consideration for nonhumans, then fetuses are entitled to similar moral consideration. They base this argument off of Peter Singer's argument that "nonhumans, like humans, are sentient and, by virtue of that sentience alone, are entitled to have their interests treated equally in the utilitarian balancing process."²⁸ Singer's theory of speciesism can be adapted to argue that fetuses should not be discriminated against because they are undeveloped or not yet born. This argument makes it so that they do not have to rely on the "personhood" that a fetus may or may not have. Don Marquis, author of "Why Abortion is Immoral," takes a different approach while still arguing against the morality of abortion. He does not rely on personhood nor a rights argument. Instead, he takes the Harm-Based Account that is mentioned earlier by McMahan and argues that abortion is morally wrong because it is an act of killing a being with a right to life, regardless of it being a person.²⁹ Killing a being with a right to life is wrong because it robs such a being of its future, regardless of whether or not the fetus is considered a person. His argument is laid out as, if X has a future like ours of great value and killing X deprives X of that future, then killing X is morally wrong. It is further broken down in the following ways: a fetus has a future like us and carries great value and killing the fetus deprives the fetus of that future, it follows that killing a fetus is morally wrong. The ethical theory that is put forth by Marquis stipulates that all pains and pleasures and morally significant and that the correct course of action, which in the case of a normal pregnancy is carrying to term, is what limits suffering and maximizes overall pleasure. He argues that abortions increase suffering because the act prevents the opportunity for the fetus to come into their full potential as

²⁸ Franione, "Abortion and Animal Rights," 1.

²⁹ McMahan, *The Ethics of Killing*, 270.

they develop. Since a fetus has a future, which is what makes killing wrong, killing a fetus is wrong.

For animals it seems very clear, to say that they are not people, but it does not seem so easy for fetuses. This is not to say that fetuses are not a part of the human species but is to say that it is matter and matter persists to become a different substance; a different thing, when it undergoes substantial change, such as birth.³⁰ An embryo/fetus is a biological, human individual but not necessarily a person quite yet, similar to hearts and kidneys. We would not consider hearts and kidneys as tenants living in our body but rather parts within. Partial surrounding with stalk-connection, such as a fetus connected to the pregnant person by an umbilical cord, cannot be the sign of “tenant-niche” status.³¹ Such morphology is common in mammals: hearts, lungs, kidneys, brains, intestines, and more are all suspended in fluid filled cavities, but connected by a “stalk.”³² Elseijn Kingma, author of “Lady Parts: The Metaphysics of Pregnancy,” argues that on the basis of topological connectedness and through metaphysical theory, that fetuses/embryos are “Lady-Parts: part of the maternal organism up until birth.”³³ She contends that, “the fetus/embryo is not merely contained by or inside the maternal organism, but is a part of that maternal organism: fetuses are, literally, Lady-Parts.”³⁴ They are not their own individual, nor can they start to exist as one until birth. She draws her initial information from Barry Smith’s and Berit Brogaard’s metaphysical theory that perpetuates a “beginning at birth” view. Kingma concurs, adding that “human beings do not begin sixteen days after conception but, usually,

³⁰ Kingma, Elseijn. “Lady Parts: The Metaphysics of Pregnancy.” *Royal Institute of Philosophy Supplements* 82 (2018): 165–87. doi:10.1017/S1358246118000115, 169.

³¹ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 174.

³² Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 174.

³³ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 174.

³⁴ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 167.

nearly eight-and-a-half months later: at birth.”³⁵ She lays out that “fiat” boundaries do not exist in relation to a fetus. A fiat boundary is a tangible boundary that includes a physical distinction. These boundaries can only come into existence once the fetus is born, within the placenta and the umbilical cord. During pregnancy, this clearly marks a fiat boundary; a physical discontinuity will only appear once the umbilical cord is severed at birth but does not exist during the pregnancy. She considers the fiat boundaries at different stages of the pregnancy, including Future Baby— where the fetus only comprises the parts that emerge as the future baby,—Baby with Placenta— where the fetus comprises the ‘future baby’ plus the umbilical cord and placenta,—and Chorionic Content— where the fetus comprises future baby, umbilical cord and placenta, as well as the chorionic and amniotic membrane.³⁶ Kingma finds that on each of these views, the boundary of the fetus involves a ‘fiat boundary’— a boundary that is not marked by a physical discontinuity but recognized by us for other reasons. Given this, the fetus “does not have its own, completely connected external boundary, that is marked by a physical discontinuity between it and the pregnant individual.”³⁷

She then goes over the attractions of not considering fetuses to exist until birth. First, she states that it is numerically neat; it clears up how we count organisms. It would give us clear distinctions of when something is an organism and when it is not. Second, it ties coming into existence to a clear and specific event – birth. Third, it is consistent with our intuitive, non-messy view of mammalian organisms in which they are much like we thought they were: clearly demarcated, physically separate individuals from start to finish. Finally, it marks out birth as a substantial change because birth is a much more substantial event than a mere change of

³⁵Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 176.

³⁶ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 171-172.

³⁷ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 174.

environment.³⁸ She states that alternatively, we can hold on to the intuitive idea that organisms exist prior to, and survive, their birth but then we have to give up our central ideas about organisms, which is their separateness.³⁹ Such a change to our conception of the organism may have significant knock-on effects that need further investigation.

Kingma finds that if we are to accept that an organism can exist in another being and be considered independent and of its own equivalent moral worth when compared to the first being, we need to seriously consider how we view animals, and this decision cannot be taken lightly. Simply put, “we either stick to talking about human organisms as we always took them to be – physically distinct individuals – which means they start at birth. Or we accept that human organisms can be part of other organisms, which means that we have but the loosest grip on what it means to designate something an organism.”⁴⁰ Kingma argues that if we are to accept that organisms can be part of other organisms, it would undermine much of our metaphysics of persons and indeed our moral and legal practices. It would require significant analyzing and possible revision not just to our idea of an organism, but to all fields. She adds an example, “it is no longer clear that organisms and humans are always individuals in any relevant sense, or how the notion of individual is to be interpreted in a human organism that has another human organism as its proper part.”⁴¹ In this view, organisms are not always physically distinct from each other. We also have to wonder what the implications are for the proper application of rights to bodily autonomy and privacy. “Finally,” she says, “we can wonder what view that organisms

³⁸ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 176.

³⁹ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 186.

⁴⁰ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 186.

⁴¹ Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 186.

are part of other organisms implies for personal identity and the relationship between the pregnant person and future offspring.”⁴²

People argue that issue of personhood is simply a question that we will not know the answer to and that it is a question left for science. Mary Anne Warren argues that the question of which properties are essential for personhood is a non-empirical question. She adds that there are five necessary traits to personhood: consciousness, reasoning, self-motivated activity, capacity to communicate, and the presence of self-awareness.⁴³ She claims that no being which fails to meet all five conditions can possibly be a person, although it may be the case that a being could meet only some of the five conditions and still be a person. Opponents would argue that even if we have a list of properties essential for a thing to be a person, they tend not to be empirically testable. To this she asks, maybe then there is a problem with our conception of personhood. Following these distinctions, a fetus does not fill the qualifications of personhood.

Because of this, fetuses should be subject to being considered and evaluated using the Time Relative Interest Account and the Harm-Based Account. If we accept that fetuses are not people and subject them to the values of TRIA: quality of goods characteristics, quantity of goods characteristics, and the overall badness of death that occurs. First, a fetus has a lower quality of goods characteristic than a full, sentient person does. A fetus, like other non-person beings, lacks the capacity in the cognitive and aesthetic sense. They do not have the deep personal connections that full people do, at least not in the present moment before they become a person. The mother and other family that is expecting the fetus of course will have these preliminary relations, however, they are one-sided and cannot be reciprocated until the fetus

⁴² Kingma, “Lady Parts: The Metaphysics of Pregnancy,” 186.

⁴³ Warren, Mary Anne. “On the Moral and Legal Status of Abortion.” *The Monist* 57, no. 1 (1973): 43–61. <http://www.jstor.org/stable/27902294>.

becomes a person. There is a lack of mutual understanding between the love the mother feels for the fetus and the fetus itself. It also lacks the five qualities that are mentioned earlier from Mary Anne Warren, leading to a lower quality of goods characteristics in the fetus. Secondly, fetuses have a lower quantity of goods characteristics than persons. This is due to fetuses not being self-sufficient and independent when compared to birthed human beings. A fetus is unable to be born into a meaningful and long life without machinery, such as an incubator, or an existing person so its quantity of goods characteristics is lower so its death would be less substantial when compared to a person's life. The last value that fetuses are subject to is overall badness of death. There is less badness that occurs when a fetus "dies" when compared to a person. McMahan makes that argument that if an abortion takes place before twenty weeks, you are not *killing* anything, one is simply "prevent[ing] someone like you or me from existing. There is no one there to be killed."⁴⁴ There would be less overall badness of death if the fetus were to die as opposed to the mother. The mother's death—meaning the death of a person—would have all of the repercussions mentioned earlier. There would also be retroactive badness if the mother were to die as opposed to the fetus. There is also a lack of self-consciousness that exists in the fetus, leading to a lack of long-range desires that would impact the fetus' life. Before the fetus becomes a person, there is a lack of relations that exist to the fetus, so its death, or prevention, would have less overall badness when compared to a person. Much like how killing an animal is still wrong but less wrong than killing a human, it applies the same to fetuses.

The Harm-Based Account would look at fetus and animal welfare as such. The HBA does not find a significant moral difference in killing versus letting die. So, there would be the same moral weight between a non-sentient human being killed and letting a person die. Let's

⁴⁴ McMahan, *The Ethics of Killing*, 268.

think about this moral theory practically. The non-sentient human is a fetus, and the full person is the mother. There is no moral difference between killing a fetus and letting the mother die. This is because they have the same result, death. Both actions have caused “equal” harm and so no act is worse than the other. However, to consider the death of a not yet fully developed human being and a person to carry the same moral weight does not take into account important aspects, such as those covered by the Time Relative Interest Account.

When they are subjected to both schools of thought, it is better proven that the fetus’ moral standing has been fairly compared to a human being’s when the Time Relative Interest Account is used. Animals and fetuses should both be considered using the Time Relative Interest account since they are non-human beings. Animals in that they are on a different plane both physically and mental capacity-wise, and fetuses because even if they have the potential to grow into future human beings, they do not exist as such currently. TRIA is what allows us to make distinctions that HBA does not. Given this, non-human organisms should be subject to TRIA when they are being considered for abortions or being harmed.

The comparison of animal rights to abortion is a fairly popular argument that has been used against pro-abortion rhetoric. Francione discusses this in “Abortion and Animal Rights: Are They Comparable Issues?.” He states that those who oppose pro-choice rhetoric especially claim that the arguments pushed by animal rights advocates should also apply to fetuses.⁴⁵ He continues to build out the argument put forth by anti-abortion advocates by adding that, “failing to apply such arguments is simply irrational on the part of animal advocates.”⁴⁶ Anti-choice advocates use the specific argument of sentience and how if that is sufficient to establish moral standing for non-humans (i.e. animals in the animal rights argument) fetuses of that same degree

⁴⁵ Francione, “Abortion and Animal Rights,” 1.

⁴⁶ Francione, “Abortion and Animal Rights,” 1.

should be applicable to that same moral consideration.⁴⁷ This calls into question anti-abortion advocates' information because many animal rights advocates are devoted to pro-choice ideology.⁴⁸ Those who oppose abortion view the lack of animal rights application to fetuses as a failure on the animal advocates' part and also as "demonstrative of misanthropy."⁴⁹ However, these anti-abortion advocates run into a fundamental issue in their argument that the rights of animals should be applied equally to a fetus. They fail to consider, or at least address, the problem of differing moral standing for varying levels of life.

Human beings and animals also differ in their political dimensions. Animals are understood as being the property of humans and unable to have rights because they are viewed and regarded as property.⁵⁰ Humans on the other hand, have rights while also having the right to own and use private property. This discussion of property and who owns who address the "political status of nonhumans."⁵¹ There is an attempt by animal rights advocates—which can be applied to some anti-abortion ideologies—to use certain philosophical theories as a way to "balance" humans and animals. The philosophical technique works out, until one looks at the practicality, or lack thereof. This is because, according to Francione, "in any 'balancing' situation, the animal will always be the loser."⁵² This difference in political dimensions is relatable to the moral standing and time relative interest rhetoric, in that humans are viewed as being on a different, more advanced level than animals in more ways than simply person and not yet person.

⁴⁷ Francione, "Abortion and Animal Rights," 1.

⁴⁸ Francione, "Abortion and Animal Rights," 1.

⁴⁹ Francione, "Abortion and Animal Rights," 1.

⁵⁰ Francione, "Abortion and Animal Rights," 7.

⁵¹ Francione, "Abortion and Animal Rights," 7.

⁵² Francione, "Abortion and Animal Rights," 7.

Francione explains that there is a fundamental difference between the abortion issue and the other moral contexts in which we generally seek to employ these frameworks and that this difference does not mean the discourse on morality stops; “it means only that our reliance on moral theories of animal protection do not commit us to reject abortion on the same grounds.”⁵³ Francione summarizes an animal welfare based anti-abortion argument put forth by pro-life advocates comparing abortions to vivisections. However, in addition to the varying levels of moral standing, Francione explains that vivisection, along with other breaches of animal welfare, are analogous to child abuse rather than abortion.⁵⁴ He also gives the option of infanticide or murder being a closer comparison to vivisection than abortion.⁵⁵ This is because “the state can regulate vivisection—and child abuse—in a way that does not fundamentally intrude on the basic privacy rights of vivisectioners or parents. The state cannot, however, regulate abortion in the absence of a patriarchal intrusion of the law into a woman’s body... we do not tolerate that sort of bodily intrusion anywhere else in the law.”⁵⁶ Francione also states a concept “a commitment to animal rights does not necessarily lead to a rejection of freedom to choose abortion.”⁵⁷ This is due to animal exploitation and abortion being different moral dilemmas. Simply because one is committed to promoting animal welfare does not mean that they need to also oppose abortion. Thinking so is belief in a false dichotomy that harms reproductive freedom.

Judith Jarvis Thomson, author of “A Defense of Abortion,” examines how anti-abortion advocates reach the conclusion that abortion is morally impermissible. Once they finish arguing personhood for the fetus, they glaze over why the act of abortion itself is immoral. She breaks

⁵³ Francione, “Abortion and Animal Rights,” 2.

⁵⁴ Francione, “Abortion and Animal Rights,” 1.

⁵⁵ Francione, “Abortion and Animal Rights,” 5.

⁵⁶ Francione, “Abortion and Animal Rights,” 1-2.

⁵⁷ Francione, “Abortion and Animal Rights,” 8.

down the following argument that is put forth by anti-abortion advocates: even if the fetus is a person from the moment of conception, a person's right to life is stronger and more stringent than the mother's right to decide what happens in and to her body and so outweighs it. So, the fetus may not be killed; an abortion may not be performed.⁵⁸ Thomson responds with a thought experiment of the reader waking up to find themselves attached to an unconscious violinist. It has been found that he has a fatal kidney ailment and the Society of Music Lovers have searched far and wide, eventually landing on you to help. They have therefore kidnapped you and plugged the violinist's circulatory system into yours, so that your kidneys will help filter the toxins that are causing his sickness. The doctor comes along and sees that you are awake. He says, "We're so sorry they have done this to you and if we had known about it sooner, we never would have let this happen. However, the violinist is now plugged into you. To unplug you would be to kill him. But, on the bright side, it is only for nine months. By then he will have made a full recovery and both of you can go home." Thomson argues that it is not morally incumbent on the reader to accede this situation. No doubt it would be nice to do but you are not required and that it would be outrageous to think so.

Throughout the article she argues that the fetus, conceding that it is a person, has the right to life, but as the mother is a person as well, she too has a right to life. Performing the abortion would be directly killing the child, whereas as doing nothing would not be killing the mother, but only letting her die. If directly killing an innocent person is murder, then the mother's direct killing of the innocent fetus is murder and is therefore impermissible, as put forth by HBA. However, it cannot be thought to be murder if the mother performs an abortion on herself to save her life; "it cannot seriously be said that she *must* refrain, that she *must* sit passively and wait for

⁵⁸ Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy and Public Affairs* 1, no. 1 (1971): 1-8, 1.

her death.”⁵⁹ This issue makes the anti-abortion advocate shift their perspective to a less extreme view. They hold that it is permissible for a woman to conduct an abortion on herself in certain circumstances, but not when a third party performs it.⁶⁰ She takes on the issue of third-party abortions by arguing that to treat the matter this way to refuse the mother the very status of personhood which is so firmly being insisted on for the fetus. For it should be remembered that the mother *houses* the unborn child, and they are should not be compared to two tenants who live in the same house; the mother *owns* the house. “In sum,” Thomson argues, “a woman surely can defend her life against the threat to it posed by the unborn child, even if doing so involves its death.”⁶¹ The focus of abortion should be the woman, and the lack of a spotlight on women takes away full control of their bodies.

Returning to the Lady Parts article by Kingma, if we are to question what an “organism” is and how it exists in a pregnant person, it calls into question many concepts. There is this contention from anti-abortion advocates who argue that the fetus is a separate organism that is able to exist within the expectant person. As stated earlier, this view undermines our metaphysics of persons and our morals. This view also shows that it is no longer clear that organisms and humans are always individuals in any relevant sense. This argument can endorse that women are not their own organisms, they are not people. But that argument is clearly lacking because women are clearly people so the argument that a fetus is also a person that can exist within the mother cannot work.

Marilyn Frye discusses the issue of oppression towards women in her essay, “Oppression.” To argue her case, she uses a concept called “double binds.” In this theory, a

⁵⁹ Thomson, “A Defense of Abortion,” 2.

⁶⁰ Thomson, “A Defense of Abortion,” 2.

⁶¹ Thomson, “A Defense of Abortion,” 3.

double bind is a situation in which options are reduced to very few and all of them expose one to penalty, censure or deprivation.⁶² One example of this would be when a woman faces judgment regarding her sexuality. If she takes part in sexual activities, she is considered a man-eater, easy, loose, and so many more descriptions that are absurd and derogatory. She also, is the one held responsible for not becoming pregnant and worrying about contraceptives and keeping secrets. On the other hand, if she refuses to take part in sexual relations, she is charged with being a prude, a virgin, playing hard to get, and more. In this way, she feels pressure to become and do what is normal, in this case, heteronormative sex. In no way can the woman win or even avoid the prejudice that is imposed on her. It is here where she is in a double bind. There are two different pressures, though they stem from the same place systematically, from two different directions that are pressing in on the woman, leaving her no place to go.⁶³ The double binds exist everywhere in a woman's life. In how she speaks, dresses, loves. There is no escape. Frye describes women's, and other marginalized people's, lives as such:

Each of these factors exists in complex tension with every other, penalizing or prohibiting all of the apparently available options. And nipping at one's heels, always, is the endless pack of little things. If one dresses a certain way, one is subject to the assumption that one is advertising one's sexual availability; if one dresses another way, one appears to "not care about oneself" or to be "unfeminine." If one uses "strong language" one invites categorization as a whore or slut; if one does not, one invites categorization as a "lady"—one too delicately constituted to cope with robust speech or the realities to which is presumably refers.

The experience of oppressed people is that the living of one's life is confined and shaped by forces and barriers which are not accidental or occasional and hence avoidable, but are systematically related to each other in such a way as to catch one between and among them and restrict or penalize motion in any direction. It is the experience of being caged in: All avenues, in every direction, are blocked or booby trapped. (Frye, 12).

⁶² Marilyn Frye, "Oppression," in *The Politics of Reality: Essays in Feminist Theory* (Trumansburg, NY: The Crossing Press, 1983), pp. 1-16, 12.

⁶³ Frye, "Oppression," 11.

Women are forced into these double binds and face the consequences and judgment from at least one end of the bind. Double binds play into the overall oppression of women because they are forced into decisions that they cannot truly make because any decision made is influenced by external, patriarchal factors they cannot control. These double binds perpetuate the oppression of women in today's society and there is no end in sight for removing them from our mindset.

Women also face double binds when dealing with the topic of abortion. Women face one side of the bind when they are pregnant and considering abortion as an option. If they are pro-abortion in this sense, they are regarded as baby-killers, murderers, and monsters. However, they face the other side of the bind if they want to give birth and not seek an abortion. If they are a young, single mother who want to carry to term, she is considered unprepared, unable to provide, and will ultimately fail herself and fail the child. Here she faces a double bind. Regardless of her choice, she will face negative social repercussions from anti-abortion and "pro-life" advocates. The judgment that women face regarding abortion further perpetuates the oppression against women in overall society. This prejudice towards abortion and women pushes Conservative lawmakers and elected officials to introduce and advocate for restricted access to abortion and lowers the number of women that feel safe and content in the United States of America. This long-faced oppression lowers the overall prosperity and happiness of women. Given this, it follows that a lack of access to abortion is a threat to utilitarian moral theory. This calls into question the credibility that anti-abortion advocates have when they fight against abortion access using utilitarian moral theory.

Barbara Katz Rothman discusses that this historical oppression at length in "Redefining Abortion." Rothman states that the Catholic Church's position in the seventeenth century was to

“focus on control rather than technique as the important issue.”⁶⁴ However, physicians did not want to ban abortion entirely, so they decided that they alone should determine when abortion was necessary. This created two main types of abortion, the moral kind, in which the doctor would abort the fetus to save the life of the mother, and the immoral. However, with the improvement and expansion of contraceptives, safety was eventually no longer an issue.⁶⁵ The question of who to save was gone and so a new one was framed; “how much control over motherhood can a woman exercise and still be accepted as a woman?”⁶⁶

A lack of access to abortion continues the oppression that women face and a perpetuation of the double binds they need to fight against. But they are unable to based off of the very nature of how the binds apply pressure. They do so through interlocking forces so one is caged in, like a bird.⁶⁷ This lack of access threatens the very utilitarianism anti-abortion advocates use to demonize acts of abortion. Without access to abortion, women lose part of their reproductive freedom and then have lost the right to their bodily autonomy. Without this full bodily autonomy, women are oppressed further than they already are.

This oppression can be seen clearly in the real world. Right-wing conservatives perpetuate the oppression of women through not only a lack of access to abortion, but also in their overall treatment of women. On July 12, 2013, Eric Erickson, Fox News contributor, made the following statement: “Dear Liberals, go bookmark this site now: storesupply.com/c-480-hangers...”⁶⁸ The link mentioned is for a website that sells coat hangers. This statement was

⁶⁴ Barbara Katz Rothman, “Redefining Abortion,” in *Recreating Motherhood* (New Brunswick, NJ: Rutgers University Press, 2000), pp. 106-124, 109.

⁶⁵ Rothman, “Redefining Abortion,” 112.

⁶⁶ Rothman, “Redefining Abortion,” 113.

⁶⁷ Frye, “Oppression,” 10.

⁶⁸ “We’re Not Stupid: Outrageous Quotes from the War on Women 2013,” ACLU (American Civil Liberties Union), accessed April 17, 2023, <https://www.aclu.org/other/were-not-stupid-outrageous-quotes-war-women-2013>.

made after the Texas Senate passed abortion legislation that would have the power to shut down most of the clinics in the state. Yet another instance of right-wing public figures perpetuating oppression and demeaning women is a quote from Barbara Listing, Right to Life Michigan President. She explains, “Nobody plans to have an accident in a car accident, nobody plans to have their homes flooded. You have to buy extra insurance for those two.”⁶⁹ She believe that women should purchase abortion insurance riders if they are concerned that they will need an abortion if they become pregnant because of rape. Another example is physical attacks on abortion clinics. In 2022, eleven defendants were indicted for Conspiracy Against Rights and Freedom of Access to Clinic Entrances (FACE) Act offenses in connection with a 2021 clinic blockade at a Nashville, Tennessee, area reproductive healthcare clinic.⁷⁰ Also, in the same year, a defendant was indicted for FACE Act violations in the Eastern District of Pennsylvania after he assaulted a Philadelphia area Planned Parenthood clinic escort. The defendant assaulted the escort twice on the same day, with one assault resulting in bodily injury.⁷¹ These attacks on the bodily autonomy of women are more than just those included in a moral theory, and they perpetuate the oppression women face regarding abortion as well as continuing the belief that women are not worth full moral standing based on how they are approaching the bodily autonomy of women, which is a fundamental right. The issue of abortion does not and cannot exist in a vacuum.

One might argue that I am avoiding the argument of potentiality. Yes, animals might exist on a different—but still significant—moral standing than humans, but when comparing

⁶⁹ ACLU, “We’re Not Stupid.”

⁷⁰ “Recent Cases on Violence against Reproductive Health Care Providers,” National Task Force On Violence Against Reproductive (The United States Department of Justice, October 18, 2022), <https://www.justice.gov/crt/recent-cases-violence-against-reproductive-health-care-providers>.Health Care Providers

⁷¹ DOJ, “Recent Cases on Violence against Reproductive Care Providers.”

animals and fetuses there is the issue of potentiality. Fetuses have the potential to become full moral agents whereas animals can solely be moral patients. This argument maintains that the fetus' potential to become a person and experience the valuable life common to sentient persons entails that its premature end is *prima facie* morally impermissible.⁷² Circuit Judge John T. Noonan—who was on the United States Court of Appeals for the Ninth Circuit—is recorded in Bertha Alvarez Manninen's article, "Revisiting the Argument from Fetal Potential," as stating, "If a fetus is destroyed, one destroys a being already possessed of the genetic code, organs, and sensitivity to pain, and one which had an eighty percent chance of developing further into a baby outside the womb who, in time, would reason... once conceived, the being was recognized as man because he had man's potential."⁷³ Fetuses growing within the body have the ability to grow into full sentient persons that will exist in a different moral category than animals. But the issue is much more than just "possibility." A fetus may not just possibly become a person, it will become a person, if its growth is not hindered and if it lives long enough. Manninen argues that all innocent persons have right to life⁷⁴. Since all innocent persons have a right to life, all potential persons also have a right to life. The human fetus is a potential innocent person; therefore, the human fetus has a right to life. The question of when they reach a level of self-consciousness or sentience does not matter because they will eventually become those a being that has those aspects.

However, the argument of potentiality is not the argument that anti-abortion advocates believe it is. Take this hypothetical into consideration. An expecting mother, who is an already

⁷² Bertha Alvarez Manninen, "Revisiting the Argument from Fetal Potential - Philosophy, Ethics, and Humanities in Medicine," *Philosophy, Ethics, and Humanities in Medicine* (BioMed Central, May 17, 2007), <https://peh-med.biomedcentral.com/articles/10.1186/1747-5341-2-7#citeas>.

⁷³ Manninen, "Revisiting the Argument from Fetal Potential."

⁷⁴ Manninen, "Revisiting the Argument from Fetal Potential"

existing, self-aware human, walks into a hospital with complaints of vaginal bleeding and pelvic pain.⁷⁵ She is diagnosed with an ectopic pregnancy, which can be known normally between the fourth and twelfth week of pregnancy.⁷⁶ An ectopic pregnancy occurs when a fertilized egg implants and grows in a location that cannot support the pregnancy. Almost all ectopic pregnancies—more than 90%—occur outside of the uterine cavity in a fallopian tube, but they can also implant in the abdomen, cervix, ovary, and cesarean scar.⁷⁷ An ectopic pregnancy in any location is life threatening. This argument does not help them argue the viewpoints they want to make when one thinks critically. The first point of issue with potentiality is that it essentially grants full moral standing to an embryo. It definitely seems that a potential future human does seem to be a different moral entity than an already existing human. There is the presupposition that the fetus is made from human DNA and is coming into existence inside a human being. To give a six-week pregnancy full moral standing is non-holistic nor compassionate. A six week old fetus consists of an embryo that is only a fifth to a quarter of an inch, there are dents where ears will be, and the formation of crucial organs is just beginning. I will concede that while late-term abortions are sometimes necessary, one must take into account the potential for pain, suffering, and sentience of the embryo, since there is scientific evidence that shows the fetus is capable of those things. But to argue that an embryo has the same moral standing as a person does is not taking into account the moral standing of the mother. If we are to consider that the embryo has the same moral standing as a person because it has the potential to become a future human, we would be comparing apples to apples, as in existing human to existing human as opposed to apples, existing human, to oranges, a four to twelve week old embryo. It is illogical to think that

⁷⁵ “Facts Are Important: Understanding Ectopic Pregnancy,” Advocacy (ACOG, 2023), <https://www.acog.org/advocacy/facts-are-important/understanding-ectopic-pregnancy>.

⁷⁶ “Understanding Ectopic Pregnancy,” ACOG.

⁷⁷ “Understanding Ectopic Pregnancy,” ACOG.

we should place a fetus and human being on the same moral standing, especially with the issues pointed out earlier with the Harm Based Account regarding animal welfare.

Another problem with the argument of potentiality is that for the argument to be sound and valid their version does not go far enough. Anti-abortion advocates contend that a fetus should be protected due to growing into a life that is worth living. The problem with this contention, however, is that it applies equally to any pair of sperm and egg. The male sperm and female egg hold the genetic code that is needed to create an organism, so the question is raised of why does the concept of potentiality start at conception and not at the genetic material? The potentiality argument puts forth an argument that is not encompassing of what it should. The sperm and eggs have the potential to create a person and so why is there not a focus on not wasting those materials? It makes no sense to draw the line at conception when the potential for a human to exist goes all the way back to sperm and eggs. If we are to give full moral standing to a fertilized egg does that mean that I would have to hold a sperm cell to that as well? An egg? There is no advocacy for protecting the biological materials that can potentially provide the means for life and sentience for an embryo. The argument of potentiality simply does not go far enough when deciding when the potentiality of something starts. The moment of conception should not be the ending point for the argument of potentiality, if anything that should be the next to last step in the progression of conception, with the first step being the existence of the biological material carrying the genetic code for a potential future human.

Another question that arises with the argument of potentiality is to what do we owe to the future? It may seem like a broad and partially irrelevant question but the topic of the distant future is important when thinking about a future nine months from now. Even if we have a good understanding of our duty to people that are alive and existing right now, we don't know what to

do with them. According to Lewis Vaughn, most careful thinkers agree on the basic facts of economic inequality; they differ, however, on what the proper moral response should be.⁷⁸

However, when we think about humans who do not yet exist, we have a conundrum. I will concede that we probably do have some moral obligation to future potential human beings, but we have no idea what that should be specifically. We're not even sure of what a vague idea of treatment might be. How much of an obligation do we have to people that do not exist yet is something we can never be sure of. This at least vague obligation to potential future humans takes away from the potentiality argument because we are not sure of the obligation that we have to future generations, how can we know that they have the same moral standing as already existing beings? The answer is simple, we cannot.

With the previous argument showing that anti-abortion advocates believe that the argument of potentiality is something other than what it is truly is, concerns regarding their credibility begin to surface. Additionally, with the issues that are raised against their argument of utilitarianism regarding the overall prosperity of women, there are major issues with the utilitarian moral theory that these activists use to fight abortion access. The argument and the evidence make one thing clear: a lack of abortion access is a viable threat to the utilitarian viewpoint anti-abortion advocates use.

In this paper, I examined the difference between the Time Relative Interest Account and the Harm-Based Account and found that the Time Relative Interest Account (TRIA) is the superior argument when thinking about how the treatment of animals and suffering of animals compares to the treatment and suffering of human beings. The TRIA takes a more holistic view of how suffering affects sentient beings, and while we should not be cruel to animals, we should

⁷⁸ Lewis Vaughn, "Consequentialist Theories: Maximize the Good," in *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues* (New York, NY: W. W. Norton & Company, 2022), pp. 783-791, 783.

take into account both humans' and animals' quality and quantity of goods characteristics play into relation to those of human beings. We also need to take into account the badness of death that occurs when humans and non-human animals die. The Harm-Based account holds that ways of killing are traditionally wrong by principle because of the harm they cause to the victims, whether they be human or non-human animals, and that the degree to which an act of killing is wrong varies with the amount of harm it inflicts to the victim, other things being equal.⁷⁹

However, as seen by Jeff McMahan and myself, when viewed under a more critical lens and compared to TRIA, there is no substantial evidence that proves the Harm-Based Account is how we should be looking at animal welfare when we are comparing them to human. TRIA makes compelling arguments based off of animals having a lower quality of goods characteristics, meaning they lack the sophisticated relational capacities humans have, while also lacking in the quantitative good characteristics due to the short life spans of typical animals. Finally, the badness of death that occurs when an animal dies as opposed to a human does not cause a significant decrease in the overall good characteristic. The loss of human life means not only that the death has caused an end to the further goods characteristic of life but can also retroactively affect the meaning.⁸⁰

This paper also highlighted that fetuses and animals should be subject to TRIA and HBA because they are both not persons but something different. Defining personhood has been a topic of debate in philosophy. Following Warren's rules, in addition to the "beginning at birth" view of how organisms come to into existence, we should subject fetuses and other non-person organism to the TRIA and HBA. As found earlier, the HBA is not a holistic viewpoint that also does not encapsulate all of the complications that are brought into discussion when debating

⁷⁹ McMahan, *The Ethics of Killing*, 191.

⁸⁰ McMahan, *The Ethics of Killing*, 197.

biological organisms that do carry some moral weight when compared to human beings. TRIA on the other hand, takes into account the quality and quantity of goods characteristics in the organisms, human and not, as well as the overall badness of death that would occur. Given all of this, it follows that the Time Relative Interest Account is the better argument when considering the rights of both animals and fetuses.

This paper also highlighted the oppression that women face in both the topic of abortion and also in everyday life. Women face the predicament of double binds in all aspects of their life. No matter how women act, they are subject to scrutiny and that does not stop at abortion. Even if she has a right to life, so does the fetus, and the woman is expected to sit, waiting for the fetus to grow, even if she dies in the process. The issue of abortion does not exist in a bubble, to think so would be missing almost all of the implications and discussions of abortion. Tying in oppression was vital to thinking abortion in a holistic manner. Oppression plays a large role in the abortion debate and the overall prosperity of a society. To continually oppress a large portion of your species in order to promote something that does not exist yet, causes the cost and benefit scale is leaning overwhelmingly to the cost scale, contrary to what utilitarian thinkers want.

This paper also considered counterarguments to my thesis statement. The main counterargument is the argument of potentiality. Anti-abortion advocates will use the potentiality argument to contend that though the fetus is not yet a self-autonomous, self-sufficient person, they will be if their growth is uninterrupted and therefore the fetus should be given full moral standing. In this case, the mother and the fetus would exist on the same moral standing as one another. There is a myriad of issues with this first counterargument. First, granting full moral standing to a developing embryo is absurd. To grant a non-existent potential

person the same moral standing to an existing, sentient person is not holistic. Just the prospect of the fetus having the potential to eventually become a person is not a substantial foundation to compare those to organisms to one another, especially on the same scale. Second, the argument does not go far enough in covering what has potential. I raise the question, why does the argument of potentiality only start at conception when the male sperm and female eggs have the biological potential to create the genetic code needed to create a potential future human being? The existence of a human being cannot start when the process has already begun and when the biological materials to create the organism already exist. Lastly, the argument of potentiality cannot be sure of what we owe to future generations. Sure, we have some idea that we will have an obligation to future youth, but to what degree? We are not sure of the obligation that we have to future generations, and so how can we hold that they have the same moral standing as already existing beings?

The Time Relative Interest Account provides a more effective framework for considering the rights of both animals and fetuses in utilitarianism, and a lack of access to abortion poses a significant challenge to the utilitarian viewpoint often supported by anti-abortion advocates. In the theoretical sense, the utilitarian claims that anti-abortion advocates use not only fail, but they are also counterproductive to this ethical theory. In reality, a lack of abortion access has dire consequences. The animal rights argument is not a sustainable defense for anti-abortion advocates and the continued use of this argument will decrease access to abortion, perpetuating the oppression of women.

Works Cited

- Back in Town*. YouTube, 2015. <https://www.youtube.com/watch?v=zuwvv8NJmbY>.
- “Facts Are Important: Understanding Ectopic Pregnancy.” Advocacy. ACOG, 2023. <https://www.acog.org/advocacy/facts-are-important/understanding-ectopic-pregnancy>.
- Francione, Gary L. “Abortion and Animal Rights: Are They Comparable Issues?,” 1995, 1–11.
- Manninen, Bertha Alvarez. “Revisiting the Argument from Fetal Potential - Philosophy, Ethics, and Humanities in Medicine.” *Philosophy, Ethics, and Humanities in Medicine*. BioMed Central, May 17, 2007. <https://peh-med.biomedcentral.com/articles/10.1186/1747-5341-2-7#citeas>.
- Frye, Marilyn. “Oppression.” Essay. In *The Politics of Reality: Essays in Feminist Theory*, 1–16. Trumansburg, NY: The Crossing Press, 1983.
- Kingma, Elseijn. “Lady Parts: The Metaphysics of Pregnancy.” *Royal Institute of Philosophy Supplements* 82 (2018): 165–87. doi:10.1017/S1358246118000115.
- Bertha Alvarez Manninen, “Revisiting the Argument from Fetal Potential - Philosophy, Ethics, and Humanities in Medicine,” *Philosophy, Ethics, and Humanities in Medicine* (BioMed Central, May 17, 2007), <https://peh-med.biomedcentral.com/articles/10.1186/1747-5341-2-7#citeas>.
- Marquis, Don. “Why Abortion Is Immoral.” *The Journal of Philosophy* 86, no. 4 (1989): 183–202. <https://doi.org/10.2307/2026961>.
- McMahan, Jeff. *The Ethics of Killing: Problems at the Margins of Life*. Oxford University Press, 2002.

Rachels, James. "Active and Passive Euthanasia," in *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues* (New York, NY: Norton & Company Inc., 2022, pp. 291-294.

"Recent Cases on Violence against Reproductive Health Care Providers." National Task Force On Violence Against Reproductive Health Care Providers. The United States Department of Justice, October 18, 2022. <https://www.justice.gov/crt/recent-cases-violence-against-reproductive-health-care-providers>.

Rothman, Barbara Katz. "Redefining Abortion." Essay. In *Recreating Motherhood*, 106–24. New Brunswick, NJ: Rutgers University Press, 2000.

Thomson, Judith Jarvis. "A Defense of Abortion." *Philosophy and Public Affairs* 1, no. 1 (1971): 1–8.

Vaughn, Lewis. "Consequentialist Theories: Maximize the Good." Essay. In *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues*, 93–115. New York, NY: W. W. Norton & Company, 2022.

Vaughn, Lewis. "Global Economic Justice." Essay. In *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues*, 93–115. New York, NY: W. W. Norton & Company, 2022.

Vaughn, Lewis, and Peter Singer. "All Animals Are Equal." Essay. In *Doing Ethics: Moral Reasoning, Theory, and Contemporary Issues*, 352–61. New York, NY: W. W. Norton & Company, 2022.

“We're Not Stupid: Outrageous Quotes from the War on Women 2013.” ACLU. American Civil Liberties Union. Accessed April 17, 2023. <https://www.aclu.org/other/were-not-stupid-outrageous-quotes-war-women-2013>.