

ANTINATALISM,
ABORTION
AND EXISTENCE

**(A discussion
between Karim Akerma and Julio Cabrera)**

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ALGO, NADA, NADIE (From antinatalism to antiabortion: an ontological-existential approach), by Julio Cabrera.

ABSTRACT

In this text, an attempt is made to show, in a possible line of argument, that abortion can be considered immoral within an antinatalist environment. The principles used to make the moral judgment of human actions are two: NM (Do not manipulate) and NH (Do not harm). Both must be used together, but they can have different weights. When we abstain from having children, it is the NH that predominates over the NM, because there is no something before which we have to take a stand, either for preservation or for elimination. On the contrary, when we abort, it is the NM that predominates, because here we do have something before which we have to take a stand, either for preservation or for elimination. Therefore, it is not enough to apply only the NH to save the aborted person from suffering, if this is done in a hardly manipulative way.

In the abortion situation, we must decide about what to do with that something that is now in the woman's body. Since that something does not have any autonomy in the first person, the others have to attribute to it an autonomy in the second or third person. The second- or third-person's recognition of the autonomy of this something in the woman's body is not entirely grounded on objective data, but it is also a personal and social decision that the people involved in the situation have to make. This decision is not arbitrary, because it is based on reasons, but it is discretionary, because other options were reasonable, and we decided to defend that one and not some other.

Reasons for deciding for this recognition in second or third person can be taken from a conception of "existence", an anti-intellectualist tradition of European philosophy, from Schopenhauer to Heidegger; "To exist" is not primarily, in this tradition, to acquire awareness and self-awareness, but to be launched into the world contingently and towards death in a radical facticity. This has already happened at the time of fertilization, the primary existential

elements with which some human existent will have to build their own projects, they are already in the woman's body, and the act of abortion cuts this process off by half. The immorality of abortion is accentuated if we think that abortions are performed, in general, for the benefit of those who have abortions, and their belonging to the moral community is also in question.

There is, therefore, no incongruity in being antinatalist and antiabortion because the same type of manipulation is denounced in both cases: when something in the mother's body is desired, it is manipulated in the act of procreation; and when something in the mother's body is unwanted, it is manipulated in the act of abortion.

DEVELOPMENT

(1). A logical-argumentative assumption of the present work is the following: we can never capture in a single line of argument the whole reality of a phenomenon - such as abortion - but only some of its aspects, within a certain organization of the elements of the problem. An ethical assumption is that we assumed from the beginning a deontological and principlialist ethics of Kantian type, also pessimistic and antinatalist, which I call "negative ethics"¹.

(2). What is relevant here is that in this ethics we have two basic requirements: Do not manipulate (NM) (do not treat the others as a means, respect their autonomy), and: Do not harm (NH) (do not put anyone in a situation that we know is disadvantageous or painful). Procreation is immoral in this ethics because parents inevitably treat their children as means by making them be born for their own benefit or carelessness; and because the children are thrown into a life full of structural difficulties (mortal life from birth permeated by physical pain, psychological discouragement, and inevitable social aggression, with the threat of death at any time). The procreated are obliged to

¹ Cfr. Cabrera, "Project for a Negative Ethics" (1989), "Critique of Affirmative Morality" (1996), "Disconfort and Moral Impediment" (DMI) (2018)

reactively generate positive values in order to try to defend themselves from the mortal and frictional structure of their being until they are destroyed by it. The moral rejection of procreation does not come, in this ethics, from a mere calculation of "good things" and "bad things" with a primacy of "bad things" or from an "analysis of consequences" but from stable ethical principles and a structural view of human life.

(3) When we are just thinking about whether to have a child and decide not to have him/her, we prevent something from "coming into existence". When someone aborts, it also prevents something from "coming into existence". But the place from which this "not coming into existence" occurs is different. While in abstention, we prevent it from existing from nothing in the woman's body, in abortion we prevent something in the mother's body from continuing to exist. There is, therefore, an initial ontological difference. It does not matter, at this point in the argument, what that something in the woman's body is specifically; it just matters that it is not equal to nothing (in the woman's body). Even if someone developed an argument trying to show that this something is, in fact, nothing, this person has already accepted the point: that we are facing something on which we must stand, for preservation or elimination. Whoever maintains that there is something in the woman's body that can be eliminated without committing a moral fault, accepts that there is something in the woman's body. Nothingness cannot be eliminated. It can be said that abstention from procreation (and contraception in general) is preventive while abortion is therapeutic. It is the difference between not planting anything and planting and then destroying the seed. This initial ontological difference leads us to think that if we are to ethically condemn abortion, we will need an independent line; it will not be enough to simply "extend" the argument against procreation.

(4). It may be argued that this ontological difference is not relevant because, after all, in both cases we release someone from the terrors of life, which is what really matters, at least within the antinatalist environment. But in the negative ethics, we are assuming there are - as has been said - two basic moral requirements, and not just one: NH (not harming) and NM (not manipulating). Here it is not just a question of getting rid of suffering, but also of

getting rid of suffering in a non-manipulative way. In the case of procreation, it is the NH requirement that predominates over NM, because in this case we have no autonomy in the first person to respect. We can, of course, attribute one autonomy to the "not being", assuming that he or she would prefer or not be born in a world like ours. But this is pure speculation and we do not have a rigorous procedure for preferring one speculation to another. This indecision makes us choose to give primacy to the NH principle over the NM principle in the abstention situation: we don't know what the "not being" would prefer, but as the world is very bad, we decided not to procreate. We don't know if we favor someone, but we certainly won't harm anyone in that decision.

(5). In the case of abortion, the situation is different. There is, of course, the same indecision about the will of this something in the woman's body, and we would have to reconstruct it also speculatively, falling into the same indecision previously pointed out. But in this case, we are forced to make a decision in the face of that something, even if it is an eliminating decision. By contrast, there was nothing to be eliminated in the case of abstaining from procreating. As it is clear that this something in the mother's body does not have autonomy in the first person, we can decide - following a certain line of argument - to eliminate it as not belonging to the moral community. But we can also decide to recognize this autonomy in second or third person, a possibility that was not present in the case of abstention. It makes sense to attribute, in the second or third person, one autonomy to something in the woman's body that cannot manifest in the first person, but it makes no sense to attribute in the second or third person one autonomy to nothing.

(6). Usually, in discussions about abortion, scientific information is used - physical, chemical, biological - to try to determine, based on it, when there is a morally relevant human life in the woman's body that can be considered to belong to the moral community, have rights, and so on. Suppose that well-established sciences determine that "Before x weeks of pregnancy there is nothing that expresses awareness or desire to live, nor does there exist a being with a defined identity" as being an indisputable scientific truth. Let's accept that. However, the sequitur from this premise to the conclusion "So it is ethically

recommended to eliminate this in the woman's body" is not a scientific fact, but a decision. This decision is personal, but it is always inserted in a social and community context. It is not an arbitrary or irrational decision, but it is, rather, a discretionary decision, in the sense that, in strictly argumentative terms, there would be reasons to lean either way, for preservation or elimination, but we choose one side taking all the risks of the choice, accepting its consequences, and responsibly committing to it. This decision-making mediation involves persuasion and the search for assent. Most philosophical problems deal with ambiguous situations and diffuse concepts. This is most evident in the case of abortion due to its enormous emotional burden and social impact, but it is present in any philosophical debate.

(7) "Life" is a relevant concept for the question of whether to recognize the autonomy of something in the woman's body. But it is a typical concept of diffuse contours. Whether life begins at the moment of fertilization, or at any particular moment in it, or when brain activity begins, or when there is a beating heart or when the fetus starts kicking or when there is self-awareness, it is not an issue that science can resolve without mediation of a decision, in the sense indicated. We can put our finger at any point in this process and there will always be arguments to do so and counter arguments to reject it. However, the decision is not purely "subjective", but it is taken from some perspective and no other, and we are obliged to give reasons to convince the people involved to attribute one second or third person autonomy to this something in the woman's body. Because people could always say, "yes, you are right, I could attribute this autonomy, but why should I do it?"

(8). Usually, to refuse autonomy in second or third person to this something in the woman's body and its acceptance in the moral community, it is alleged the absence of markedly intellectual factors such as conscience, self-awareness, rationality, the notion of time and language, properties strongly emphasized in the intellectualist tradition of European philosophy, from the Greeks to Hegel. But at this point it would be possible to bring up elements of an anthropology opposed to this tradition, an anti-intellectualist current that begins with Schopenhauer, continues with Nietzsche, and culminates in

Heidegger's existential phenomenology. (I am fully aware of being here committing a bibliographical heresy within the predominantly analytical environment of antinatalism). In this tradition of thought, we have another notion of "existing": the human is not characterized primarily in intellectual terms, but as a "mode of being" with the following characteristics: (a) Having been launched in the world; (b) Without consultation or choice; (c) Contingently (it could not have been, and it could not have been this); (d) In an absurd and purposeless way, gratuitously; and (e) Towards death (with a decreasing terminality). We summarize (a)-(e) with the name "facticity".

From this facticity, the existing one will have to do projects, invent values, and build for itself a being that was not given beforehand. According to this conception of "existence", something starts to exist when it is affected by facticity, which happens as a brute (and brutal) fact at the time of conception. (Sperms have no facticity)². From that moment on, we can say that the relevant material of an existence is already there, since a complete existent with intellectual projects, can only develop from this brute facticity onwards. There is already a being launched without choice, gratuitous, contingent and towards death. One can legitimately think that humans are primarily existents and not primarily cognitive beings; knowledge is inserted within the primordial phenomenon of life, and not the other way around. We do not seek originally know the world but living a life; knowledge is not primary; life is.

(9). At that moment, one gains not only a physical biological, animal body, but a biographical, metaphysical corporeality. The existents, in this conception, are more than animals and less than consciences: they are beings affected by facticity. This existential characterization of humans can be seen as a third anthropological alternative alongside the biological and psychological characterizations. In this existential vein, "life" refers not only to the biological, but also to the biographical element; not to the naked material life, but to what existents do with the biological life in their personal biographies, in their life projects, from its naked and brutal facticity. Whether or not this something in the

² Because they were not released gratuitously into the world as a result of sexual intercourse (Additional note. See the text "Replies to Karim Akerma" below).

woman's body belongs to the moral community and has legal rights is not something given. but depends on a third-party community decision. In the light of the ontological-existential tradition of thought, although this something in the woman's body does not obviously have the intellectual characteristics, it is already something launched there in a facticity, contingent and towards death. It has already this very basic way of being.

Human progenitors or anyone else around, and the mother in the first place, can see , in the second or third person, that this something in the woman's body is not just a piece of matter, but the material from which some existing, further on, already with their intellectual properties of conscience and language, will use it to make his/her own life project from this gratuitous, contingent and towards death facticity. And it is precisely these other humans involved in this factual and contingent emergence who are faced with the decision to have abortion or not. Based on this tradition of thought, the contingent facticity and towards death of this something in the woman's body could be considered sufficient to justify the attribution in second and third person of an autonomy that cannot manifest in the first person.

(10). We can sustain, in this line of argument, that abortion is immoral because it prevents an existent (in the sense of something thrown there, contingently and towards death), from developing its own biographical and existential project from the facticity already acquired in the conception. The act of aborting cuts that possibility in half, because - unlike the case of abstaining from procreating - the elements of facticity from which it will be possible to constitute a first-person moral personality within an existential project are already present in the woman's body. Even if, at a point in the process after conception, we have no elements to determine that this something in the mother's body will be Julio Cabrera, whoever aborted at time t will have done something immoral, because it will have prevented an existent - be it Julio Cabrera or other - constitute their being from that something already affected by facticity in the woman's body. We do not know what will be the biography that will be elaborated from this something, but some biography will be prevented, and this is sufficient for moral imputation.

(11). In the case of abortion, therefore, as opposed to the abstention from procreation, it is the moral requirement NM that has priority over NH. Even if life is of poor quality, we should let that something in the woman's body decide what to do with this situation from its own autonomy of first person, when it has it. There is no incongruity in being antinatalist and anti-abortion at the same time: if the accent is put on manipulation, it is perfectly plausible to be both; because in the two cases the same type of manipulation appears, only in opposite directions: when the child is desired, it is manipulated in procreation, and when it is unwanted it is manipulated in abortion.

(12) One could still argue that, even accepting that we manipulate in abortion, we do it for the benefit of this something that we eliminate. Leaving aside that the two principles NH and NM, must be applied together, in such a way that an act cannot be justified only by the NH, it is at least doubtful that most abortions are done to save the something in the woman's body from the terrors of life. They clearly seem to be done for the benefit of those who have abortions, something that is literally stated many times (for example, when it is claimed that a real life is more important than a possible life, that a conscious being should not be harmed to save a cluster of cells, or when talking about women's rights). The only abortion that seems to be done, at least partially, for the benefit of the aborted is that practiced when the something that is going to be born is irreversibly sick.

(13) It can also be argued that, from not having an abortion, this being that was already manipulated in procreation will then be subjected to several other manipulations. That is true. It is a tragic situation where both sides lead to manipulation. However, by not aborting, that something will, in the future, could do something autonomously with its own facticity instead of being paternally decided by others.

(14) In order to reinforce the immorality of the abortion act, it could also be remembered that in discussions about abortion, the issue of whether this something in the woman's body has moral relevance or belongs to the moral

community is exclusively focused; but it is never disputed whether those who are considering abortion are morally empowered to decide whether to preserve or eliminate it in the woman's body. This question makes a lot of sense within the existential and biographical approach, where the question of belonging to the moral community is something decided personally and socially, and not something given biologically. Thus, the very moral personality of those who have abortion is also in question.

(15). Readers will certainly find thousands of counter arguments in each line of my argumentation. In philosophical discussions we constantly hear the words: "*Yes, but someone could argue ...*". This is trivial because disagreement is what is expected. Any line of argument can be counter-argued. But finding counterarguments to an argument does not refute that argument. The argument criticized can be valid on its own assumptions (definition of relevant terms, assumed premises, types of admitted logical sequencing, ethical theory adopted). An argument can be strong in one perspective and weak in others. There is no checkmate in philosophy³. As long as we stay on the level of philosophical argument, abortion can be immoral in one line of argument and moral in another.

(16) I would never, therefore, assume Peter Singer's position when he states, in his book "Practical ethics" that he found "the definitive solution to the problem of abortion", in such a way that those who think differently "are simply wrong". Just as Benatar shows in his 2006 book that our lives are never as valuable as we think they are, so our arguments are never as good as we think they are.

(17). In general, pro-abortionists do not show that abortion is a beautiful or morally good act, but only that "it is not wrong", or that "it is recommended". Pro-abortion argues in a utilitarian and sober style. Everything happens as if the error of procreation could be quickly "corrected" through early abortion, just as an ink stain is erased with a rubber soon after the stain has been produced, so

³ See my book "Introduction to a Negative approach to argumentation", Cambridge Scholars Publishing, 2019.

that it does not stick. ("If you broke a bottle, hide quickly the pieces"). But we have to remember that someone is in the abortive situation only because previously the greatest of all moral faults within antinatalism was committed: to start the procreation process. Those who have abortion are repented procreators.

But on the other hand, anti-abortionists rhetorically exaggerate when they consider those who have abortion as murderers. Abortion already faces too many moral problems as to burden it even more with the moral problems of homicide. Note that in the line of argument presented here, we do not even need any version of "You will not kill!" It is enough to say that, when aborting, we hurt the recognizable autonomy in second or third person of another existent; we need not say that we murdered someone. Those who have an abortion are not, therefore, criminals, but - at least in the line of argument presented here - neither are they not controversially morally good persons.

(18). The fact that the issue of abortion cannot be definitively decided in favor or against in terms of pure argumentation, gives strength to the idea of the issue of abortion is a social and political question rather than a strictly argumentative one. Faced with an endless discussion, it is perfectly understandable that the mass of people, and especially women, consider the issue not as an academic discussion, but as a fight that has to be won or lost. In this context of political struggle, it may not be very relevant to have shown the morality or immorality of abortion. The people involved will continue to fight for something they are perhaps able to recognize as morally wrong.

From the fact that an act is immoral does not follow that it should never be committed. Lying, stealing, and bribing are *prima facie*, immoral actions, but there may be moral reasons for doing these things (the Schindler situation). Even killing can be morally justified, for example, when I take the life of someone who was threatening innocent people. But having moral reasons for doing these acts does not make these acts moral. Just as 'X believes that p' can be true even though p is false, so 'X performs p' can be a moral action even though p is an immoral act; one can be truthful by believing something false and

one can be ethical by doing something immoral. These are paradoxes that already appear on the domain of logic.

(19). In the case of abortion, even though it is an immoral act (at least in the line of argument presented here), there can be such terrible circumstances in a woman's pregnancy - not just in the extreme rape situation, but in any circumstance in which there has been an asymmetric sexual intercourse not fully consented - that the immoral act of abortion is ethically justified in these cases; or even in cases where there was no asymmetry (abortion within a concentration camp, for example). Morality spaces can be opened within a moral transgression (for example, someone can be a good father after having transgressed the moral norm of not being a father at all). In my "Project for a Negative Ethics", I called the phenomenon of morality within immorality "second-degree morality". Lying, stealing, killing, and aborting are primarily immoral acts, but they can be secondarily moral.

Only procreation is primarily immoral without the possibility of being moral in the second degree, because although we can kill or abort in tragic circumstances, it is very difficult for someone to be forced to procreate in tragic circumstances. That is why procreation is the fundamental and inaugural moral evil of all other evils.

(20). But precisely because of the complexity of human actions, and even thinking that abortion is primarily immoral in this line of argument, legal intervention in the practice of abortion does not seem justified. Their practice should not be criminalized. But on the other hand, no one could be forced to participate in an abortion practice that goes against their values. Both criminalization and full legalization harm a part of humanity. However, in the face of the drama of thousands of women in the world in the abortive situation, especially of the most modest classes, having abortion in the riskiest ways, pragmatic and utilitarian measures can be taken within a political and legal struggle, to try to solve the more urgent problems; allowing women to have abortions in less traumatic ways can be seen as a final solution to many problems. But the question remains whether such procedures constitute a moral

solution to the issue or just a social administration of immorality.

EMBEDDING ANTI-ABORTIONISM INTO ANTINATALISM? ON EMBRYONIC EXISTENTIALISM, by Karim Akerma

“Open your heart to truth we now have reached / and know that, once the brain's articulation / within the foetus has attained perfection, / then the First Mover turns toward it with joy / on seeing so much art in nature and / breathes into it new spirit – vigorous - / which draws all that is active in the foetus / into its substance and becomes one soul / that lives and feels.” (Dante, Purgatorio, Second Book of the Divine Comedy, Chant 25)

“For the subject, death itself consists merely in the moment when consciousness vanishes, since the activity of the brain ceases.” (Arthur Schopenhauer, The world as will and representation, Volume 2, chapter 41)

Like all other areas of theory, antinatalism too is divided into different varieties. The following is my response to Julio Cabrera's attempt at defending a rejection of the practice of abortion within the framework of an antinatalist moral theory. Even though I will not, finally, concur with their train of thought, I do share the view that – even against the background of antinatalism – the practice of abortion raises a number of significant problems that cannot simply be dismissed. Since my argumentation differs considerably from that of Cabrera, I will first have to present an outline of my fundamental philosophical convictions on the relevant subject matter.

A mentalistic definition of “living being”

Essential for the following considerations is my ontology, which differentiates between organisms on the one hand and living beings on the other. My ontology is revisionary. Thus, it is not only different from that of Cabrera but is unlike most ontologies and even different from the ontology which is inherent in everyday language. I have discussed my revisionist

ontology at lengths in my book 'Lebensende und Lebensbeginn' [The End of a Life and the Beginning of a Life] (Hamburg, 2006).

I defend the view that a new living being begins to exist when an organism produces primitive consciousness for the first time. This implies the view that one does not begin to exist at conception or when an embryo forms (or at the point where an embryo cannot be divided any longer into two embryos), since primitive consciousness is produced for the first time only weeks or months after conception. On my account, living beings are organisms with mental properties. While an organism is merely some-thing, a living being is some-one.

As far as we know, living beings are constituted by organisms. Even though I do not want to exclude the existence of living beings constituted by other entities than organisms, I don't think that ever more complicated electronic systems will eventually produce consciousness. However, the first known non-organismic system that produces consciousness would be tantamount to the first known non-organismic living being. My ontology does include the uncommon view – though, in fact, it is a view shared by Immanuel Kant – that plants cannot be addressed as living beings as long as one is not prepared to ascribe at least primitive consciousness to plants. This view might seem rather unorthodox, but I do not consider that we should reject unorthodox lines of thought simply because they are unusual. I have no problem defending unconventional trains of thought and arguments as I am convinced that the basic function of philosophy is not so much to systematise everyday thinking as to question whether our everyday thinking is right. This is also the attitude that underpins antinatalism.

How do I arrive at this series of – to say the least – unusual claims? And where does it find support? The starting point for my revisionary ontology is the claim that you and I, as communicating people, are living beings. – This is my Archimedean Point. Seriously challenging this claim, which is not only deeply rooted in everyday language but also in everyday practices, would lead to moral and societal anarchy. Assuming that at least I myself am (and that you are) a

living being I proceed to ask: What am I (and what are you) essentially? I raise this question in order to find out which qualities we cannot dispense with without at the same time ceasing to exist. In somewhat Cartesian style, I come to the conclusion that I may lose my fingers, my limbs or even my mind (in the sense that I might become insane or suffer from severe dementia) without ceasing to exist. Modern medicine is able to replace kidneys or hearts by technical devices. In theory, therefore, I might even lose my whole body as long as my brain is artificially kept functioning. In perhaps not so remote a future surgeons might be able to replace my cancerous organism with a donor organism that is healthy except for its brain which has irreversibly ceased to function (as is the case in actual brain-death constellations).

The crucial question in this scenario, in which my head with its functioning brain is grafted onto a donor organism, is this: Who or what keeps on living? Is it the functioning donor organism (and thus not me)? Or is it me – who is identical with the consciousness generated by my brain? Whereas there are a small number of thinkers who indeed consider that every one of us is identical with her functioning organism, I have difficulty even understanding this position. Imagine that my head with its functioning brain were connected to a donor organism and somebody asked “Who are you?” The enquirer would receive the following answer: I am Karim Akerma, born on a certain day, interested in these things and hoping for other things to happen. The essence of me (a living being) seems to be tantamount to the consciousness, to a psyche or to mental properties generated by my brain.

Saying that every one of us is identical to his/her consciousness as produced by a functioning brain implies that we cease to exist irreversibly once our brain irreversibly ceases to produce consciousness. At this point my unconventional revisionary ontology receives support from the world-wide established brain-related death criterion. According to the brain-related death criterion a patient is dead once the brain has irreversibly ceased to function, even though the organism as a whole might still be kept functioning – sometimes for months or years – with the help of a respirator and other resources that are usually only available in an Intensive Care Unit.

Many people have difficulty in accepting a brain-related death criterion. This is due to the fact that a brain-related death criterion does not match up with an organismic definition of death; and an organismic definition of death is inherent in everyday language and everyday knowledge. According to an organismic definition of death, death has not occurred as long as we are dealing with a functioning organism. Now, so called “brain-dead” patients are functioning organisms. They display heartbeat, metabolism, wound healing and sometimes even pregnancies. “Brain-dead” patients look as though they are alive. Therefore, a brain-related death criterion makes sense only against the background of a mentalistic definition of death.

If it is the case that I have ceased to exist irreversibly (which is tantamount to “being” dead) once my brain has irreversibly ceased to produce consciousness, then – for reasons of logical consistency – it must be the case that I began to exist when my brain produced primitive consciousness for the first time. More generally speaking, the existence of a new living being begins with a transition from something to someone (from an entity without mental properties to an entity with mental properties).

A few objections to my mentalistic definition of “living being”:

(a) *“We cannot measure whether there is (primitive) consciousness in an organism.”*

That is right. However, we can measure brain activity as an indicator for consciousness. More generally, we can agree that a sufficiently developed brain is an indicator for consciousness. Even though there will be disagreement on exactly when this occurs, there will be agreement that at some point in time the brain of a foetus will generate primitive consciousness.

(b) *“There is no generally accepted definition of consciousness.”*

This is right, too. However, there are a number of words that circumscribe the term consciousness, thus making the term intelligible: sentience, perception, mental qualities, a psyche, awareness, feeling, experience, pain, joy.

(c) *“We cannot prove scientifically that there is no primitive consciousness in plants or a six-day old embryo.”*

Anyone who is truly convinced that plants (or other entities) are conscious is fully entitled to regard them as living beings.

(d) *If it were true that I am essentially the consciousness produced by my brain, then I would cease to exist whenever my brain happened not to be producing any consciousness at all; which might be the case in a deep coma or perhaps even in very deep sleep.*

I have no problem accepting intermittent non-existence. It might well be the case that we do not exist intermittently.

Up to this point I have adumbrated my position, against the background of which I will now take a closer look at Cabrera's position on abortion in an antinatalist setting.

The problem of killing and of homicide

Julio Cabrera suggests: *“Abortion already faces too many moral problems for us to want to burden it even more with the moral problems of homicide. Note that in the line of argument presented here, we do not even need any version of “thou shalt not kill!” It is enough to say that, when aborting, we hurt the recognizable autonomy in second or third person of another existing being; we need not say that we murdered someone.”*

Crucial for my revisionary ontology is the distinction between organisms and living beings. As explained above, only living beings can die or be killed. How can we terminologically capture the ontic gap between organisms and living beings in our context? In order to do so I propose the following distinction between embryos and fetuses: an embryo is a non-conscious organism; a foetus is a living being with at least minimal consciousness.

Against this background we will have to say that a minimally conscious foetus can be killed while a non-conscious embryo would not be killed, since it is not a living being. Rather, it would be destroyed. By saying this, I do not claim

that an embryo is a mere thing or a simple entity. Like any other organism, it is much more complex than, say, a stone, a planetary system or a chemical reaction. To a certain extent organisms are “self”-integrating entities – although they are “self”-integrating without having a self. Organisms are “self”-integrating inasmuch as certain chemical reactions run by themselves without any “self” being involved. Similarly, planetary systems are “self”-regulating inasmuch as they can balance out disturbances. If we follow the suggested differentiation, then embryos are destroyed, whereas fetuses are killed, whenever an abortion takes place.

Contrary to the view expressed by Julio Cabrera, I do not see why we should not apply the terminology of “killing”. If a fetus is a living being, then we do indeed kill it in the course of an abortion. Whereas Cabrera says that we do not even need any version of “thou shalt not kill!”, I think this moral directive can hardly be left out of account and has to be addressed. At the same time it is not only the killing of human fetuses that raises moral problems, but also the destruction of human embryos that proves problematic: Even though, in my view, the embryo is not a “someone” who could be affected, many women are traumatised after an abortion. Furthermore, many people take offence at the destruction of human organisms just because they are human (as opposed to animal organisms). A society in which the destruction of human embryos takes place will be affected one way or another because the parlance of the destruction of human entities might seep out from the medical domain into wider regions of society. In this article, however, I will not dwell on the impacts that abortions might possibly have on society as a whole. Suffice to say at this point that the suffering of an average human living being that began to exist as a fetus is ethically infinitely more important than the negative effects that might ensue from the destruction of non-sentient human embryos.

While Cabrera suggests that we should not be preoccupied with the problem of killing, in my assessment this aspect is of paramount importance. Any abortion of a fetus implies the questions: How is the killing of that fetus brought about? And: Will the fetus suffer during abortion? In principle, the more sensitive the fetus is to pain and the longer it takes to kill it, the more

problematic is the killing.

Some people look on abortion as a simple matter. In reality it falls naturally apart into several distinct procedures. Let us carry out a short examination of some of these procedures. One of them is called Salt Poisoning (saline injection) which is applied starting from 16 weeks after conception. Here the foetus is poisoned in such a way that the mother will give birth to a dead foetus within 24 hours. Some foetuses seem to have survived the poisoning ex utero and were left to die. Luckily this method is rarely used nowadays. Intracardiac injection. With this method, a poison is injected into the heart of the foetus where it is supposed to provoke an immediate cardiac arrest. Even if we assume that the cardiac arrest is brought about very rapidly, there still remains the question of experienced pain when the needle is introduced into the foetus' heart. Undoubtedly anti-abortionists have a point here. Therefore, any foetus with a sufficiently developed nervous system should receive pain-reducing drugs before an abortion.

I will not speak here of other abortion methods, some of which are so gruesome they might shock the unprepared reader, as for example Dilation and Evacuation which is applied in week 13-24 after conception. Instead, I would like to make a personal remark. Many years ago, when I had to put my cat to sleep, the vet explained to me how she would proceed. First the cat would be anaesthetised, then she would get an injection into the heart. The mere mentioning of an injection into the heart made me change the vet as there are other methods available. I mention this in order to indicate that even though the cat would not have suffered from the injection, one is also always affected by – and we should always consider – what I call the aesthetical (a neologism combining aesthetical and ethical) dimension of our actions or omissions.

On the whole I find Negative Utilitarianism (NU) to be a convincing moral theory. It implies a principle according to which any entity capable of negative states of consciousness deserves ethical consideration. At a first glance this leaves us with the problem, highlighted by many critics, that according to NU we may feel free to demolish beautiful or complex artworks or organisms,

landscapes or biotopes as long as no sentient or conscious entity is affected. However, what about “sacred stones”, “holy rivers”, churchyards or human corpses for example? Do we have the unqualified right to destroy sacred stones and to straighten out (holy) rivers as long as no sentient or conscious entity is negatively affected? This is where an aspect of respect, appreciation, awe or esteem comes into play. I would argue that, even from a NU perspective, human life would be much poorer if people lost all awareness of said categories. As opposed to the vantage point of deep ecology, however, I do not hold that stones, moving waters, mountain chains or lifeless deserts do have intrinsic value; rather I hold that, to our own benefit, we should appreciate traditions that find value in such entities as mentioned above. Since I do not hold that non-sentient trees, mountaintops or early embryos have intrinsic value I am not entitled to consider them as moral-ethical entities. Therefore, I suggest an aesthetical dimension as a categorical tool in order to express more or less succinctly what I am aiming at. The “aesthetical” is a blend of the (ethically non-binding) aesthetic and the (binding) ethical. It’s a neologism that might serve to capture a dimension in which the aesthetic and the ethical shade of into one another.

Against this background, how can I be “in favour” of abortion? Well, I am not unconditionally and simply in favour of abortion. In and of themselves (even without having or being a proper mental SELF) organisms – as ontologically “self”-identifying entities since they are “self”-developing or “self”-maintaining – are ontologically high-ranking entities. As such, from an aesthetical vantage point, they certainly deserve a higher degree of respect and consideration than, say, stones. However, there are ethically overriding considerations that come into play: first and foremost, inevitable future suffering that the embryo will experience if we allow it to continue to develop into sentience and, secondly, the suffering that it will cause to other sentient beings once it is born or even before as a foetus in its mother’s womb. To close this elaboration with an anecdote: I remember a colleague of mine reporting that her foetus had “tried to kick out her liver”.

From what I have said so far it emerges that my basic ethical

commitment is to the avoidance of suffering. This position can be called negative utilitarianism, which informs my version of antinatalism. Cabrera's position and the ensuing results are substantially different. For Cabrera, the destruction of an embryonic organism is an ethically far more serious matter than it is for me, but for me the killing of a foetus is a much bigger ethical challenge than it is for Cabrera. How big a challenge is it for me against the background of antinatalism? I am far from being an anti-abortionist. Nevertheless, I support all efforts aimed at avoiding foetal pain. Therefore, inasmuch as there is someone else inside a womb (and not just something), I do not fully endorse the popular exclamation "My belly is mine". Women's autonomy is of the utmost value; but likewise of the utmost value should be our obligation to prevent unnecessary pain in sentient beings, including human foetuses.

Autonomy versus sentience

According to Julio Cabrera, the deliberations above are of only secondary importance since the moral admissibility of abortion should be discussed rather in terms of autonomy than in terms of sentience. Why does Cabrera not base his argument on the concept of "life"? He says: "Most philosophical problems deal with ambiguous situations and diffuse concepts. (...) 'Life' is a relevant concept for the question of whether or not to recognize the autonomy of something in the woman's body; but it is a typical case of a concept with diffuse contours."

I do agree that "life" is a highly diffuse concept, since what we encounter in the world is not "life" (or at least we do not encounter "life" in the same way in which we encounter "water"). What we encounter are distinct living beings. "Life" is a mass-noun which, unlike water, has no counterpart in reality. This diffuseness is decreased, however, if we do indeed replace the term "life" with the term "living being". On my mentalistic account, a living being is an entity – "someone" as opposed to "something" – that can be affected by our actions or omissions because it is sentient or has mental properties.

Cabrera invokes “the anti-intellectualist tradition of European philosophy”, from Schopenhauer down to Heidegger; ‘To exist’ is not primarily, in this tradition, to acquire awareness and self-awareness but to be launched into the world contingently and towards death, in a radical facticity. This has already happened at the moment of fertilization; the primary existential elements with which some human existent will have to build his or her own project are already present at this moment in the woman's body, and the act of abortion cuts this process off halfway.

Even if we concede that “to exist” does primarily mean to be thrown into the world towards “death”, what exists towards death will still have to be a living being. For Cabrera the thrownness into the world towards death begins with fertilisation which according to him, goes hand in hand with the constitution of autonomy. Cabrera presupposes the givenness, in the pregnant female body, of all the elements from which the zygote (the fertilised egg) will have “to build its own projects”.

Against the background of the concept of autonomy, the destruction of an embryo is ethically far more problematic for Cabrera than for me. Whereas I argue that, as regards the question of the destruction of an embryo, it is first and foremost the autonomy of the pregnant woman that must be taken into account, Cabrera considers that an autonomy of the embryo itself must be respected. Cabrera stresses that “recognition of the autonomy of this something in the woman's body is not entirely grounded on objective data, but it is also a personal and social decision that those involved in the situation have to make.” But why should we make this decision if the alleged autonomy is not the autonomy of someone, if there is no “you” in the embryo? Though massively more complex than a chemical reaction or a planetary system, an embryo is nonetheless the organismic sum of myriads of chemical processes which are regulated by an interplay of its maternal environment and the embryo's genetic material. There seems to be no room for autonomy.

Let us consider another statement of Cabrera, hoping that it will lead to a better understanding. At conception, according to Cabrera, “one gains not only

a physical biological animal body, but a biographical, metaphysical corporeality. (...) In this existential vein, 'life' refers not only to the biological, but also to the biographical element." Cabrera argues in favour of embedding anti-abortionism into antinatalism because he wants to respect and protect an autonomous-biographical element. However, where he believes he identifies autonomy I can only discern developmental plasticity: The developmental course of an embryonic organism depends upon countless environmental factors as well as upon the organism's DNA. I not only challenge the claim that the fertilized egg constitutes a living being and its "thrownness" towards death (as, in my view, life only begins later, with the emergence of primitive consciousness); I also challenge the claim that an embryo "has the potential" to become a newborn since embryos "normally" become a foetus which is then born as a baby.

Cabrera does not take into account here the fact that some 50% of all fertilized eggs or early embryos get lost in spontaneous abortions. When a spontaneous abortion occurs, the pregnant woman usually does not even know she was pregnant. Since a huge number of all pregnancies end in spontaneous abortions one would have to amend Cabrera's original claim as follows: Many fertilised eggs are "thrown towards spontaneous abortion". For him, spontaneous abortions as well as intentional abortions imply the death of an embryo. And, more importantly, in both cases the autonomy of the developing embryo would be thwarted and a biography would be cut short. For this reason, in the final analysis, his moral theory would have not only to comprise the commandment to abstain from abortions but also the commandment to ensure some ethical prevention of spontaneous abortions. What can women or society as a whole do to prevent spontaneous abortions? Recommendations are to reduce the consumption of caffeine and nicotine, not to work shifts and nights and to ensure an optimal supply of nutrients.

On closer inspection, the following question becomes increasingly pressing: How can we respect an alleged autonomy or even a biography when there is no one there who could be said to have experiences? Could we even conceive of the biography of one of those billions of embryos that get lost in spontaneous abortions? Even though this question might seem unfair, it points

to the basic difference between a sphere of mere biology and the sphere of culture. It would be difficult to write the biography of a mammal as highly developed as a house cat and it is still more difficult to even conceive of the biography of an embryo. I do not want to convey the wrong impression here that I reject existential philosophy as such, although I do think it is inappropriate to embed embryos into an existential sphere on a par with, or above, the biological sphere.

While it seems highly questionable to me that a fertilised egg cell contains the essential material for a biography, according to Cabrera's "conception of 'existence', something begins to exist as soon as it is affected by facticity, which happens as a brute (and brutal) fact at the time of conception. (Sperms have no facticity). From this moment on, we can say that the relevant materials for an existence are already there." Here the question arises of why a zygote should be more worthy of protection than the parental gametes (egg and sperm cells). Why shouldn't two gametes contain equally relevant material even though they are still separated? Embryonic existentialism contains an intriguing narrative. However, it might be difficult to convince people of this narrative who do not already have a penchant in this direction.

Ultimately, Cabrera advocates embedding anti-abortionism into anti-natalism because, so he says, the wider rationale behind abortion would justify the killing of any human being who, by being killed, would be spared future suffering. But such a killing, Cabrera says, is an act of total manipulation, even in the case of a non-sentient embryo. Cabrera parries the objection that an embryo is not presently a person by pointing out that it is bound to become a person if things go "normally". In the case of an abortion, he claims, a future person is deprived of the possibility of choosing his or her own death, i.e. of committing suicide. This metaphysics of deprivation might appear convincing at first sight. On reflection, however, one must admit that "future persons" do not exist yet. One cannot even conceive of them as half-existing entities. Therefore, a future person cannot be "deprived" if this person never begins to exist. First and foremost, a non-existing person (or living being) cannot be deprived of its existence.

Even though I greatly appreciate Julio Cabrera's philosophy on the whole, I cannot help but perceive his anti-abortionism as a variety of ethical rigorism, not to say a cynical existential rigorism or even a suicide-cynicism. He wants to protect embryos and fetuses from abortion in order for us to be able to face the following question: "If you don't like being in this world, why don't you commit suicide?" Against the background of his unique antinatalist oeuvre, this seems strange. For Cabrera, life has no value, but everyone should decide for themselves – autonomously – what to do with it. Abortions, therefore, are ethically unjustified. At this point something like a dialectical transition takes place: Cabrera articulates the view that we must, first and foremost, gain the autonomy necessary to end our lives. This requires being born and being subjected to a long chain of sufferings. He wants non-sentient embryos to morph into sentient fetuses and then to be born and to grow up in order for them to understand that it would have been better not to have begun to exist. Once conceived, however, on Cabrera's account, being born is better than not having been born. There remains, however, the question: better for whom, if the early embryo is only "something" rather than "someone"? Better for no one?

What is more: For Cabrera, autonomy is given at conception and must be respected by abstaining from abortions. At the same time, he stresses that autonomy must first be gained in the course of one's mental development after birth. He operates, that is to say, with two very different concepts of autonomy, only one of which seems appropriate, since it is hard to conceive of a "recognisable autonomy" in early embryos.

KILLING, MANIPULATION AND SUICIDE (Replies to Karim Akerma), by Julio Cabrera

.1. I really appreciate the effort that Karim Akerma has taken to read my text and comment on it. A first doubt that his text raises, comes from the fact that he dedicates the initial pages to expounding his own point of view (a very interesting mentalist theory of the human being and its impact on the question of abortion). This strategy can have at least two purposes: (a) To expose his approach next to mine to show differences and contrasts; (b) Exposing his own approach as being the correct one and criticizing mine as incorrect for not agreeing with it. What would I like to ask Akerma is this: doesn't this second purpose seem problematic? It is one thing to say: "While Cabrera conceives the human being as an existent thrown into facticity, Akerma conceives the human as a conscious living being" and another is to say: "Cabrera is wrong to conceive the human being as an existent thrown into the facticity because he should conceive it as a conscious living being". Can a philosophical approach be criticized because it does not adopt the presuppositions and conclusions of another philosophical approach? (I will return to this methodological question later)

Although he uses many "perspective expressions" (such as "I defend the view", "On my account", "my Archimedean point", "In somewhat Cartesian style", "crucial for my revisionary ontology", "in my view", "in my assessment", "on my mentalistic account") there is a sentence that seems to claim exclusivity: "Seriously challenging this claim, which is not only deeply rooted in everyday language but also in everyday practices, would lead to moral and societal anarchy". I ask: does this sentence mean that we would be forced to assume the mentalist perspective as the only way to avoid moral and social anarchy?

I'm going to divide my responses to Akerma into three subjects: Don't kill, Don't manipulate, and Don't kill yourself.

(I). DO NOT KILL

.2. This is an issue that I consider lateral in my text, although not in my philosophy in general. The principle of "do not kill" is widely used in my two recent books⁴. It is perfectly possible to use that resource; I'm just saying it's not necessary from my present perspective on abortion. A fundamental question here (and one that will run through the entire discussion) is that I always use two equally important moral principles within anti-natalism: avoid suffering and do not manipulate (points (2) and (4) of my text), while in Akerma, and perhaps in most antinatalists, the first principle tends to be much stronger than the second. He writes: "... *my basic ethical commitment is to the avoidance of suffering*" and "... *I assume that it is in view of the evils of the world that people become antinatalists*". In a line of argument that - like mine - puts a strong accent on the principle of non-manipulation, "you shall not kill" is still a possible resource, but not necessary, since killing is a form of harm, and in my text, I do not accentuate damage, but manipulation (although the two principles have to be taken into account).

.3. In addition to not being logically indispensable (in my approach), considering aborters as murderers, I recently began to see it also as a rhetorical element of unnecessary violence; I prefer to say that aborters prevent the development of an existent from its facticity rather than say they are criminals. But in addition to these two reasons for leaving aside the question of killing, there are also relevant moral differences between eliminating an existent with first-person autonomy (as is the case of homicides) and eliminating an existent with attributed second and third-person autonomy (as in the abortion case). In the first case, we eliminate an existing being that wants to continue to exist, while in the second case, we eliminate a being that we, in the second and third person, decide to eliminate (in case we perform abortion). I do not see that this has the same logical and ethical structure as murder, and that is why it seems more appropriate to reserve the category of murder for the elimination of beings with first-person autonomies.

⁴ Mal-estar e Moralidade (Brazil, 2018, pages 606-608) and Discomfort and Moral Impediment (England, 2019, pages 210-211).

.4. My next question is the following: in the first pages of his text, Akerma enters an interesting disquisition about "killing" and "eliminating" and then in an exhibition on painless or painful ways to abort. But is this relevant to criticize my approach? There is no doubt that this disquisition is crucial in the mentalist approach, but why should it affect my line of argument, based on non-manipulation and third-person attribution of autonomy? He writes: "*Cabrera's position and the ensuing results are substantially different.*" Yes, it is different, but does that mean that my position is wrong or unsustainable? The only statement that seemed to refer to my text, in those first pages, is when he states that "... *for me the killing of a fetus is a much bigger ethical challenge that it is for Cabrera*". But if I gave abortion the category of murder, the pro-abortion could prove that there is nothing there that can be "killed". In my line of argument I can accept this, because although there is nothing in the abortion situation that can be killed, there is something that can be manipulated and prevented from developing its existence from the facticity already present in the conception.

It is true that my line does not protect human embryos or sperm, because they do not exist, they have not been launched into facticity as a result of the sexual intercourse. But it is also true that it radically protects fetuses because I am not only concerned that it is killed painlessly (as Akerma is concerned), but that it is not killed at all. Not killing the fetus (that is, the anti-abortion position) is a drastic solution to the problem of not killing it with suffering. Failure to abort guarantees zero suffering to the fetus.

(II). DO NOT MANIPULATE

.5. Akerma insists that one cannot speak of "autonomy" of the fetus or embryo or of a lot of cells, and that there is no place there for any "biographical" element. Well, I don't deny any of this in my approach, where a fundamental piece is the distinction between first-person autonomy and third-person autonomy. Akerma never uses this distinction (he only mentions it in a quote from my text, but he does not analyze it). He even, at the end of his text, sees

my notion of autonomy as "questionable", but the afore mentioned distinction is fundamental to understand my idea about autonomy in the abortion situation. In section (5) of my text, I say: *"As it is clear that this something in the mother's body does not have autonomy in the first person, we can decide - following a certain line of argument - to eliminate it as not belonging to the moral community; but we can also decide to recognize this autonomy in second or third person, a possibility that was not present in the case of abstention"*. I do not have two different notions of autonomy or a confused notion just because I distinguish between an autonomy recognized by others and an autonomy experienced in the first person.

My argument points to two aspects of the same process: someone, in second or third person, may or may not recognize autonomy now to the something in the mother's body, by virtue of the facticity that the something has now. Another aspect of the same process is that that something whose autonomy is recognized now will have, in the future (if we do not abort it) a first-person autonomy. Here there are not two "contradictory" notions of autonomy: there is a recognized autonomy in 2-3 person that is present and there is an autonomy, of the first person, that will emerge (if we do not abort it) in the future. To think that we have two contradictory concepts here would be like considering childhood contradictory to maturity.

.6. It is clear that the fetus and the embryo do not have a first-person autonomy or biography or existential projects. My point is that at least one member of a certain human society (and, indeed, many members) has the right to decide, based on their beliefs and knowledge, that that something in the mother's body deserves recognition of autonomy in second or third person. (I am one of those persons), even if that something is not "someone", it is not an "I", it does not have "conscience", etc. It is enough for that second or third person that the something in the woman's body is the elemental material of an existence, in the sense explained in points (8) and (9) of my initial text, when I present facticity).

(Incidentally: returning to the European philosophy of existence from the 40s to the 60s of the 20th centuries is not a gratuitous resource, since many years

before analytic philosophy addressed issues, such as meaning and value of life, death and suicide, the philosophy of existence had already addressed these subjects many decades before).

.7. Again, my initial doubt arises here: at various points in Akerma's text I find statements where my existential conception of human seems to be rejected because it does not fit into the mentalist notion of human: *"Even if we grant that 'to exist' does primarily mean to be thrown into the world towards 'death', what exists towards death will still have to be a living being"*. Of course, but the problem is that, in my approach, existents can be seen as living beings in their most primitive existential stage, while, for Akerma, only the presence of consciousness grants that something is a living being. It seems to me that there are several texts by Akerma where it is suggested that my notion of human is wrong because it does not coincide with his. For example: *"But why should we make this decision if the alleged autonomy is not the autonomy of someone, if there is no 'you' in the embryo?"*, Or: *"how can we respect an alleged autonomy or even a biography where there is no one there who could be said to have experiences?"*

Of course, if one places my idea of second- or third-person autonomy within Akerma's own approach to human, the idea becomes absurd: if we assume that a living being starts only with consciousness, attributing 2–3-person autonomy to something before consciousness must be totally absurd. The idea only makes sense if one assumes my notion of human, not his. There is here, perhaps, a situation of incommensurability. In my negative approach to argumentation (see below) I prefer to say that we are here in front of two perfectly sustainable approaches to the human. There is no reason to reduce one to the other, although we may prefer some of them.

.8. That the decision of accepting the something in the woman's body belongs to the moral community is made by the community itself is a fundamental piece of my approach. In Sartre's philosophy of existence, a strong

distinction is made between "being-for-oneself" and "being-for-another."⁵ The autonomy of something in the mother's body is typically a socially conferred "being-for-another": whether or not we are going to recognize that there is something there that we can eliminate or not, it is something that, in the past, was positively decided through religious categories ("there is something there given by God that we cannot destroy"), and in our time it tries to decide negatively through scientific categories ("there is nothing there that is immoral to destroy"). But in both cases the decision is not, primarily, religious, or scientific, but social and made within a community. Neither religious nor scientific categories "impose themselves"; a community has to decide if religious or scientific categories predominate and allow decisions. In the philosophy of existence, there is no element - natural or supernatural - that simply falls on the heads of the existents without their having decided to accept them as morally valuable or deprived of moral value.

.9. This recognition - socially mediated - of "autonomy in the third person" is not enigmatic. It is a very restricted notion of "autonomy", if compared with first-person autonomy. A first-person autonomy regarding human life means that I consciously decide, for example, to continue living, or I decide to procreate, or have an abortion. All these are decisions originating from first person autonomy (mine in each case). A third-person autonomy, on the contrary, is a reconstructed autonomy, partly attributive, since the someone who should express itself in the first person cannot do so (because he/she is in a coma, or seriously ill, or because he/she is very old or very young or because he/she died, etc). In all these cases, the others attribute autonomy, in the third person, to those beings who cannot manifest themselves in the first person. We say things like: "If they could talk, they would decide to unlink the devices", "If they could decide, they would not leave all the money for the family", etc. We are very frequently doing these attributions in the third person, because in many situations the relevant and involved people cannot, for one reason or another, express themselves in the first person.

⁵ Sartre J-P. Being and nothingness, Part III, chapter 1.

.10. This is a resource that, in fact, is also used by pro-abortion antinatalists when they declare that they are going to abort to rid the future being of the sufferings of life. Here it is assumed in second or third person that if the fetus could manifest itself, it would ask to be aborted to avoid all these sufferings. It does not have first-person autonomy to ask for that, but the pro-abortion assigns it a third-person autonomy and, by aborting, they consistently pretend to be respecting that third-person autonomy of someone who cannot talk in the first person. Or, in Benatar's terms, by aborting we attend to the "interests" of the aborted, which cannot be expressed in the first person. Why can't the anti-abortion use the same resource? He may suppose that the fetus, if it could speak in the first person, could ask to be allowed to continue to develop and live a life, despite suffering. (This does not apply, of course, to the case of abstention from procreating, where there is nothing in the woman's body whose autonomy must be reconstructed in the third person, as I explain in point (2) of my initial text).

.11. In the case of the discussion on abortion, we therefore have two autonomies reconstructed in the third person, one from the pro-abortion position and the other from the anti-abortion position: one from the pro-abortion position and the other from the anti-abortion stance, and we cannot rule out any a priori. We come here to the central question. My anti-abortion argument is basically that aborting is immoral because the elimination (even if painlessly) of something in the mother's body, which is already an elementary existent thrown into the world contingently towards death, is unilaterally decided, offending the reconstructed autonomy in third person of the new-born.

.12. The pro-abortion makes the decision to abort using a single principle, avoiding suffering, leaving aside the principle of not manipulating or giving it much less relevance. With this, the pro-abortion exercises a unilateral and paternalistic right to decide for the other, in the third person, to avoid the sufferings of life. But we have no guarantee that the new-born will share our conception of life. If human life were something so horrible that, a few years after being born, people killed themselves because living was unbearable, then that paternalism would be more justified, because we would free those who are

born from a horrible future. But even antinatalists admit that, although life is never worth starting (and we all fully agree on this), in most cases it is "worth continuing." We do not have, at the time of abortion, any guarantee that the one who has already been contingently thrown towards the end in a human body, and that we are preparing to eliminate - will not be within the set of those who consider life "worth continuing".

.13. Thus, if we decide to eliminate it, we cannot say with certainty that we do it "for their benefit" (although, certainly, as in most abortions, we can say that aborters are benefited), nor that I defend their "interests" because everything I know about those interests I know in the third person, and the pro-abortion and anti-abortion have two different third-person reconstructions of those interests. Therefore, my idea is that you do not have to procreate, but once you have made that primordial error (the fundamental sin within antinatalism), now you have to let that existing person decide what to do with the poor quality of their life. (This is exposed in point (17) of my initial text). You cannot simply throw away the product of the error or erase one manipulation with another.

.14. There are some related questions: (a) Akerma is right that it is difficult to speak of "towards death" in the case of the embryo. In my most recent books, I prefer to speak of "terminality" than of "death", since everything ends in the world, even if not all things die. What we interrupt when we abort, in an external, manipulative, and unilateral way, is the terminality of a human being. (b) I couldn't understand Akerma's observation about spontaneous abortions. It is obvious to me that we are always talking about intentional abortions; miscarriages cannot be morally judged; I ask, please, a clarification on this; (c) But that issue of spontaneous abortions is useful because it raises the logical question of the "practical scope" of a theory. It is sometimes said: "If you consider abortion immoral, you should consider contraceptives immoral". But when taking contraceptives, we do not offend anyone's autonomy not even in the third person, because there is nothing from whom such autonomy can be reconstructed (section (2) of my text). And, on the other hand, also the pro-abortion line faces problems of "practical scope", of the type "If you consider

abortion moral, you should consider infanticide and merciful murder moral". Every theory faces problems of "practical scope", so that this problem alone cannot be a decisive reason for choosing to be pro-abortion or anti-abortion.

(III). DO NOT KILL YOURSELF

15. I have gone through all my text without finding any sentence where it is said that "If you don't like life, you can commit suicide." The only thing that is said (in point (13)) is: *"It can also be argued that, from not having an abortion, this being that was already manipulated in procreation will then be subjected to several other manipulations. That is true. It is a tragic situation where both sides lead to manipulation. However, by not aborting, that something will, in the future, have the opportunity to do something autonomously with its own facticity instead of being paternally decided by others"*. Akerma may be referring to some other text of mine that he knows. But for the sake of argument, I will briefly answer.

.16. I think there is cynicism in the phrase "If you don't like it, then you commit suicide" in the procreation situation, but not in the abortive situation. In several places in my books, I have already denounced this cynicism in the case of procreation. For example, I wrote: *"The idea of 'I give you life and if you don't like it, you commit suicide' seems to me to constitute the pinnacle of the immorality of procreation, since the dubious quality of life is accepted, and it is assumed that 'interrupting life' is an easy and available task. (...) If there is no certainty about the value of life and, above all, of its good reception by the person born, it seems more austere to abstain from procreating than to give life and then open the door of suicide for the other. This way of conceiving a supposed 'freedom' of the human for self-elimination (...) is reckless and difficult to justify, in addition to showing cruelty"* (Mal-estar e Moralidade, p. 516). I not only denounced suicidal cynicism for being cruel, but also for assuming that suicide is a simple act (one more critical element, to add to those that Akerma presents).

.17. But in the abortive situation, I think the attitude of not aborting is not

cynical when it leaves the existing ones to decide what they are going to do with the poor quality of their lives. It is cynical and cruel that we bring someone out of nowhere and then tell them that, if they don't like life, to kill themselves. But, in my approach - as explained in point (2) of my initial text - in the abortion situation there is already something in front of which we have to take a position (for or against), which there was not in the abstention situation. There is no risk of unilateral paternalism in the abstention situation, as there is (in my perspective) in the abortion situation. Thus, there is no cynicism when we prefer not to abort it, but respect for its reconstructed autonomy, because the one we are prepared to abort - and whose autonomy we reconstruct in the third person - does not have to share my ideas about human life; or it can share them, but still want to be born into a world full of suffering, however irrational this attitude may appear.

It is clear that the pro-abortion strategy in general (I am not talking here specifically about Akerma's position) is to try to convince ourselves that there is nothing in the mother's body, that the situations of abstention and abortion are identical. From a perspective that denies the distinction between abstention and abortion situations, there will be cynicism in both, which shows that the real point of dispute is not cynicism, but whether we are going to make an ontological, logical and moral difference between the two situations: abstaining from procreating and abortion.

SECOND REPLIES TO JULIO CABRERA, by Karim Akerma

First of all, I would like to thank Julio Cabrera for his patience in making his position even clearer to me than before. His efforts have paid off, because I now think I understand him better. This concerns in particular his statements on autonomy. Before I address Cabrera's concept of autonomy, however, I owe it to him to answer the following question: He asks why my response to his text begins with an exposition of my mentalist definition of the terms "the beginning of a life", "the end of a life" and "living being". Obviously, Cabrera would have expected me to jump straight into an argument with his own theory without further preparation. As much as I would have liked to do so, I believe I would not have been well advised to do so. For my mentalist perspective is so unusual that I simply cannot assume familiarity with it among the readers of our debate. For this reason, I have taken the liberty of first familiarising possible readers of our discourse with the basis on which I criticise some of Cabrera's propositions.

In his reply, Cabrera raises a second question that deserves an answer right at the beginning. Cabrera says: "... there is a sentence that seems to claim exclusivity: 'Seriously challenging this claim, which is not only deeply rooted in everyday language but also in everyday practices, would lead to moral and societal anarchy'. I ask: does this sentence mean that we would be forced to assume the mentalist perspective as the only way to avoid moral and social anarchy?"

Unfortunately, Cabrera quotes my reflection in an abbreviated manner that does not allow my intention to emerge. My claim remains unmentioned and readers unfamiliar with my mentalist definition of "living being" must think that I am making an unjustified claim to exclusivity. In truth, however, I claim the following:

"The starting point for my revisionary ontology is the claim that you and I, as communicating people, are living beings. – This is my Archimedean Point. Seriously challenging this claim, which is not only deeply rooted in everyday language but also in everyday practices, would lead to moral and societal

anarchy. Assuming that at least I myself am (and that you are) a living being I proceed to ask: What am I (and what are you) essentially?"

Having quoted here the statement that Cabrera unfortunately leaves unmentioned, I would like to ask again in all humility: can we really doubt in all seriousness that the human reader of these lines or that Julio Cabrera or I, while discussing, are living beings?

In fact, I think we would end up in negative anarchy if we seriously stopped thinking of ourselves as living beings within our communication community, our discussion community, and our community of action. If we were not living beings, for example, large parts of our moral convictions or of the criminal law would become irrelevant. There would be no more robbery-murder, anyone could kill any other person to get their belongings. Anyone could kill anybody, as this would no longer be conceivable as killing at all if we are not living beings.

In summary: The statement that the readers of these lines, that Julio Cabrera and I as participants in a discourse are living beings, seems to me not arbitrary but compelling. That is why I spoke of an Archimedean point. At least we who discuss with each other are living beings. And if we succeed in finding out what we essentially are, then we have an answer to the question of what generally constitutes a living being. Essentially, I think we are a minimal consciousness. This corresponds to my mentalistic definition of the term "living being" as I had explained it in my first answer to Cabrera.

Against the background of what has been said so far, I now turn to Cabrera's concept of autonomy. My main problem with his concept of autonomy is that it is highly decisionistic. This does not apply to what he calls "autonomy in the first person" but to his concept of "autonomy in second or third person". In Cabrera's approach there is a cardinal difference between "first-person autonomy" and "second- or third-person autonomy". First-person autonomy refers to a self. You and I have first-person autonomy because we are experiencing and intentional beings who pursue goals. By contrast, third-person

autonomy for Cabrera is an autonomy that is only attributed to an entity (e.g. an embryo). In other words, first-person autonomy is an autonomy that is ontically given (it is real), whereas third-person autonomy is conferred on an entity by beings with first-person entity. Third-person autonomy is not assumed as ontically given but is ascribed by third parties. And it seems to me that it can only be ascribed as an as-if. Third-person autonomy is an as-if autonomy.

In Cabrera's words: "It is clear that the fetus and the embryo do not have a first-person autonomy or biography or existential projects. My point is that at least one member of a certain human society (and, indeed, many members) has the right to decide, based on their beliefs and knowledge, that that something in the mother's body deserves recognition of autonomy in second or third person (I am one of those persons), even if that something is not "someone", it is not an "I", it does not have "conscience", etc. It is enough for that person that that something is the elemental material of an existence..." This statement seems highly problematic to me, since third parties can make all conceivable attributions, disregarding the fact that something real will have to correspond to the attributions. For example, members of human communication communities can decide to attribute autonomy to plants; or they may decide that a well is animated by a spirit, or that there are mountain spirits (a view held by Paracelsus [1493–1541]). Perhaps this list sounds unfair. But then what about human gametes, that is, egg and sperm cells. Gametes are elemental material in an even more basic sense than an early embryo. On the basis of Cabrera's considerations, one could also ascribe an as-if autonomy to the gametes. In the form of an egg and a sperm cell, we have before us under the microscope that which Cabrera calls "the elementary material of an existence".

At this point I should perhaps make a comment on existential philosophy. Contrary to what Cabrera may believe, I am convinced that existential philosophy has made indispensable contributions to the understanding of our being-in-the-world. Kierkegaard's (1813-1855) *The Sickness unto Death* makes manifest the insight that our self was not chosen, it was posited. And in this vein, Karl Jaspers (1883-1969) reflects in his book *Existenzerhellung* (Illumination of Existence), "I have not consented to my existence." Cabrera

wants to respect in the embryo an autonomy that he himself says is not given. Rather, this autonomy is attributed. If we now stick to existential philosophy: Can we not then with equal justification ascribe to the embryo a fear of life or a death drive and call them third-person fear of life or third-person death drive? And shouldn't we respect it by "coming to the rescue" of the embryo by interrupting its development? Why should our attribution of autonomy take precedence over other attributions?

Similar to Karl R. Popper (1902-1994), Cabrera has repeatedly pointed out that philosophical debates outside the realms of logic and perhaps mathematics never reach conclusion. Popper held that our reasoning is never compelling or without gaps. We must always weigh reasons against each other and decide which reasons should carry more weight than others. Against this background, even the formation of philosophical opinion always involves a moment of free decision. And of course, it is Cabrera's right to ascribe as-if autonomy to the embryo.

However, for all my esteem for existential philosophy praised by Cabrera, our attributions should not be arbitrary and should not simply be an extension of our desires. The desire to have an argument against abortion may be the father of the idea that we can agree to attribute an as-if autonomy to an embryo. Similarly, anti-abortionists have said that the embryo right from conception or shortly after conception contains a potential or a soul and therefore should not be manipulated or destroyed. What is being defended here, however, is perhaps not so much the embryo as a prior worldview of those who defend the embryo.

After these critical remarks, I would like to mention where I agree with Cabrera's concept of third-person autonomy. It seems to me that this concept makes sense where he speaks of a "reconstructed autonomy" referring to the following cases: "... *he/she is in a coma, or seriously ill, or because he/she is very old or very young or because he/she died, etc).*" In the above-mentioned cases we are dealing with people who are living or have lived and who have or had desires or goals. In the case of a not yet minimally conscious embryo,

however, this is not the case. I fail to see how we should reconstruct (reconstruct) an autonomy that never **existed**. We could at most anticipate this autonomy.

Let us return to Cabrera's further argument. After attributing autonomy to the embryo, he argues that embryonic autonomy can in principle manifest itself in two different ways: *"In the case of the discussion on abortion, we therefore have two autonomies reconstructed in the third person, one from the pro-abortion position and the other from the anti-abortion position, and we cannot rule out any a priori."*

Because we do not know how the embryo would decide if it were a self-aware person, Cabrera says, we must not anticipate the decision. Cabrera supports this argument by saying:

"... even antinatalists admit that, although life is never worth starting (and we all fully agree on this), in most cases it is "worth continuing." We do not have, at the time of abortion, any guarantee that the one who has already been contingently thrown towards the end in a human body, and that we are preparing to eliminate, will not be within the set of those who consider life 'worth continuing'."

There is a stalemate at this point for Cabrera: So far, it is not possible to decide whether a future person would affirm or reject its existence. Against the background of this stalemate the decisive factor against abortion, according to Cabrera, is the aspect of manipulation. In the case of an abortion, the commandment not to manipulate another human being is violated.

Although I have benevolently tried to take into account Cabrera's anti-abortion position more circumspectively than in my first reply, I fail to understand why a mere attributed autonomy (a mere as-if) should be decisive for the question of whether a (non-sentient) embryo may be aborted or not. Against the background of Cabrera's explanations, the manipulation can be only a third-person manipulation, only an as-if manipulation. And, more importantly, a violation of first-person preferences can only occur if an unconscious embryo

is not aborted. For only in this case will a person later exist who could say: I wish I had never begun to exist!

The question of whether one can simultaneously argue for antinatalism and against abortion comes to a provisional conclusion at this point. The contributors have exchanged their arguments and tried to find weaknesses in the presentations of the opposing position. Nevertheless, it seems that no participant in the debate has succeeded in dissuading another contributor from his or her position. What is the reason for this? It is because the contributors are not prepared to admit weaknesses in their own argumentation? Or is it because the respective counterarguments were not strong enough? To be able answer this question, we would have to enter into a debate again. For the time being, therefore, we have to make do with the following general remark by Julio Cabrera:

“Every philosophical argumentation is endless, including the argumentation sustaining the unending character of argumentation” (J. Cabrera, *Discomfort and moral Impediment*, Cambridge Scholars Publishing 2019, p. 22).

BETTER NEVER TO HAVE ARGUED? By Julio Cabrera

Introduction: Return to the primary intuitions

An initial difficulty I found in developing my line of argument was that it does not fit entirely into the form that the abortion debate has historically taken. I am not a conservative or a pro-life or a pro-choice in strict terms. In my approach, there is a set of intuitions about abortion that I tried to preserve by using some categories taken from the philosophy of existence (notably Heidegger's and Sartre's). Depending on how we understand and practice philosophy, when faced with a conflict between intuitions and sophisticated arguments, we will give priority to one or the other. The intuitions that I have wanted to preserve in my line of argument are exposed in the following simple story:

A man H and a woman M have sexual relations, regularly or not, but they do not want to have children; they are, therefore, antinatalists. They take all the necessary care, but by some more or less conscious accident, the woman becomes pregnant. Both feel that they are now in a different situation than before; now they have to make a decision regarding what is in the woman's body as a consequence of their sexual intercourse, a decision that they did not have to make before. A possible decision, very plausible within the antinatalist attitude, is to get rid of that something; pragmatically, this would be the most convenient decision, since they did not want to have children and they believe that the world is full of suffering. Before making that decision, they see what is in M's body as something that already exists, and that it exists as a result of their sexual intercourse, and that, when it develops (if there were no physical, artificial or natural impediment) it may have an interest in living life despite its drawbacks. They both, and M in the first place, will have to make a decision, always insecure and dramatic, for which they will have to take responsibility. H and M decide not to interrupt the process and have the child, so that he/she can decide later about the life they generated.

I don't see these intuitions facing insurmountable inconsistencies or

handicaps. The problems arise when one tries to put these intuitions in arguments. Perhaps I have not been competent in the choice and use of the terms "nothing", "something", "autonomy", "facticity", etc. in my attempt to reconstruct these intuitions through categories of the philosophy of existence. Akerma's objections have had the merit of helping me try to improve these formulations. Nevertheless, my initial aims were modest and continue to be so: (a) I defended my anti-abortion argument as *tenable*; I did not present it categorically as an absolute truth, nor with the capacity to "refute" pro-abortion arguments, but as a plausible line of argument that aims to show the morally problematic nature of the act of abortion. (b) I defended that this argument is *compatible* with the AN, not that AN *should* adopt it.

PART I. Recovering the initial argument.

(1). Ontological difference revisited: something and nothing. In my original text, I apply the term "nothing" exclusively to the case of abstention from procreating, at the level of the mere idea of having a child. I do not apply the term "nothing" in any other circumstance. It is a radical notion of "nothing", the nothing that appears when we say: "We are wanting to have a child, but we are not decided yet", and when nothing has happened in the woman's body. Outside of the mere idea of having a child, at any time in the process in which some element of pregnancy is found in the mother's body, we already have something that may or may not deserve recognition of the autonomy of 2-3 person from the others.

In the common language in which we make philosophy, "something" and "nothing", "someone" and "nobody", are usually terms relative to context. When we say that "there is nothing" in the refrigerator, we do not mean literally that there is absolutely nothing; we mean that there are no foods that we like. When we say that, at a party, "there was no one", we do not literally mean that there was absolutely no one, but that there was no interesting persons or friends. To ignore these context indexes is to apply formal logic in the ordinary use of language, which is never so rigorous and precise. Thus, it is clear that, prior to the sexual encounter, *there are* many things in the bodies of the woman and the

man, but what is relevant to the AQ is the something that exists as a result of the sexual intercourse. When H and M's sexual encounters did not result in pregnancy, there is nothing (in this relative sense) that is relevant to the issue of abortion; we cannot abort the mere thought of someday having a child, although it is a truism to say that thoughts are something too.

Therefore, there "was" ova and spermatozoa before H and M's sexual intercourse, but those things *did not exist*, in the technical sense of the philosophy of existence I employ in my argument, since they were not contingently thrown into the world towards death as a result of a sexual intercourse of H and M. Therefore, these elements have no facticity. There is an existent only when its gratuitous release into the world has already occurred, and not before, even when it does not have a defined identity or the characteristics of an adult Dasein. The emergence of an existent in the world coincides extensionally with the moment of conception (and that is why existentialist categories can support an anti-abortion line), although they do not coincide intensionally (because the reasons for pointing to that determined point in the process are different).

It should also be trivial, as a corollary to the relative and contextual nature of the terms "something" and "nothing", why, in my line of argument, there is nothing morally reprehensible about using contraceptives, because in that case those procedures apply to nothing (in the relative sense), that is, to nothing that is in the woman's body as a product of the sexual intercourse. The ontological difference becomes trivially true once the terms "something" and "nothing" are relativized. What needs to be understood - and that is by no means trivial - is what reasons we may have to eliminate or preserve that something that is a consequence of the sexual encounter. A not trivial moral problem is based on a trivial ontological difference, without ever confusing one domain with the other.

(2). What does it mean "to exist"? When H and M declare that they are not going to eliminate that something in the woman's body because that something already exists, this seems a trivial statement if one considers the ordinary and

traditional meaning of the term "exist". But, precisely, in the philosophy of existence, the term "exist" receives a technical meaning, according to which only humans exist, and to say that the product of pregnancy cannot be aborted because it already *exists* is not a trivial statement. Put very succinctly, the existent is initially characterized by two successive types of situations:

(A) Having been gratuitously thrown into the world, in its radical contingency and in the middle of other contingent and absurd human beings, already directed towards death (which can occur, among other ways, by abortion). That something in the woman's body "is "there" (*Da-sein*). Its emergence has been superfluous, it is "de trop", unjustifiable (even when parents tend to give the birth of their children a necessary nature). The existent has been thrown into a situation (an environment, a country, a family, a social class, etc.) that it has not chosen. It has already an exteriority, a "being for other", it is already a presence in the world and for the world around it, a presence that can be looked at, and that already poses problems for others, that challenges, bothers, worries, forces us to think, and to which others may or may not attribute a being and a value. I call this brute and absurd emergence in the world by the action of others, this having been thrown with all these characteristics "*facticity*"⁶. These are the receptive or passive features of existence.

(B) The existents do not have an essence, a given being, they have to make themselves from projects of being, always having to resist the being that others want to attribute to them and having to resolve their finiteness and their being towards death somehow. The existents are constantly understanding themselves and submerged in moods and can get lost in the impersonal, they live in anxious and pending care. In their projects, the existents permanently go beyond themselves, they refuse to coincide with themselves, challenging the formal principle of identity; they project themselves permanently into

⁶ The primary sources of this notion are Heidegger M. Sein und Zeit (Being and Time, BT). Vozes and Unicamp publishers, Brazil, 2012, bilingual edition German - Portuguese., sections 9, 10, 12, 13, 14, 26, 29, 38. In this last section the word *Geworfenheit* appears, which can be translated as "being-thrown", but that also implies abandonment, helplessness. Sartre J.P. L'Être et le Néant (Being and Nothingness, BN), Gallimard, 2000, Part I, Chapter I, Section II, Part II, Chapter I, Section II and Part IV, Chapter 1, Section II.

temporalized actions, they are free consciousness anguished of their own freedom and they are compelled to build their existence without the support of any previous definition. The existents are only what they make of themselves, and they must respond for the being that they project. I call all this "*transcendence*"⁷. These are the spontaneous or active features of existence.

At the moment of conception, the something in the mother's body has facticity in the sense A above (See also (a)-(e) of my text (section (8))), since it is something thrown gratuitously and senseless in the world, in a human environment and already towards its end. The something in the mother's body has facticity now, not potentially. What happens is that facticity is also the elementary material with which the existent, in the future, will constitute complex existential projects, but for the moral imputation of abortion this is not necessary (although it may reinforce the argument). The question of abortion is decided on the most elementary domain of the facticity already present in the something in the mother's body, and not only "in the future". When someone has an abortion, they do not deprive a mysterious "future being" of something, but rather they deprive a being that is already "there", that already exists (in the sense (A) (see below)).

From what has been said above, it is clear why it is not correct to say that the fetus has facticity just because it is connected in a causal chain with something that has facticity. The fetus has facticity now, not for itself, of course, but "for others" (in the Sartrean sense). It makes perfect sense to affirm that abortion violates the NM principle, as it is a manipulative act, not because it manipulates a "future person", but because it uses that elementary existential material, that is already in the mother's body now, as a means for the benefit of aborters.

(3). Life and existence do not coincide. In traditional discussions of abortion, the question is asked when someone "came into existence," using the word "existence" in its traditional sense, according to which all things can exist. This

⁷ The primary sources of this notion are Heidegger M, BT, sections 9, 10, 29, 30-34, 41, 42, 54, 61, 62, 64. Sartre J.P, BN, Part II, chapter I, sections III and IV, chapter III, sections I y II.

is crucial for pro-abortion attitude, which wants to show that, even when the woman has become pregnant, what she has in her body "does not exist", or "has not yet come into existence", and can, therefore, at least in the first months, be eliminated without moral problems. Akerma uses a similar notion of existing when he states that, without minimal consciousness, one ceases to exist, or that when brain functions stop one ceases to exist. This is not, of course, the notion of existence used by the philosophy of existence, on which I base my argument. Nor does it make sense to say that autonomy cannot be attributed to a being that never existed, because here Akerma projects his own conception of existence. In terms of the philosophy of existence, that being in the woman's body already exists.

In my line of argument and trying to use the categories of this philosophy, "existence" does not coincide with "life". I inquire at what moment something begins to exist, in the sense (A)-(B): having been contingently thrown into the world towards death, immediately acquiring a being for others and who, in a second moment, will have transcendent projects. That something is already "there" before developing skills and having life experiences. Existence is something much more original than life; without existence there is no life; the emergence as existent is a condition for a life to develop later. Existence is the raw material of life. The human does not exist because he has superior faculties that allow a full life, but he/she has superior faculties that allow a full life because the human first exists⁸.

(4) *Avoiding academic disputes.* It should be remembered that the phenomenological tradition was profoundly modified after the publication of "Being and time" in 1928. There was a shift from Husserl's conscientialist and rationalist phenomenology towards the existential phenomenology. It is this pre-Heideggerian phenomenology that emphasizes consciousness and high-order cognitive and emotional processes; we will find in Heidegger explicit criticisms

⁸ Also historically, Heidegger's philosophy of existence stands against the "philosophies of life" of the 19th century, in Dilthey style. (Cf. BT, sections 10 and 41: "*The fundamental ontological structure of 'living' is, however, a special problem that can only be developed starting from the ontology of Dasein (...)*").

against this referential⁹. The idea that the something product of pregnancy is an existent because it has facticity, comes, of course, from a possible reading of that literature, and it is debatable and problematic like any reading. Nevertheless, this "receptive" factor of existence - which I tried to gather in (A) of (2) - has numerous supports in ideas from the philosophy of existence, which can be applied to the question of birth: it can be said that the unborn was already "open to being", "given to the light", "affected by", "exposed to", "at home", "in a situation", "delivered to finitude" or it is something that "does not have its foundation in itself", and so on.

(5). *We are born by others; we are aborted by others.* The meaning and moral value of the existent in the mother's body is something that will be decided by others. They are going to consider their possible interest in existing or not (what, perhaps unfortunately, I called their "autonomy"), something that can only be conjectured in 2-3 person. Already in "Algo...", I said that 2nd and 3rd person autonomies do not have the same force or the same rights as a 1st person autonomy. First person autonomies demand a lot, 3rd person autonomies are reduced to ask if the something "there" would approve or not their own birth. When we are discussing the issue of abortion, the only thing that matters to us to know about the new-born is its interest in being born or not; we are not interested in knowing if it is going to study German, move to the Bahamas or be a Barcelona fan. This "autonomy" (which I now prefer to call "interest", using Benatar's term) is not a property of the existent (it would be if it were of the 1st person), but an attribution or recognition that others can give or refuse (the pro-abortion refuses this recognition to the existent, the anti-abortion gives it).

Akerma objected that if it is admitted that the new-born does not have 1st person autonomy and that its rights are less, why should we have moral respect for it and consider aborting it immoral? *Well, we mustn't.* There is a difference between *being* worthy of respect and *being treated_as* being worthy of respect. It is not an objective property, but something that others socially attribute to it or not, based on beliefs, information, intuitions, or emotions. Both

⁹ Cfr. Heidegger M, *BT*, sections 7, 55-57, as well as the article "My path towards Phenomenology" (1963), where the respect for the master Husserl fails to disguise the deep divergences of ideas.

to be pro-abortion and to be anti-abortion, we certainly need a certain sensibility, of what Akerma, so rightly, calls "*aesthetical dimensions of our actions*", an element ethical and aesthetic at the same time¹⁰. The sensibility of pro-abortion to the suffering of thousands of women in abortion situations, or the sensibility of anti-abortion to throwing away something that can develop as a human, are not irrelevant elements in the argument¹¹.

Independently from when life biologically starts, a human life starts biographically when other humans are disposed to receive and host it. To be born is to be borne by others; we are objects and not subjects of our birth, and this is what the expression "to be thrown into the world" manages to capture¹². For this reason, in my approach, precisely because the existent is a being entirely "for another", in addition to asking about the status of the new-born, I also inquire about the ontological and moral status of the abortionists, in what conditions they find themselves at the time of performing the abortion, what are their interests and sufferings, etc. It is not necessary, then, to ask at what moment the something begins to have moral relevance, but rather at what moment the others consider the moral problem of its preservation or its elimination and decide on its moral relevance or irrelevance. And that occurs after the sexual intercourse resulting in pregnancy; before that time, that issue does not appear for the agents.

A fragile and tentative 2-3 autonomy, obtained through a recognition that is always socially difficult, is therefore sufficient for my anti-abortion line. We do not need all the complicated moral rights of the first person (which make up a huge list), but only one right is enough: that of not being unilaterally eliminated and being able to decide what to do with its own facticity. That is not much, and

¹⁰ In my writings on cinema and philosophy I have invented the term "logopathic" to refer to the affective element that is always present even in our most cold arguments. (Cf. Cabrera J. Cinema: 100 years of Philosophy. Barcelona, 2015, 2nd edition, p. 16 ff).

¹¹ One can still consult Douglas Walton's book, "The place of emotion in argument". The Pennsylvania State University Press, 1992.

¹² For Sartre, neither death nor birth can be projects of the human "for-itself", both are fundamentally structuring for-others. Cf. "*Death is a pure fact, like birth; it comes to us from outside and transforms us into a pure outside. Basically, it is indistinguishable from birth at all, and it is the identity between birth and death that we call facticity*" (BN, 590). "*It is absurd to have been born, it is absurd to have to die...*" (BN, Part IV, chapter 1, section II, p. 591).

it preserves the differences (which I never denied) between moral rights of 2-3 autonomies and autonomies of the first person¹³. In the first case, the moral rights are more guaranteed and secure; in the second, those rights depend dramatically on the decisions of third parties.

Akerma said that it is a weak point of my notion of 2nd or 3rd person autonomy that it does not have an ontic reality but is a mere "attribution"¹⁴ that others give it. This is true. This attribution requires a greater ethical-aesthetic sensitivity. The "autonomy" so recognized is not a secure and granted property, nor a metaphysical "essence", but something fragile and helpless that may be recognized or not by the woman in the first place and by third parties in general. In that primary stage, the existent is totally in the hands of the others, who can do with it whatever they want. If the others don't recognize it, it simply doesn't exist. But it is relevant to notice that the pro-abortion lines also face Akerma's criticism: neither the something that the anti-abortion wants *to preserve* nor the something that the pro-abortion wants *to eliminate* have ontic reality, both are products of (preserving or eliminating) attributions. The parallel between anti- and pro-abortion positions is also maintained in the question, raised by Akerma, that perhaps the attribution of 2nd or 3rd person is due to a desire of the anti-abortion party to strengthen their position; but the same could be said of pro-abortion, that he refuses that recognition to strengthen their position.

(6). *Abortion is not a scientific question.* Let us grant that empirical sciences can solve scientific questions (such as the discovery of a vaccine). But abortion is not a scientific question, even though we can and should use scientific elements in our considerations on this matter. Abortion is a normative and evaluative question, not a pure question of fact. In my former text (sections (6) and (7)) I

¹³ That I never denied this difference is clear, for example, when I refuse to conceive abortion as homicide - as many anti-abortions do - precisely because I make a strong difference between harm to fetuses and harm to already developed human beings.

¹⁴ The verb "to attribute" is usually stronger than "to recognize", insofar as the latter seems to assume that there is already something there that is recognized, while "attribute" seems to suggest something totally added. But "recognition" is understood here as when we say that an Academy gave an actor an award in recognition of his talent. An actor can be very talented and not be recognized, recognition is always something that we can give or not. It is in this sense that to the something in the mother's body the others decide to "recognize" an existence affected by facticity, being able not to do so. (In fact, pro-abortions do not recognize it.)

said that the empirical sciences can show with enough precision at what moment of development a living being or a conscious being appears; but to know if it is moral or not, in general, to eliminate living or conscious beings is not a scientific question. Embryological investigations are descriptive and two normative theses A and not-A can emerge from the same descriptions.

Science can unequivocally determine what there is or what there is no at a certain point x in the process, but it is the human community who will decide that the elements after or before x deserve moral consideration or not. Science cannot decide this unequivocally, but we are confronted with a contingent and dramatic, personal or communitarian decision, which is not based on the certainty of the sciences, but on the uncertainty of an existential decision. Biological continuity can only be broken by a biographical discontinuity, of the first or second-third person, to decide the question of abortion for one side or the other.

So, all the observations about the difficulty of scientifically determining the exact point at which fertilization occurs, whether it takes hours, days, or weeks are totally irrelevant from the phenomenological-existential perspective. The point has been determined by the fact that something has been thrown into the world towards death, as it appears in a phenomenological description of the current state of the pregnant woman, and, concomitantly, also appears as a moral problem for her and for others. The biological continuity, shown by the sciences, has been broken by an inescapable and empirically evident biographical fact.

(7). *Why shouldn't an existent be aborted?* Already in my initial text I said that the something in the mother's body is not a full existent. (see "Algo...", section 10). This parlance of an elementary Dasein and an adult Dasein would seem to give quite a lot of importance to the category of potentiality in my line of argument, but my use of this notion is austere: although the Dasein to be aborted is not yet

a complete Dasein¹⁵, the something in the woman's body already has all the receptive characteristics (A) of existence at the time when others are thinking of removing it. Therefore, it can already be considered by others as a Dasein. The existents, when they are born, obtain, at the same time, a biological factuality, and an existential facticity, which coincide extensionally at the moment of conception. But they are intensionally different, since the existents have moral relevance not because of their factual belonging to humankind, but because they are a presence (over there in the woman's body) that, from the beginning, demands a moral response from the other existents.

Their elimination, at this stage, inspires different feelings and attitudes in other humans, invites acceptance or rejection, maybe causes remorse and excuses. It is never something simply given, a mere natural thing at hand. It does not yet have transcendence (the spontaneous characteristics (B) of existence). Transcendence will still have to develop, but the initial situation is not something that will be changed by the further projects of the adult Dasein, since all its projects will be executed inescapably within the scope of the facticity given at birth.

When it is aborted, this existent thrown in the world and already "present there" is prevented from obtaining the spontaneous characteristics of existence (B), its existential transcendence. It is prevented from leaving its merely factual humanity and from being fully towards death by been destroyed as a thing, denying the existent a human death. Therefore, the existent is deprived, not of something good¹⁶, but of something that it would have to solve for itself later, if we do not abort it (and if other impediments do not appear, out of our control). One existent is being manipulated, even if we don't yet know who is this existent or who it will be.

¹⁵ A "complete" Dasein does not mean, in the philosophy of existence, that the existent ever finds "completeness", but that it learns to live with its perpetually incomplete being. (Heidegger, BT, sections 46-48). Cf. also my book Discomfort and moral impediment (DMI). Cambridge Scholars Publishing (CSP), 2019, chapter 16, pp. 215-216.

¹⁶ We do not deprive the existent of "a happy future like ours", which does not exist. The great paradox is that the world is a terrible place, but we have no right to deprive of it those who already exist (in the existential sense), to the extent that there are many ways to experience the difficulties of life. This does not apply, of course, to the abstention from procreating because, in this case, there is not yet an existent thrown into the world.

As I said in “Algo” (10), even when there is no continuity between that bunch of cells or that foetus and a particular person (Julio Cabrera), that is irrelevant to the anti-abortion argument, because the argument holds that abortion is immoral not because it prevents *a particular person* from developing his/her own life from its facticity, but because it prevents the development of the *life of someone human (anyone)*. It can be seen as immoral to eliminate *someone* in the mother's body, even when we don't know who that existence is going to be specifically¹⁷. Therefore, the potentiality argument, in my line, can be used even in the hypothesis that there is no continuity. Another of the damages done to something by aborting it is precisely not allowing it to obtain a defined identity, preventing something from becoming someone, preventing something merely biological from developing a biography.

From this perspective, abortion would be morally legitimate if we were completely certain of the truth of the following implicit premise: (PI) *"The existent that we are going to abort, if he/she could express his/her interest, would always, and without any doubt, choose to be aborted, to avoid the sufferings of life"*. Antinatalists admit that a normal life can be considered worth-continuing, and they refuse suicide as mandatory¹⁸. If life were such a horrible thing that, upon reaching the age of consciousness, people committed suicide, abortion would be morally justified. When we abort, we eliminate something that might want to live life with all its difficulties¹⁹. It could be said that this is an illogical decision, but existents in general, and the existent that we are thinking of aborting, are not purely rational beings, they are also emotional; even if we consider their choice absurd, we cannot impose ours.

(8). A decision neither logical nor arbitrary. Thus, the others decide what to do with the existent in the situation (A). That decision is neither arbitrary nor logical, and

¹⁷ To make an analogy (partial and imperfect, like all the analogies): suppose a terrorist goes somewhere to kill the president, but accidentally he kills the president's secretary. Would it be plausible that the police let him go free because he didn't kill the president?

¹⁸ Benatar D. Better never to have been (BN). Clarendon Press Oxford, 2008, Chapter 7, pp. 211 and ff.

¹⁹ Cfr. Cabrera J. “Antinatalism and Negative Ethics” (In: Lochmanova Katerina (Ed) History of Antinatalism, 2020).

that is what I tried to capture with the term "discretionary." (See "Algo...", sections (6), (7)). In my line, I tried to show a decision based on existential elements. This decision is based on arguments, it is not whimsical or capricious, but it is not unique either, or does it exclude other decisions. "Decision" has, in my text, all the force that the philosophy of existence gives it (at least since Kierkegaard): it is a dramatic choice that demands a resignation (if we choose one alternative, we cannot choose the other), but also a personal and community commitment (it is an insecure decision full of consequences for which I have to take responsibility). If the decision were totally arbitrary, this existential commitment would not be necessary. But neither would it be if the decision were totally logical, because in that case a rule would be applied precisely and automatically. It is not arbitrary because it is a well-founded decision. It is not dogmatic because it is risky, compromised, and insecure, precisely because it does not have the unequivocal support of science (nor, as in the past, of religion). Attributing autonomy to plants or a well would be arbitrary, not discretionary. Plants and wells have no facticity, they were not thrown into the world gratuitously as a consequence of a human sexual intercourse.

(9). *Who makes the decision? About women suffering.* The allegation that the anti-abortion line in general would show great sensitivity towards the minimal and, in part, potential being of something in the woman's body, and little sensitivity towards the suffering of pregnant women in a situation of abortion is not only sustainable, but a crucial question that must be answered. In the existential perspective, women have facticity and transcendence, they are, therefore, complete Dasein, and they deserve all the moral respect that existents demand. I have said something about this issue in "Algo...", section 18). I said there that the decision is joint, and the "3rd person" or "the others" include, of course, the pregnant woman in the first place. (Cf. "Algo...", (section 9). The pregnant woman is a crucial member of this "third party community" that makes the decision.

If this was not clear enough in my first text, I will clarify it now: I am in favour that the woman, in the first place, and those she wants to listen, must

make the existential decision to abort or not. Even the simplest women feel bad when they perceive that other people want to decide something that they themselves must decide. But sometimes women feel that other people involved can participate in the decision and, in many cases, the woman wants and asks for help and company in this dramatic moment. Her supposed “freedom” to choose is sometimes very limited in our societies, but anyway, whether we consider abortion moral or immoral, those are the people who must decide, and the woman in the first place.

Problems arise, to a large extent, from the fact of speaking of “women” or “the pregnant woman” in a generic and imprecise way. In the case of this last expression, the following three references can at least be identified:

- (a) Pregnant woman not AN and AA (rejects antinatalism and abortion)
- (b) Pregnant woman AN and AA (accepts antinatalism, but rejects abortion)
- (c) Pregnant woman AN and PA (accepts antinatalism and abortion)

It is advisable to make these distinctions not to set aside any of the alternatives, but precisely to include them all in our considerations of female suffering. In my line of argument there is a concern for the suffering *of all women*, and not just those who share our ideas about human life. The “women’s rights” that we have to defend also include their rights not to have an abortion if they don’t want to. Certainly, it can be rightly said that a huge mass of women were led to positions (a) or (b) by male indoctrination, but it would not be reasonable to say that all women who want to be mothers or do not want to abort were indoctrinated; this would be offensive to women’s power of resistance and independence of judgment, manifested throughout history, even in periods of greatest male dominance²⁰. Women can be harmed just as much by condemning the act of abortion as by allowing it without restrictions, although the women who are to be harmed in each case belong to different subsets of

²⁰ Cf. One of my students, Ana Miriam Wuensch, wrote about this issue of women’s resistance throughout history. Cf. Wuensch A.M, “*About the existence of women thinkers in Latin America and Brazil*”. In: Cabrera Julio (Org). *Philosophy from Latin America*. Problemata Magazine, Paraiba, 2014.

the set of women. Pregnant women of the type (c) deserve all our concern, of course, but they do not exhaust the universe of female suffering.

(10) The anti-abortion argument recovered. My antiabortion argument, after the objections, can be reconstructed in the following way:

There is at least one line of argument according to which abortion is, in principle, immoral, or at least morally objectionable in most cases, because it is an act that uses as a means or manipulates the new-born, which already exists (in the existential sense) as something human gratuitously and contingently thrown into the world in the middle of other humans and towards death, although without defined identity and without full existential development as transcendent full-fledged Dasein.

This manipulation occurs when one decides, in second or third person, that the new-born, if it had first person, would certainly prefer to be aborted, which is an uncritical assumption, since the opposite decision is plausible: the existent could prefer not to be aborted despite the sufferings, it may want to prolong its existence and end it in its own way, not because it is valuable, but because the very impulse - even irrational or absurd - of existence.

When we abort, resolving unilaterally and asymmetrically this facticity towards death, this could be seen not as an act of pure generosity to avoid the sufferings of the new-born, but also an act for the abortionist's own benefit. The point of view of the new-born is ignored and decided unilaterally.

On the contrary, not aborting seems to take into consideration the interests of the new-born, given the situation of uncertainty about these interests. Not aborting is an act that refuses to manipulate this elementary existence, leaving it to decide what to do with the facticity that was already given to it.

Although, by not aborting, the existing one is left in a situation of new manipulations in procreation, by aborting the existent is totally and irreversibly

eliminated, blocking any resistance to further manipulations.

(11). *Between legality and morality.* In previous texts I already exposed my ideas on the relationship between morality and legality in the case of abortion. I have already said (“Algo...”, (18)(19)) that I am opposed to any legal appropriation of abortion, be its criminalization or its total liberation without conditions; and that being sensitive to the drama of thousands of women in a situation of abortion does not make abortion a moral action; we only understand that a morally wrong action is practiced in terrible circumstances. This position is not “pro-choice”, because it is not the choice between two moral lines of action, but the choice between a moral action and an immoral one. At best, abortion would only have a “second degree morality”²¹. All this is understandable within a pessimistic view of human life, which sees our societies as based on immoralities, such as procreation and the exploitation of work; societies are not built on moral categories; at most, they organize immorality in a tolerable way²².

If we were to criminalize all the immoralities on which our societies are based, they would become unviable. Procreation should be criminalized. But I do not agree that people who want to have children are treated as criminals; we must respect the autonomy of people and let them decide for themselves. Even killing cannot be unrestrictedly criminalized; on many occasions, killing is legitimate (to protect defenceless beings or to impede criminal actions). There are other immoralities in our societies that are not only not criminalized, but that constitute their own bases, for example, exploitative proletarian labour. (Probably in the future the present proletarianization will be seen as we see slavery today). So, if it is accepted that abortion is immoral, that alone could never constitute a reason to criminalize it.

But, on the other hand, even admitting that total liberation solved all the

²¹ Cf. Cabrera J. *Critica de la Moral Afirmativa* (Barcelona, 2014, 2nd edition, pp. 64, 135-136, *Mal-estar e Moralidade* (Brasilia, 2018), pp. 413-414, and note 53. The best example of second-degree morality is, of course, that of parenthood. Fathers and mothers show concern, abnegation and even sacrifices for their children (a highly praised behaviour in our societies), after having manipulated them by throwing them into the sufferings of life for their own benefit or through carelessness.

²² This is my idea of “*moral impediment*”, largely developed in *DML*, chapter 5.

current social problems of abortion, that would not indicate that this has been a *moral* resolution of the problem. The other immoralities indicated – procreation and the exploitation of work – also “solve” social problems. Abortion could be seen as a purely pragmatic solution, which perhaps some utilitarian ethical theory could justify morally, but which a deontological principlialist ethical theory would continue to condemn. For this ethics, the way of morality is always more difficult and demands sacrifices. Being prohibited, permitted or obligatory are deontic operators. In absolute terms, if an act is prohibited it is not permitted, and if it is permitted it is not prohibited, but there are intermediary deontic operators. We can define the deontic operator “facultative” as neither totally prohibited nor totally permitted. The fact that its absolute prohibition causes clandestine abortions in dangerous conditions is not a sufficient reason to liberate abortion totally; it is hardly reason enough to cancel the absolute prohibition and open controlled permissions. The fact that permitting it unrestrictedly could cause a wave of mass abortions is not reason enough to ban abortion altogether; it's hardly reason enough to cancel total permission and open controlled prohibitions.

It would be mistaken (and maybe arrogant) on the part of philosophy to try to establish how this not total prohibition and controlled permission, could be socially implemented. The most serious social problems cannot be solved only with theoretical reasoning, however brilliant. If it is true that, in the matter of abortion, practical decisions must be made that affect the lives of thousands of people, especially women. These decisions exceed the strict scope of argumentation, and must appeal to strategies social and communitarian, even when the arguments will be also considered, but without having the final power of resolution²³. As I conceive it, moral philosophy is limited to pointing out that something is morally wrong and tries to combat it in the open and pluralistic moral discussion, without trying to put the law on our side. Trying to convince people not to procreate, and not to have an abortion, against all kinds of domination or coercion, whether pro or anti-abortion. Philosophy occupies only

²³ I dedicate the entire chapter 8 of my book [Introduction to a negative approach to argumentation \(INA\)](#). CSP, 2019, to display the extra-argumentative (or “factual”) resolution of questions that cannot be decided via argumentation.

one place within a complex of perspectives that must be considered, from politics to public health and ecology.

(12). Not reaching the abortive situation. Here I return to a statement from my initial text: if we are anti-natalists, the worst moral error that a human can commit is procreation; but no one reaches the abortion situation without having committed it (“Algo...”, (17)). The abortion is an attempt to correct the error of having procreated by committing other errors²⁴. Because of this, the ultimate horizon of the AN project would be to develop a cautious morality of sexual behaviour, in relation to the use of techniques and all kinds of care for those who do not want to have a child that will later be unwanted. But the conditions must be created for a real “freedom of choice”, which does not exist today. This task of sexual education²⁵ takes a long time and has to do with measures to reduce poverty and ignorance, problems that, especially in third world countries, are tremendous, although the problem affects all social classes. This education also includes the rejection of the idea of reducing the role of women to maternity. This would be the long-term measure. In the short term, public health services should be reformed to treat the most dramatic cases, avoiding clandestine abortions in bad or appalling conditions, while providing antinatalist and prevention recommendations and advice, to try to avoid the repetition of the abortive situation.

PART II. AA without or within AN

As far as I know, the AN is the theory that says that it is immoral to procreate, to have children, that is, to impregnate a woman, to generate an existence. It does not say, in its minimal formulation, that we should not have

²⁴ Already in “Algo...(17)” I wrote: *“Everything happens as if the error of procreation could be quickly ‘corrected’ through early abortion, just as an ink stain is erased with a rubber soon after the stain has been produced, so that it does not stick (...) we have to remember that someone is in the abortive situation only because previously the greatest of all moral faults within antinatalism was committed: to start the procreation process. Those who have abortion are repented procreators”*.

²⁵ A pioneer of this idea of a full sexual education, connected to monogamy and free love, is the Brazilian thinker María Lacerda de Moura (1887-1945), anarchist, anti-fascist, and precursor of feminism in Latin America.

children and that we should quickly eliminate the ones we did. I do not see that the pro-abortion thesis should be embedded within the formulation of the AN. The most that can be done – and this is what the pro-abortionists legitimately try to do – is to defend that abortion *logically follows* from AN. The acceptance of abortion enters the AN via inference, not via definition.

In my line of argument, I have tried to show that this inference is problematic, that the situation of refraining from making children exist, and the situation of eliminating them when they already exist (in the existential sense) are two ontologically and ethically different situations. Abortion cannot be considered as a posteriori abstention (too late to abstain), and abstention cannot be considered as a priori abortion (too early to abort). So, it is possible without contradiction, to have an attitude towards one of these situations and a different attitude towards the other. It is perfectly possible to be AN in its austere original sense, without the inference to abortion.

This has a strong intuitive support: many women, sometimes from poorer classes, when they become pregnant say: "We didn't want to have children, but now that one has arrived, we are not going to get rid of it". In current behaviours and attitudes, it is perfectly possible to be anti-natalist and anti-abortion. One can, of course, disqualify what women say in the name of sophisticated philosophical arguments. I tried, once again, to give some philosophical foundation to those intuitions.

The most important aspects of the AA line of argument that I have developed in order to show this not definitional connection to AN, are the following: first, the moral question of abortion can be formulated using a principle that many ANs use, the principle of NM: do not take the other as a means. If the AN adopts a Utilitarian ethics, this deontological principle, with its Kantian flavour, will not have much force. But ANs who accept NM can easily accept that the act of aborting is manipulative. In general, pro-abortionists strongly emphasize the moral principle NH (do not harm, do not cause suffering) as the essential to remain within the AN. Akerma himself puts this clearly in his first text. In my own approach, as I have said, I accept the

relevance of both principles, *do no harm, and do not manipulate*, and I try to show that trying to avoid the suffering one may have to manipulate. The inverse is also true: by trying not to manipulate we can do harm. This is a tragic situation because, in concrete cases, one of the two principles will be violated. In trying to avoid this conflict, it is advisable that neither of the two principles be used isolated and without restrictions, as if the other principle simply did not exist²⁶. Anyway, Antinatalism is not worried with avoiding tragedies; on the contrary, it is concerned with pointing them out.

If the acceptance of only the NH is a necessary condition to belong to the AN, then I am not part of this movement. But it seems that the NM is quite used within the AN. Many antinatalists accept that, in the case of abstention, one cannot choose for someone else, regardless of the interests of the one to be born, assuming that they will agree with their birth. But the same applies to abortion: we don't know if the one to be born agrees with being aborted. There does not seem, then, to be any reason to exclude from the AN someone who assigns equal relevance to the two principles without primacy of either of them.

Secondly, a fundamental element of my AA thesis is that we cannot be sure that the existent wants to be aborted because of the suffering it will go through. To be sure of that, we should accept as a premise the truth of (PI) (See Part I, (7)) since it cannot be proved. Here you must use the principle *In dubio pro reo* ("When in doubt, in favour of the accused") Since we do not know what is the interest of the one being born, of course the antinatalist can apply only the NH and decide to abort for the good of the new-born, given the miseries of life. But applying the two principles, NH and NM, we can decide not to abort so that the one who is born can decide. If the acritical acceptance of the truth of (PI) is a necessary condition to belong to the AN, then I am outside of this movement.

²⁶ In the chapter on abortion of his famous book, Benatar alleges that, if we assume that the person did not want to be born, we are completely correct in aborting it; and if we assume that the person wanted to be born, and we abort it, there will be no one to suffer because of it. (BN, p. 153). But this analysis considers only the NH. If we also use the NM, we can say that if we assume that the person did not want to be born and we abort it, we are completely correct; but if we assume that the person wanted to be born, and we abort it, there will be someone who has been irreversibly manipulated. In any case, the tragedy is implanted: if we abort, we get rid of suffering, but we manipulate; if we don't abort, we don't manipulate, but we leave in suffering.

Of course, the AN thesis can adopt more or less strong formulations, and whether or not we belong to the AN will depend on our degree of commitment to one formulation or another. There may be extreme ANs who believe that measures should be taken to prevent procreation, labelling it a crime. There may be others who do not accept this, but for them the product of pregnancy must always be eliminated, and measures must be taken to ensure that this is done. I want to clearly say that, in my AN and AA positions, I always adopt the most austere formulations: procreate and abort are morally wrong, but I do not agree in taking measures to avoid people from procreating or aborting. In general, I am against any idea – even if guided by sublime ethical principles – that is imposed by force as an alleged absolute truth, because in that imposition we may have to commit so many immoralities (or perhaps more) than the ones we are trying to avoid. In a democratic society we must learn to live with differences. The most we can do is declare that what people are doing is immoral and try to persuade them not to do so; but if we do not convince them, our intervention ends there. I personally am willing to review my membership of the AN, if understood in stronger formulations, which consider procreation a crime and abortion mandatory²⁷.

PART III. Argumentation in a pessimistic environment.

One of the contributions that I would like to give to this debate is the idea that discussing abortion is, at the same time, discussing about how we discuss abortion. I have devoted an entire book to analyzing the nature of philosophical discussions²⁸. This point is important in our case because we may be facing difficulties in the discussion about abortion that, in truth, have little relation to the issue discussed, since they can be caused by structural aspects of argumentation in general, whatever the topic discussed.

²⁷ I have been studying the issue of the immorality of procreation since the 1980s, studies that culminated in the publication of the *Projeto de Ética negativa (Project of Negative Ethics)*. Mandacaru, São Paulo, 1989, several years before the rise of the antinatalist movement. So, I differentiate the antinatalist position in general and the historically given movement that exists today with this name.

²⁸ Cf. Cabrera J. *Introduction to a negative approach to argumentation* (2019)

In my own experience, attending philosophical discussions around the world for many years, including many in which I was not personally involved, I began to perceive some recurring structures:

- (a) People who argue defend their points of view very strongly, as being the unique correct one, as if they entered the discussion to "put things in their right place".
- (b) Frequently, the participants declare "not having been understood" by the others and, also frequently, they declare not to understand what the other party claims (because "it is not clear", "it is not well defined", and so on).
- (c). They regard all other positions as wrong.
- (d) They all declare that they are always ready to change their minds when good arguments are presented to them.

After the cases of (a)-(d) accumulate in an extraordinary way, it is impossible to continue to think that there is not something structural there that is reiterated in discussions on diverse topics (from problems of philosophy of mathematics to bioethical questions). We begin to suspect that we may be the victims of a powerful self-deception, similar to those that Benatar discovers when he says that people believe that their lives are better than they really are. Perhaps we also have the illusion that our arguments are better than they really are. We began to have the firm impression that if the purpose of a discussion is to reach a unique, unquestionable and, if possible, definitive solution, on the question of abortion, or if it seeks that one of the parties "convince" the other, causing the opposing party to withdraw their thesis considering them "defeated", we will only get into painful experiences and suffer great disappointments, creating what I call argumentative discomforts.

When we enter philosophical discussions, each party has a different organization (or *Gestalt*) of the problem addressed and a set of assumptions that, by definition, are not demonstrated within that organization, but assumed as starting points. The most that an approach can do is to correctly argue from these assumptions, but there is nothing that forces us to assume the starting

points of the other party. Thus, in Akerma's mentalist theory, what is morally relevant in the question of abortion is that the being we are thinking of aborting is or is not a conscious "living being", while in my approach, what is morally relevant is that the being we are thinking of aborting is or is not an "existent". Both lines can be well argued from their assumptions, and while one of them comes out with a pro-abortion conclusion, the other comes an anti-abortion one. If we assume that humans are defined as living beings with a minimum of consciousness, early abortion is legitimate; If we assume that humans are defined by being Heideggerian-Sartrean existents, early abortion is not legitimate.

But we are not obliged to accept the definitions of the other party: neither Akerma is obliged to accept the existential definition of human, nor am I obliged to accept the definition by consciousness. The most anyone can do is try to show that his definition is better, more plausible, more useful, more intuitive, etc, but for proving that each one will have to generate new arguments, which may or may not be accepted by the other party, and so on indefinitely. What makes the discussions endless is that there is nothing within these theories that make it mandatory to accept one of these two conceptions of the human and not the other. It is a decision based on all kinds of factors: cultural background, knowledge, personality, life experiences, influences, etc.

In philosophical discussions each party uses to see the other party as simply wrong. But this can mean two very different things: (A). The "error" found in the other's position is absolute, so that error should simply be rejected and eliminated; (B). The "error" found is relative to an assumed perspective, and therefore the statements pointing to the error are always elliptical. This second alternative means the following: when you say something like: "**x is totally wrong**", what this means is something like: "[Assuming a certain organization (*Gestalt*) of the problem, the presuppositions (*P1*), (*P2*)... (*Pn*), the premises (*p1*), (*p2*)... (*pn*), and defining the relevant terms in the ways *x*, *y*, *z*] **x is totally wrong**". This paraphrase exposes what is elliptical in the first expression. In the attitude (B) it is accepted that what is criticized as being a "mistake" from our perspective can be sustainable from another, assuming other presuppositions,

other *Gestalten*, other definitions, etc. This possibility is totally excluded in the attitude (A).

In the afore mentioned book, I defend what I call a negative approach to argumentation. From this perspective, I see as the primary objective of philosophical discussions trying to clarify a topic (like abortion) through the analysis of various perspectives on the matter, perspectives that are in conflict and are mutually critical, but without any of them being able to eliminate the other approaches. One perspective can, of course, point to a problem (an imprecision or even an error) of another perspective, and that problem can really exist, but only assuming the perspective of the critic; nothing is true or wrong from all perspectives (perhaps only for God, not for finite beings like humans). And that is why the philosophical discussions are endless in strictly argumentative terms. Nevertheless, to know that discussions like abortion are structurally endless is an important metaphilosophical discovery, that can prevent us from being hurt by argumentative discomforts.

This is, of course, a pessimistic view of argumentation. But could we expect it to be otherwise within a pessimistic view of the world such as Antinatalism? Within the AN, physical (diseases), psychological (discouragement and depression) and social (discrimination, poverty) discomforts of human life have been profusely noticed, but I do not see that the intellectual discomforts that appear in the field of argumentation have been accentuated. This type of discomfort appears especially when one of the parties reconstructs the other party's arguments in a way that the opponent does not recognize as correct and sees as distortion. This, in general, provoke irritation in the author criticized, who reacts sometimes vehemently against what is seen as misinterpretation. These argumentative discomforts do not appear only in the present debate²⁹.

²⁹ In his reply to Christopher Belshaw's review (to take a single example), Benatar complains of not having been understood: "*These include mischaracterizing, ignoring or trivializing my central arguments, and raising objections without mentioning that I anticipate these and respond to them*" and "*(...) he summarized my views, again often simplistically or inaccurately*". (Notre Dame Philosophical Reviews, June 9, 2007). This type of claim is not singular or isolated, but typical and recurrent in philosophical discussions.

The main peculiarity of this debate on abortion was the fact that it took place within the antinatalist environment. I consider antinatalism as a *pessimistic* theory about a meaningless human life full of suffering, which leads to seeing procreation as a morally imputable act. The negative approach to argumentation naturally extends pessimism about human life to include intellectual suffering within the analysis. It seems incongruous to hold a pessimistic view of the value of life and an optimistic view of argumentation, understanding by such the idea that our arguments can be objectively demonstrated as valid by defeating invalid ones, and that the authors of invalid arguments will accept their defeat and remove them from the discussion table. This happy ending to the discussions is a curious piece of "argumentative Pollyanaism" within antinatalist pessimism, the tendency to think that our arguments are better than they really are. Just as Benatar shows that what people say about the quality of their lives is unreliable (BN, chapter 3, p. 64 et seq.), it can be shown that what arguers say about the quality of their arguments is unreliable. We tend to give our own arguments a forcefulness that they are far from having³⁰. This can be another of the optimistic delusions from which the AN frees us.

The field of argumentation is not a "transparent" domain where we get rid of suffering and become objective and reasonable human beings. Argumentation is just one of the fields where unpleasantness and suffering occur. After all, the arguers are the same human beings harassed by suffering and depression, described by AN. In order to survive in the world, humans need to build strong self-esteem, a value they originally did not have. At the level of argumentation, that self-esteem is largely based on the power to eliminate opposing positions³¹. I point to the endless and relative character of

³⁰ In the final chapter of his book The view from nowhere, Oxford U.P, 1986, Thomas Nagel contrasts what he calls the external and internal points of view on the issues of life: "*From a sufficiently external position, my birth seems an accident, my life without of meaning and my death insignificant; but, from within, the fact that I was never born seems almost unimaginable, my life monstrously important and my death catastrophic*" Paraphrasing we could say: from an external position, our arguments are fragile and just one among thousands; but, from within, our arguments seem tremendously strong and the most correct of all.

³¹ More on the issue of "giving oneself a value" in DMI, Chapter 4, p.36-39, and INA, chapter 10, p. 190.

philosophical discussions, affected by intellectual discomfort, as one of the calamities of this world. Just as I don't like that human life generates suffering and absurdity, I also don't like that the arguments are inconclusive and endless.

Being able to destroy totally the opposite position is a powerful existential reinforcement for our own self-esteem; on the contrary, recognizing that there are many reasonable perspectives and that our position is just one among many others diminishes it. There seems to be a very large disproportion between the fragility and tentative nature of our human arguments and the categorical nature of the conclusions that are intended to be reached with them³².

But the negative approach does not reject criticism, it only protects against the total elimination of one of the parties, or against *argumenticide*, given that, for this to be possible, one of the parties would have to show that it is totally exempt from the intrinsic fragility of the arguments. This structural fragility is based in at least three elements: (a) It is always possible to reject a specific definition of the relevant terms; (b) It is always possible to reject premisses as unsound, or too weak or too strong, non-intuitive or unreasonable; (c) It is always possible to refuse a type of logical procedure for drawing conclusions from premisses, causing inferential gaps. If one of the parties rejects any of these three elements from the other party, their entire argument, so apparently powerful, disarms and falls. But criticism that proposes questions, highlights weaknesses, points out misleading terms or doubtful concepts, suggests reformulations or clarifications of ideas is welcome as opportunities to improve the formulation of one's own perspective. Therefore, discussions are not unproductive or sterile within the perspectivistic approach to argumentation³³.

It can be argued that these impasses appear only for a relativistic view of

³² Cfr "Discomfort and Moral Impediment", pp. 251-265, and in the "Introduction...", chapter 9. "The Philosophical Background of the Negative Approach to Argumentation: beyond Dogmatism and Scepticism", pp. 166-179.

³³ Here it is good to remember that perspectives are neither totally "objective", in the sense of a "view from nowhere", but neither are they "subjective", in a private or incommunicable psychological sense. Perspectives are objective in a diversified way. (Cfr. INA, chapter 9).

argumentation. But what we observe in debates is that all the participants defend their positions indefinitely and did not accept any of the criticisms presented by the other party. In our case, KA admits continuing without accepting my idea of 2nd or 3rd person autonomy as morally respectable and there is no sign that AK has changed his mind about abortion. But the same applies to me: none of their arguments have seemed solid enough to me to change my anti-abortion stance. This shows that this situation of denying having been refuted and defending one's own position indefinitely has nothing to do with being perspectivist or relativist. In fact, Akerma doesn't seem to me to be a relativistic thinker, as I am. At the level of real argumentation, what is observed is that *none* of the parties changes their mind to the point of admitting defeat. The negative approach only came, then, to make explicit a previously existing situation³⁴.

What currently happens is that, on a meta-discursive level, the parties usually declare that they are always ready to change their mind when presented with a compelling or reasonable argument. But this argument never appears in the real argumentation level (RA), where counterarguments are rarely (if ever) recognized as compelling or reasonable enough. This can indeed be a way of making one's own position invulnerable: declaring that it will be changed when a good argument is presented, but never acknowledging, at the RA level, that this good argument has finally appeared. This can be repeated endlessly. A critique would prove to be effectively *constructive* when some reformulation was finally accepted, even partially. If two, three, five or ten reformulations are presented and the other party still does not accept, even partially, if *all* the ideas of the other party continue totally wrong in *all* their reformulations, we can reasonably begin to doubt that, at the AR level, criticism is, really, constructive.

So, curiously, the thesis that philosophical positions can be totally refuted seems to face verification problems, because the empirical evidence shows a conflict of positions; we do not observe complete and definitive rebuttals, but only participants saying they have refuted and others denying having been

³⁴ For more on this, see INA, chapter 4, pp. 29-33 and chapter 9, pp. 167-169, 188 and ff.

refuted. What we in fact observe is irreducible perspectivism, not refutation.³⁵ My general hypothesis is that the power to totally refute another argument – outside pure logic or pure mathematics - is something that the intrinsic fragility of informal arguments does not allow, that the intention to refute, in the sense of totally disqualifying the opposing position, is a desire of the arguer rather than an intrinsic property of the arguments. Of course, my own anti-abortion argument is structurally affected by the intrinsic fragility of all arguments.

Concluding remarks and proposals

The reader who thinks that these logical-argumentative considerations are irrelevant to the debate on abortion, perhaps did not understand my initial hypothesis, that the success or failure of discussions on abortion does not depend only on the content of the problem, but also on the attitude of the participants with respect to the forms of argumentation they use. The approach to argumentation that I call "affirmative" - whether assumed by pro-abortion or anti-abortion - holds that there is only one true solution to the problem of abortion, and that those who advocate the opposite position are wrong. Still worse: that the opponents are dishonest and prejudiced, enemies who defend their positions through fallacies, have bad faith, and are stubborn in not accepting their defeat. The discussion is conceived as a war, where warlike vocabulary is used profusely ("accuse", "charge", "attack"). It is inevitable that this type of attitude produces many argumentative discomforts and prevents the discussion from developing in a favourable atmosphere.

If the affirmative anti-abortion attitude were radicalized, for example, in the figure of a convicted religious person who defends the sacredness of life given by God, and for whom the life of the new-born is sacred and must totally prevail over the suffering of the pregnant woman, this person may refuse to even start the debate. For this person, the other party should be prevented from

³⁵ In a reply to his critics, Benatar utters a sentence that could be considered standard: "*None of the arguments to which I shall respond have caused me to revise my views*". (Benatar D, "Every conceivable harm: a further defence of antinatalism". South-African Journal of Philosophy 31, no 1 (2012), page 128).

participating due to being affected by an insurmountable error. But, on the other hand, if the affirmative pro-abortion attitude were radicalized, in the position of someone who thought that the enormous suffering of pregnant women surpasses all and any consideration for the life of the new-born, for this person the anti-abortion opponents are so wrong that it is not even worth starting the debate with them.

The negative approach to argumentation does not want to abort the debate either. But first, for a real debate to begin, a logical-ethical principle should be assumed by all the parties: from the strictly *logical-argumentative* point of view (and no matter how strong our psychological certainties supporting one of the parties may be) it would have to be assumed that neither of the two positions is obviously true. We should accept that there are arguments on both sides that need to be considered, even if we are not convinced by them. And from an *ethical* point of view, given the emergence of argumentative discomforts, it should be accepted that the hypothesis of ignorance, prejudice or bad faith of the other party is the last plausible hypothesis, accepting that the others are trying, with or without success, to expose their ideas in the clearest way possible, that they are not trying to deceive us.

So, instead of reacting angrily to counterarguments as malicious inventions, we should see the objections as positive, as a motivation to clarify our ideas, mitigate their excessive claims, etc, without considering the rectifications as mere patches or fallacious strategies. If we are faced with a sentence with which we do not agree, or that shocks us, it is very different to accuse the author of the sentence as a falsifier and prejudiced, and to point out the difficulty of the sentence giving his author an opportunity to clear it up. This change of attitude is the first thing to be done.

Secondly, it seems clear that, in the matter of abortion, we find ourselves, in fact, with two sets of conflicting interests that cannot simply be ignored: those of the pregnant woman and other people around the abortion situation (the interests of those who want to abort), and the interests of the new-born, represented in the third person (and also the interests of those who do not want

to abort). A reasonable solution to the abortion problem would have to consist of finding some way to reconcile these two sets of interests, and not simply imposing one of them over the other. The extreme positions (only the life of the new-born matters, only the suffering of women matters) do not seem reasonable. It would be as if, in the situation of two ships facing each other in a narrow river, we blew up one of the two ships so that the other could pass.

It remains to know how reasonable humans are willing to be. Seeing what in fact happens in the AR, it seems naive to think that one of the parties will be convinced by the other and change their position. It is very difficult that, *during a debate*, a pro-abortion participant becomes anti-abortion or vice versa³⁶. It would be necessary to think of a game of concessions that allows maintaining the initial positions, pro or against abortion. I mean that the pro-abortion parties cannot be asked to attend to the interests of the new-born in a way that compromises their pro-abortion positions, or that the anti-abortion parties attend to the interests of women in a way that compromises their anti-abortion position. Putting it in a simplifying way: the anti-abortion would have to accept the legitimacy of some abortions, and the pro-abortion, situations where abortion should not be done. For this, both parties would have to decide to end at some point a discussion that, by its own internal force, would continue indefinitely. Concessions imply resignations and renounces, and these cause suffering. Within a pessimistic view of life, we must abandon all hope that the solutions found will satisfy everyone and do not cause any suffering to either party or both.

In this negative and pessimistic spirit, characteristic of the AN as I understand it, I have tried to attend to both sets of interests. Throughout the argumentative process, I made several concessions. Leaving aside the two concessions that were already present in my initial project (that my line of argument is only tenable and without force to refute contrary positions, and that it is only compatible with weaker versions of the AN) I also stated that (a) I am

³⁶It is possible, although not so frequent, that someone who was anti-abortion when young, over the years becomes pro-abortion, or vice versa. This can happen in a larger temporal module, with the same slowness with which, for example, a young revolutionary transforms over time into an old conservative.

against considering someone who aborts as a murderer; heterocide and abortion are two different bioethical problems; (b) I am against the criminalization of abortion, and forcing a woman to carry on with an unwanted pregnancy; (c) I agree to introduce changes in the current medical system to treat serious cases and prevent abortions in terrible circumstances. (d) I would agree to implement all kinds of resources to accompany the procreation process and alleviate as much as possible the pain, physical and mental, of women, especially in precarious situations; (e) I agree to reduce bureaucratic adoption procedures as much as possible, to alleviate the situation of women who cannot take care of the new-born.

This was my last text, but this does not mean the last word. Who doubts that the pro-abortions, if they read this text, will feel a great desire to replicate? And who doubts that I would have replies as well? I said before that, assuming the absolutist positions, pro- or against abortion, the debate is not allowed to even start, because it is already known in advance what the correct position is. If this is the attitude that persists, if the proposals on cooperation, mitigation of argumentative discomforts and relativizing one's own conclusions are totally rejected, in that case, I would agree not to open a debate that is not going to be a real debate between two sustainable positions. In that case, unfortunately, it would be better never to have argued.

FINAL REPLY TO JULIO CABRERA, by Karim Akerma

On many points, I agree with Julio Cabrera. For example, it seems to me extremely plausible that philosophical discourses rarely ever lead to opponents being swayed from their previous position. Only rarely will they declare to be "refuted" and join an alternative view in future on the basis of convincing arguments. Cabrera is right in saying that many philosophical problems are the subject of inconclusive debate.

The idea that new knowledge is continually being created in philosophy by the representatives of certain positions confronting counter-positions cannot be sustained. In this vein Gadamer observes "that every historian and philologist must reckon with the fundamental non-definitiveness of the horizon in which his understanding moves." (Hans-Georg Gadamer, *Truth and Method*, Continuum Publishing Group, New York 1975, p. 366)

This is where philosophy differs from proper science. Science is characterised by the fact that ideas and solutions to problems are exhibited in a marketplace of ideas, so that after public debate within the scientific communities the "right" solutions remain. Especially – but not exclusively – in the natural sciences, experiments are devised to decide which problem solutions and explanations are "true". The knowledge of reality thus obtained can be challenged at any time, although in many cases it proves to be quite stable (think of Newton's theory of gravitation). Cabrera rightly observes that the force of better arguments in philosophy obtains much more rarely.

Moreover, Cabrera rightly suggests that an ideal communication community is indeed only an ideal. Being refuted often brings suffering on the part of the refuted. It may be true that many scientists and thinkers happily expose their fallible theories to the public, so that these ideas are falsified in the sense of J. St. Mill's negative logic. However, it is equally true that scientists and thinkers are anxiously waiting to see whether their theories will survive the attempts to disprove them or whether years of research or reflection have been in vain.

Even if it is the case that we cannot typically use scientific experiments to decide philosophical debates, philosophical thought experiments are often devised to bring certain questions closer to an answer. Some philosophical thought experiments seem to be able to generate some form of knowledge. These include thought experiments devised to get closer to answering the question of our personal identity.

Let us think of a not-so-distant future in which not only kidney or heart transplants are feasible, but even whole-body transplants. Imagine for this future that your organism is incurably afflicted with cancer. In this situation, you are offered the whole-body transplant of a patient whose functioning organism is being artificially ventilated in an intensive care unit. Only this patient's brain has irreversibly stopped functioning.

Scenario A

You reply, "Such a whole-body transplant is completely pointless, as I will die as soon as my current cancer-stricken organism stops functioning. I am identical with my functioning organism. Moreover, the patient whose body is offered to me as a transplant is alive, as it is a functioning organism."

Scenario B

You reply: "I gladly accept this functioning organism of the patient with irreversible brain failure, as it is the only way for me to continue living. After all, I am not identical with my present organism, but I am essentially the consciousness produced by my brain."

Scenario C

You wake up in an intensive care unit after a serious accident and discover that you have received a whole-body transplant (your previous body was severely damaged in the accident, whereupon your intact head together with your intact brain was connected to a complete donor organism).

Reaction 1. You exclaim: "I am dead because my organism was incurably destroyed in an accident."

Reaction 2. You exclaim: "I survived this serious accident because my brain still functions and generates consciousness."

If you believe that you are identical with your original organism, you must state after awakening that you did not survive the accident. Looking at your former body, you would even have to say that you are lying there as a corpse.

To me at least, the argumentative logic of this thought experiment seems so compelling that I cannot for the life of me understand how anyone can nevertheless be of the opinion that we are essentially our functioning organism – which means that we began to exist with the beginning of the existence of our current organism and cease to exist with the end of our current organism.

The argument is meant to demonstrate that we are not identical with our functioning organisms. Perhaps the following argument is even stronger: consider extreme forms of Siamese twins, conjoined twins, where there is only one functioning organism (O), but two brains that – each separately – produce consciousness. Let us call these persons A and B. If it were the case that both A is identical to organism O, and B is also identical to organism O, then A and B would also have to be identical to each other because of the law of transitivity of identity. However, it would be grotesque to try to convey to the independently communicating, evaluating and arguing persons A and B (or to say about them) that they are identical with each other merely because they share one and the same organism. Their personal identity does not depend on their organism, but on the consciousness that each of their brains realises. And before their respective brains first realised consciousness, they did not exist.

In spite of this, I concede to Cabrera that the destruction of the organism that was later to become my organism can be morally questionable for several reasons. Let the following suffice to elaborate a little further on what is meant: Even more serious than in dealing with pre-mental embryos is the aesthetical aspect in dealing with so-called "brain dead" patients, i.e. with patients whose organisms are functioning under artificial respiration but whose brain functions have irreversibly ceased. Here, it is the human-gestalt perception as well as

organismic functions such as the heartbeat that create the impulse – at least in the eye of the non-physician observer – to be dealing with a human being in need of protection.

Now Julio Cabrera is one of those who do not embrace what I see as the compelling logic of the above arguments. The reason for this is not, of course, that he does not understand the thought experiment or the logic of transitivity, but that he belongs to a different philosophical current – namely, an existentialism of Heideggerian-Sartrean provenance. While I am of the opinion that I did not yet exist and thus could not be affected, when some decades ago only that embryonic organism was given that was later to become my organism, Cabrera thinks that I certainly already existed – namely as an "existent". As an existent whose abortion, according to Cabrera, would have robbed me of the the ability to decide for myself how I want to exist, or whether I want to continue my existence at all, and, if not, how I want to end my existence.

In my opinion, we act as damnators when we refrain from aborting an embryonic unconscious organism. However, Julio Cabrera is absolutely right in asking who is "we" in the above-mentioned constellation? As soon as we take into account the concerns of the pregnant woman, as requested and as described more in detail by Cabrera, my judgment appears to be weakened.

Moreover, I am perfectly willing to compromise the rigour of my argument as soon as one takes into account what I call the aesthetical dimension. Dealing with the "humanum" should always include a dimension of reverence. Regardless of whether there is someone directly affected, our actions often affect what we call social morality. And here we must indeed recognise that we must exercise a special reverence when dealing with embryos, corpses or graves.

To what degree is my argument weakened against this background? By the woman's omission to have an abortion, a person is likely to exist who will have to bear and compensate for the unbearable burden of existence eloquently illustrated by Cabrera in his writings. By the same token, for Cabrera,

the act of abortion is a deprivation: an existent with a being-towards-death is deprived of the possibility of making her or his own "free" decisions in years to come. It seems to me that the unbearable burden of existence weighs much heavier than a supposed manipulation or deprivation of "existents" from the possibility of deciding for themselves how they want to exist or whether they want to continue their existence at all and, if not, how they want to end their existence.

This leaves the pregnant woman with the freedom to decide for herself whether or not to have an abortion. And this is precisely where the responsibility of practical antinatalism and the necessity of antinatalist education are based: as many people as possible should be made aware of the unbearable burden of existence and of what a continuation of the "human project" entails.

A mediation of our positions seems indeed difficult. And yet, at least at first sight, a possibility appears to be given by the fact that Heidegger himself admits in *Time and Being* that his analysis of Dasein remained incomplete. He says:

"Dasein has been our theme only in the way in which it exists 'facing forward', as it were, leaving 'behind it' all that has been. Not only has Being-towards-the-beginning remained unnoticed; but so too, and above all, has the way in which Dasein stretches along between birth and death. The 'connectedness of life', in which Dasein somehow maintains itself constantly, is precisely what we have overlooked in our analysis of Being-a-whole." (*Being and Time*, Translated by John Macquarrie & Edward Robinson, Blackwell Publishers Ltd 1962, p. 425 (Section 72 of *Being and Time*))

In this context, it should not only be noted that Heidegger operates with the category of "life", but moreover that he appears to discuss "life" – in my sense – in a mentalistic way. The following quotation raises hopes that Cabrera's embryonic existentialism might ultimately be reconcilable with my mentalist definition of the beginning and end of a living being and with its ethical implications. Heidegger writes:

“What seems 'simpler' than to characterize the 'connectedness of life' between birth and death? It consists of a sequence of Experiences 'in time'. But if one makes a more penetrating study of this way of characterizing the 'connectedness' in question, and especially of the ontological assumptions behind it, the remarkable upshot is that, in this sequence of Experiences, what is 'really' 'actual' is, in each case, just that Experience which is present-at-hand 'in the current "now" ', while those Experiences which have passed away or are only coming along, either are no longer or are not yet 'actual'. Dasein traverses the span of time granted to it between the two boundaries, and it does so in such a way that, in each case, it is 'actual' only in the "now", and hops, as it were, through the sequence of "nows" of its own 'time'. Thus it is said that Dasein is 'temporal'. In spite of the constant changing of these Experiences, the Self maintains itself throughout with a certain selfsameness. Opinions diverge as to how that which thus persists is to be defined, and how one is to determine what relation it may possibly have to the changing Experiences.” (l.c., p. 425)

In my view, it is my persisting and functioning brain that stands for the continuity of my existence. I exist then and as long as there is enough matter and structure of MY brain (a copy of my brain would not suffice) and as long as it functions sufficiently. One can remove parts of my brain and destroy areas of my brain in an operation without my ceasing to exist; but one cannot destroy my whole brain without my ceasing to exist. And should it be the case that my brain does not produce any consciousness for the duration of a general anaesthetic or during a coma, this means that I temporarily do not exist, only to exist again as soon as my brain produces consciousness.

While it seemed a moment ago that I could make my last considerations in the spirit of Heidegger, this hope is immediately dashed as soon as we look at what Heidegger goes on to say. Since no sooner does Heidegger consider a mentalistic definition of Dasein than he rejects it again, noting:

“Dasein does not exist as the sum of the momentary actualities of Experiences which come along successively and disappear. [...] Dasein does not fill up a

track or stretch 'of life'--one which is somehow present-at-hand-with the phases of its momentary actualities. It stretches itself along in such a way that its own Being is constituted in advance as a stretching-along. The 'between' which relates to birth and death already lies in the Being of Dasein. On the other hand, it is by no means the case that Dasein 'is' actual in a point of time, and that, apart from this, it is 'surrounded' by the non-actuality of its birth and death. Understood existentially, birth is not and never is something past in the sense of something no longer present-at-hand; and death is just as far from having the kind of Being of something still outstanding, not yet present-at-hand but coming along. Factical Dasein exists as born; and, as born, it is already dying, in the sense of Being-towards-death. As long as Dasein factually exists, both the 'ends' and their 'between' are, and they are in the only way which is possible on the basis of Dasein's Being as care." (l. c., p. 426, (Section 72 of Being and Time))

In fact, an embryonic existentialism of Heideggerian provenance has a basic conceptual structure that makes it incommensurable with my mentalistic definition of the end and beginning of a life, for example. This also applies to other philosophical problems. Hans Jonas had studied with Heidegger and in his dissertation attempted to explore the spirit of late antique gnosis with Heidegger's existential-analytical categories. Which led to a most interesting result in the shape of his masterly study *The Gnostic Religion*. However, when Jonas set out to design a philosophical biology, he had to distance himself from Heidegger's categorical edifice. In fact, he turned away from Heidegger not because he had refuted Heidegger, but because a philosophy of the organism could not be generated with what Heidegger had delivered. A comparable distancing is not to be expected for Cabrera.

In conclusion, it would be inaccurate to say that Julio Cabrera and I do not understand each other. Rather, it seems that we have grown into or chosen different philosophical traditions. There are undoubtedly biographical reasons for this, but also aesthetical ones.