

HARRIS'S "FATHERS AND FETUSES"

- I. *Thesis*: Whatever else might be said for or against the permissibility of abortion on other grounds, there are conditions under which abortion is impermissible because it constitutes a "wrongful harm" to the father and violates his autonomy.
- II. *Rough Analysis of 'Autonomy'*: For our current purposes, we can understand a violation of autonomy as treating a person as a *mere* means to our ends—treating a person in a manner that she or he could not reasonably agree to be treated in order to further one's own ends.
- III. *The Five Cases and Harris's Analysis*:
 - A. *Case #1: Repentant Rapist*
 1. *Analysis*: Harris claims that, in this case, abortion is not rendered impermissible as a result of any wrong done to the father. The woman's act of getting an abortion does not violate the autonomy of the father, nor does it constitute a (moral) harm done to him by her.
 - B. *Case #2: Casual Couple*
 1. *Analysis*: In this case, because the couple is involved in casual sex with no understanding between them about procreating or having a commitment, the woman does not violate the autonomy of the man nor does she harm him (in a moral sense) if she gets an abortion.
 - a) Interestingly, Harris argues that, while it would not be a violation of the man's autonomy nor a wrongful harm to the man for the woman to get an abortion in this case, neither is it a violation of the woman's autonomy nor a wrongful harm to the woman for the man to undertake no responsibility for the child should the woman choose to continue the pregnancy and have the baby.
 - C. *Case #3: Secretive Susan*
 1. *Analysis*: Harris asserts that an abortion in this instance would constitute a wrongful harm to the man. However, Susan's failing is one of negligence and Harris does not believe that this failing is sufficient to render it impermissible for her to get an abortion as a result of this harm.
 - D. *Case #4: Manipulative Michelle*
 1. *Analysis*: Here the violation of the man's autonomy and wrongful harm done to him is the result of conscious deceit rather than negligence. The man has a legitimate interest in the continuation of the pregnancy and abortion is impermissible because it violates his autonomy and harms him in a moral sense.
 - E. *Case #5: Malicious Man-Hater*
 1. *Analysis*: In this case, the violation of the man's autonomy and the resultant moral harm is not only conscious and intentional but malicious. It is even more clear, Harris believes, that

abortion is impermissible as a result of being a violation of the father's autonomy and a wrongful harm to him.

IV. *A Formulation of Harris's Principle:* If *A* has a morally legitimate interest in *x* and *B* misleads *A* into believing that *B* will provide *A* with *x* provided *A* meets certain conditions, and *A* meets those conditions in order to get *x*, it constitutes a violation of *A*'s autonomy and a wrongful harm for *B* to intentionally deprive *A* of *x*.

- A. *Objection #1:* A critic might object that the wrongful harm and the violation of autonomy consists only in the deception (negligent, intentional and/or malicious). This has no bearing on the permissibility of the woman getting an abortion, the critic alleges. The wrong is in the misleading or lying, not in getting the abortion.
1. *Reply:* Harris argues, plausibly, that this analysis cannot be correct because the abortion constitutes a *further* harm to the father in cases 3 through 5. To justify this assertion, he asks us to consider a case in which the father is, unknown to him, sterile. Then imagine cases 3 through 5 again under this assumption. The deception is still the same. However, this father isn't harmed in the additional way that is present in the original cases.
- B. *Objection #2:* Harris considers the objection that this will count too much as a wrongful harm and a violation of autonomy. Consider the (presumably) morally legitimate interest a community could have in increasing the population or a prospective grandparent might have in having grandchildren. Do we want to say that abortion would constitute a wrongful harm to the community or to the prospective grandparents as a result of these interests?
1. *Reply:* Harris agrees with the objector that we would not. He distinguishes between a *prima facie* morally legitimate interest and an interest that is morally legitimate *simpliciter* (or "all things considered"). The father in cases 3 through 5 has a morally legitimate interest *simpliciter*. In the case of rape (like case #1), Harris charges, the *prima facie* legitimate interest in sexual gratification (if one exists or in procreation if we want to imagine this is the interest involved) is not morally legitimate *simpliciter* (or "all things considered") because of the way in which it is pursued.
 - a) *Response:* This is a weak point in Harris's argument. It doesn't seem plausible that the moral legitimacy of an *interest* is altered by the manner in which the agent chooses to promote it. The moral permissibility of the *action* certainly can be, but the interest may be legitimate even if the action is impermissible. Thus, handling the objection by trying to distinguish different sorts of morally legitimate interests seems mistaken.