

# LIFE'S DOMINION

AN ARGUMENT ABOUT  
ABORTION, EUTHANASIA, AND  
INDIVIDUAL FREEDOM

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## WHAT IS SACRED?

Scientists sometimes cannot explain their observations about the known universe except by assuming the existence of something not yet discovered—another planet or star or force. So they assume that something else does exist, and they look for it. Astronomers discovered the planet Neptune, for example, only after they realized that the movements of the planet Uranus could be explained only by the gravitational force of another celestial body, yet unknown, orbiting the sun still farther out.

I have been arguing that most of us—liberals as well as conservatives—cannot explain our convictions in the way that many politicians, self-appointed spokesmen, moralists, and philosophers think we can. They say that the different opinions we have about when and why abortion is morally wrong, and about how the law should regulate abortion, all follow from some foundational conviction each of us has about whether a fetus is a person with rights or interests of its own, and, if so, how far these trump the rights and interests of a pregnant woman. But when we look closely at the kinds of convictions most people have, we find that we cannot explain these simply by discovering people's views about whether a human fetus is a person. Our convictions reflect another idea we also hold, whose gravitational force better explains the shape of our beliefs and our disagreements.

I have already said what that different idea is. We believe that it is

*intrinsically* regrettable when human life, once begun, ends prematurely. We believe, in other words, that a premature death is bad in itself, even when it is not bad for any particular person. Many people believe this about suicide and euthanasia—that a terrible thing has happened when someone takes his own life or when his doctor kills him at his own request even when death may be in that person's own best interests. We believe the same about abortion: that it is sometimes wrong not because it violates a fetus's rights or harms its interests, but in spite of a fetus's having no rights or interests to violate. The great majority of people who have strong views about abortion—liberal as well as conservative—believe, at least intuitively, that the life of a human organism has intrinsic value in any form it takes, even in the extremely undeveloped form of a very early, just-implanted embryo. I say "at least intuitively" because many people have not related their views about abortion or euthanasia to the idea that human life has intrinsic value. For them, that idea is the undiscovered planet that explains otherwise inexplicable convictions.

The idea of life's intrinsic value may seem mysterious, and I must try to make it seem less so. I shall have to overcome, first, an objection that philosophers have raised, which denies the very possibility that *anything* has intrinsic value. David Hume and many other philosophers insisted that objects or events can be valuable only when and because they serve someone's or something's interests. On this view, nothing is valuable unless someone wants it or unless it helps someone to get what he does want. How can it be important that a life continue unless that life is important for or to someone? How can a life's continuing be, as I am suggesting, simply important in and of itself?

That may seem a powerful objection. But much of our life is based on the idea that objects or events can be valuable in themselves. It is true that in ordinary, day-to-day life people do spend most of their time trying to get or make things they value because they or someone else enjoys or needs them. They try to make money and buy clothes or food or medicine for that reason. But the idea that some events or objects are valuable in and of themselves—that we honor them not because they serve our desires or interests but for their own sakes—is also a familiar part of our experience. Much of what we think about knowledge, experience, art, and nature, for example, presupposes that in different ways these are valuable in themselves and not just for their utility or for the

pleasure or satisfaction they bring us. The idea of intrinsic value is commonplace, and it has a central place in our shared scheme of values and opinions.

It is not enough, however, simply to say that the idea of intrinsic value is familiar. For we are concerned with a special application of that idea—the claim that human life even in its most undeveloped form has intrinsic value—and that application raises unique puzzles. Why does it not follow, for example, that there should be as much human life as possible? Most of us certainly do not believe that. On the contrary, it would be better, at least in many parts of the world, if there were less human life rather than more. Then how can it be intrinsically important that human life, once begun, continue? Those are important questions, and in answering them we will discover a crucial distinction between two categories of intrinsically valuable things: those that are *incrementally* valuable—the more of them we have the better—and those that are not but are valuable in a very different way. I shall call the latter *sacred* or *inviolable* values.

There is another, quite independent puzzle. I claim not only that most of us believe that human life has intrinsic value, but also that this explains why we disagree so profoundly about abortion. How can that be? How can a shared assumption explain the terrible divisions about abortion that are tearing us apart? The answer, I believe, is that we interpret the idea that human life is intrinsically valuable in different ways, and that the different impulses and convictions expressed in these competing interpretations are very powerful and passionate.

It is obvious enough that the abstract idea of life's intrinsic value is open to different interpretations. Suppose we accept this abstract idea, and also accept that in at least some circumstances a deliberate abortion would show a wrongful contempt for the intrinsic value of life. Which circumstances are these? The list of questions we must pose in deciding this is very long. Is an abortion at a late stage of pregnancy a worse insult to the intrinsic value of life than one at an early stage? If so, why? What standard of measurement or comparison do and should we use in making that kind of judgment?

What else, besides abortion, fails to show the required respect for human life? Does a doctor show respect for life when he allows a mother to die in order to save a fetus? Which decision that a doctor might make in such circumstances would show more and which less respect for the

intrinsic value of human life? Why? Suppose a pregnancy is the result of rape: which decision then shows greater respect for the intrinsic value of human life—a decision for or against abortion? Suppose a fetus is horribly deformed: does it show respect or contempt for life to allow it to be born? What standard of measuring respect or contempt for human life should we use in making these judgments?

Different people with sharply different convictions about a range of religious and philosophical matters answer these various questions differently, and the different answers they give in fact match the main divisions of opinion about abortion. If we can understand the abortion controversy as related to other differences of religious and philosophical opinion in that way, then we shall understand much better how and why we disagree. We shall also be in a better position to emphasize how we agree, to see how our divisions, deep and painful though they are, are nevertheless rooted in a fundamental unity of humane conviction. What we share is more fundamental than our quarrels over its best interpretation.

## THE IDEA OF THE SACRED

What does it mean to say that human life is intrinsically important? Something is *instrumentally* important if its value depends on its usefulness, its capacity to help people get something else they want. Money and medicine, for example, are only instrumentally valuable: no one thinks that money has value beyond its power to purchase things that people want or need, or that medicine has value beyond its ability to cure. Something is *subjectively* valuable only to people who happen to desire it. Scotch whiskey, watching football games, and lying in the sun are valuable only for people, like me, who happen to enjoy them. I do not think that others who detest them are making any kind of a mistake or failing to show proper respect for what is truly valuable. They just happen not to like or want what I do.

Something is intrinsically valuable, on the contrary, if its value is *independent* of what people happen to enjoy or want or need or what is good for them. Most of us treat at least some objects or events as intrinsically valuable in that way: we think we should admire and protect them because they are important in themselves, and not just if

or because we or others want or enjoy them. Many people think that great paintings, for example, are intrinsically valuable. They are valuable, and must be respected and protected, because of their inherent quality as art, and not because people happen to enjoy looking at them or find instruction or some pleasurable aesthetic experience standing before them. We say that we want to look at one of Rembrandt's self-portraits because it is wonderful, not that it is wonderful because we want to look at it. The thought of its being destroyed horrifies us—seems to us a terrible desecration—but this is not just because or even if that would cheat us of experiences we desire to have. We are horrified even if we have only a very small chance of ever seeing the painting anyway—perhaps it is privately owned and never shown to the public, or in a museum far away—and even if there are plenty of excellent reproductions available.<sup>1</sup>

We treat not just particular paintings or other works of art that way, but, more generally, human cultures. We think it a shame when any distinctive form of human culture, especially a complex and interesting one, dies or languishes. Once again, this cannot be fully explained merely in terms of the contribution that cultural variety makes to the excitement of our lives. We create museums to protect and sustain interest in some form of primitive art, for example, not just because or if we think its objects splendid or beautiful, but because we think it a terrible waste if any artistic form that human beings have developed should perish as if it had never existed. We take much the same attitude toward parts of popular or industrial culture: we are troubled by the disappearance of traditional crafts, for example, not just if we need what it produced—perhaps we do not—but because it seems a great waste that an entire form of craft imagination should disappear.

Is human life subjectively or instrumentally or intrinsically valuable? Most of us think it is all three. We treat the value of someone's life as instrumental when we measure it in terms of how much his being alive serves the interests of others: of how much what he produces makes other people's lives better, for example. When we say that Mozart's or Pasteur's life had great value because the music and medicine they created served the interests of others, we are treating their lives as instrumentally valuable. We treat a person's life as subjectively valuable when we measure its value to him, that is, in terms of how much *he* wants

to be alive or how much being alive is good for him. So if we say that life has lost its value to someone who is miserable or in great pain, we are treating that life in a subjective way.

Let us call the subjective value a life has for the person whose life it is its *personal* value. It is personal value we have in mind when we say that normally a person's life is the most important thing he or she has. It is personal value that a government aims to protect, as fundamentally important, when it recognizes and enforces people's right to life. So it is understandable that the debate about abortion should include the question of whether a fetus has rights and interests of its own. If it does, then it has a personal interest in continuing to live, an interest that should be protected by recognizing and enforcing a right to life. I have argued that an early fetus has no interests and rights, and that almost no one thinks it does; if personal value were the only pertinent kind of value at stake in abortion, then abortion would be morally unproblematic.

If we think, however, that the life of any human organism, including a fetus, has intrinsic value whether or not it also has instrumental or personal value—if we treat any form of human life as something we should respect and honor and protect as marvelous in itself—then abortion remains morally problematical. If it is a horrible desecration to destroy a painting, for example, even though a painting is not a person, why should it not be a much greater desecration to destroy something whose intrinsic value may be vastly greater?

We must notice a further and crucial distinction: between what we value incrementally—what we want more of, no matter how much we already have—and what we value only once it already exists. Some things are not only intrinsically but incrementally valuable. We tend to treat knowledge that way, for example. Our culture wants to know about archaeology and cosmology and galaxies many millions of light-years away—even though little of that knowledge is likely to be of any practical benefit—and we want to know as much of all that as we can.<sup>2</sup> But we do not value human life that way. Instead, we treat human life as sacred or inviolable. (As I said in chapter 1, I use those terms—and also the terms “sanctity” and “inviolability”—interchangeably.) The hallmark of the sacred as distinct from the incrementally valuable is that the sacred is intrinsically valuable because—and therefore only once—

it exists. It is inviolable because of what it represents or embodies. It is not important that there be more people. But once a human life has begun, it is very important that it flourish and not be wasted.

Is that a peculiar distinction? No: we make the same distinction about other objects or events that we think are intrinsically valuable. We treat much of the art we value as sacredly rather than incrementally valuable. We attach great value to works of art once they exist, even though we care less about whether more of them are produced. Of course we may believe that the continued production of *great* art is tremendously important—that the more truly wonderful objects a culture produces the better—and we believe the same about great lives: even those who are most in favor of controlling population growth would not want fewer Leonardo da Vincis or Martin Luther Kings. But even if we do not regret that there are not more works by a given painter, or more examples of a particular artistic genre, we insist on respecting the examples we do in fact have. I do not myself wish that there were more paintings by Tintoretto than there are. But I would nevertheless be appalled by the deliberate destruction of even one of those he did paint.

Something is sacred or inviolable when its deliberate destruction would dishonor what ought to be honored. What makes something sacred in that way? We can distinguish between two processes through which something becomes sacred for a given culture or person. The first is by association or designation. In ancient Egypt, for example, certain animals were held sacred to certain gods; because cats were associated with a certain goddess, and for no other reason, it was sacrilegious to injure them. In many cultures, people take that attitude toward national symbols, including flags. Many Americans consider the flag sacred because of its conventional association with the life of the nation; the respect they believe they owe their country is transferred to the flag. Of course, the flag's value to them is not subjective or instrumental. Nor is the flag incrementally valuable; even the most flag-reverent patriot does not believe that there must be as many flags as possible. He values the flag as sacred rather than incrementally valuable, and its sacred character is a matter of association.

The second way something may become sacred is through its history, how it came to be. In the case of art, for example, inviolability is not associational but genetic: it is not what a painting symbolizes or is associated with but how it came to be that makes it valuable. We protect



even a painting we do not much like, just as we try to preserve cultures we do not especially admire, because they embody processes of human creation we consider important and admirable.

We take a parallel attitude, we must now notice, toward aspects of the natural world: in our culture, we tend to treat distinct animal species (though not individual animals) as sacred. We think it very important, and worth considerable economic expense, to protect endangered species from destruction at human hands or by a human enterprise—a market in rhinoceros tusks, valued for their supposed aphrodisiac power; dams that threaten the only habitat of a certain species of fish; or timbering practices that will destroy the last horned owls. We are upset—it would be terrible if the rhinoceros ceased to exist—and we are indignant: surely it is wrong to allow such a catastrophe just so that human beings can make more money or increase their power.

Why are individual species so valuable that it would be dreadful if some useful enterprise destroyed one or a few of the many thousands of species in the world? Someone might say: we protect endangered species because we want the pleasure of continuing to see animals of each species, or because we want the useful information we might gain by studying them, or because it is more interesting for us that there be more rather than fewer species. But none of these arguments rings true. Many—perhaps most—of the people who consider endangered species important are very unlikely ever to encounter any of the animals they want to protect. I doubt that many who have labored to protect the horned owl have any plans to visit the habitat of those birds or to look them up in zoos, nor do I think they believe that in keeping horned owls alive we will learn enough useful information to justify the expense. These people struggle to protect the species simply because they think it would be a shame if human acts and decisions caused it to disappear.

So this is another important example of something many of us take to be of intrinsic rather than instrumental value. It is also an example of sacred rather than incremental value: few people believe the world would be worse if there had always been fewer species of birds, and few would think it important to engineer new bird species if that were possible. What we believe important is not that there be any particular number of species but that a species that now exists not be extinguished by us. We consider it a kind of cosmic shame when a species that nature has developed ceases, through human actions, to exist.

I put the point that way—about not destroying what nature has created—to emphasize the similarity I claim between our reverence for art and our concern for the survival of species. Both art and species are examples of things inviolable to us not by association but in virtue of their history, of how they came to exist. We see the evolutionary process through which species were developed as itself contributing, in some way, to the shame of what we do when we cause their extinction now. Indeed, people who are concerned to protect threatened species often stress the connection between art and nature themselves by describing the evolution of species as a process of creation.

For most Americans, and for many people in other countries, the evolutionary process is quite literally creative, for they believe that God is the author of nature. On that assumption, causing a species to disappear, wholly to be lost, is destroying a creative design of the most exalted artist of all. But even people who do not take that view, but who instead accept the Darwinian thesis that the evolution of species is a matter of accidental mutation rather than divine design, nevertheless often use artistic metaphors of creation. They describe discrete animal species as not just accidents but as achievements of adaptation, as something that nature has not just produced but wrought. The literature of conservation is studded with such personifications of nature as creative artist. They are part of the fertile ground of ideas and associations in which the roots of conservationist concern are buried. Indeed, so thoroughly have the metaphors of artistic and cultural creation come to dominate pleas for the preservation of species that the analogy is now used in reverse. An anthropologist recently pleaded that we should treat the threatened death of a primitive language with as much concern and sympathy as we show snail darters and horned owls and other near-extinct species of animal life.<sup>3</sup>

Our concern for the preservation of animal species reaches its most dramatic and intense form, of course, in the case of one particular species: our own. It is an inarticulate, unchallenged, almost unnoticed, but nevertheless absolute premise of our political and economic planning that the human race must survive and prosper. This unspoken assumption unites the two different examples of sanctity we have so far identified. Our special concern for art and culture reflects the respect in which we hold artistic creation, and our special concern for the survival of animal species reflects a parallel respect for what nature, understood

either as divine or as secular, has produced. These twin bases of the sacred come together in the case of the survival of our own species, because we treat it as crucially important that we survive not only biologically but culturally, that our species not only lives but thrives. That is the premise of a good part of our concern about conservation and about the survival and health of cultural and artistic traditions. We are concerned not only about ourselves and others now alive, but about untold generations of people in centuries to come.

We cannot explain our concern about future humanity, of course, as concern for the rights and interests of particular people. Suppose that through great stupidity we were to unleash radioactivity whose consequence was that human beings were extinct by the twenty-second century. It is absurd to argue that we would then have done terrible injury or injustice to people who would otherwise have lived, unless we think that in some very crowded mystical space people are waiting to be conceived and born. We sometimes talk that way, and may even fall into ways of thinking that would make sense only if there were such mystical worlds of possible people with a right to exist. But in fact our worries about humanity in centuries to come make sense only if we suppose that it is intrinsically important that the human race continue even though it is not important to the interests of particular people.

We also consider it important that people live well, and we therefore think we have a responsibility not only not to destroy the possibility of future generations but also to leave them a fair share of natural and cultural resources. That is the presupposition of what philosophers call the problem of justice between generations: the idea that each generation of people must in fairness leave the world fit for habitation not only by their children and grandchildren, whom they already know and love, but for generations of descendants whose identity is in no way yet fixed, at least in ways we can understand, but depends on what we must consider billions of independent accidents of genetic coupling. Philosophers speak of this as a matter of justice, and so do politicians and columnists: they argue, for example, that the huge national debt that the government has allowed the United States to develop in recent decades is unfair to generations yet unborn. But that way of putting it is misleading, because our concern for the future is not concern for the rights or interests of specific people. The decisions we now make about conservation and the economy will affect, in ways we cannot understand, let

alone anticipate, not only what resources our descendants will have but which people they will be. It hardly makes sense to say that we owe it to some particular individual not selfishly to squander the earth's resources if that individual will exist only if we do squander them. Or, for that matter, only if we don't. Our concern for future generations is not a matter of justice at all but of our instinctive sense that human flourishing as well as human survival is of sacred importance.

Through this canvass of things, events, and processes that many people take to be inviolable, I have tried to show how general the idea of the sacred really is, and therefore to forestall the objection that the principle that I believe is at the root of most people's convictions about abortion—the principle that human life, even the life of a very early embryo, is inviolable—is bizarre or odd. But the examples have the further value of suggesting that at least in many of the most familiar cases, the nerve of the sacred lies in the value we attach to a process or enterprise or project rather than to its results considered independently from how they were produced. We are horrified at the idea of the deliberate destruction of a work of art not just because we lose the art but because destroying it seems to demean a creative process we consider very important. Similarly, we honor and protect cultures, which are also, more abstractly, forms of art, because they are communal products of the kinds of enterprise we treat as important. Our attitudes toward individual works of art and discrete cultures, then, display a deep respect for the enterprises that give rise to them; we respect these enterprises independently of their particular results.

Our concern for the preservation of animal species is also based on respect for the way they came into being rather than for the animals considered independently of that history. The natural processes of evolution and development themselves have a normative significance for us, and this is not because the species they generated—the rhinoceros or the horned owl, for example—are superior on some independent test of animal worth to others that might have evolved if they had not, but because we consider it wrong, a desecration of the inviolable, that a species that evolution did produce should perish through our acts. Geneticists have created plants that we find instrumentally valuable: they produce food and may save lives. But we do not think that these

artificially produced species are intrinsically valuable in the way that naturally produced species are.

For many people, as I said, the respect we owe nature is respect for God conceived as the divine creator. We respect all God's creatures, on this view, not one by one, not each robin or horse or horned owl or snail darter, but as imaginative designs produced by God's inspired genius, to be honored as such, as God commanded Noah to honor his designs by keeping species, not individual animals, alive in the ark. Some conservationists who do not think of themselves as religious may nevertheless hold a powerful, intuitive conviction that nature is *itself* alive, a mysterious, inexorable force unifying all life in Life itself. Walt Whitman was the poet of that conviction—in *Leaves of Grass* and *Song of Myself* he celebrated the "procreant urge of the world"<sup>4</sup>—and another poet, David Plante, speaks of an elemental "pulse in the mud" as the mysterious source of all life. People with either of these views—the conventionally religious one or some version of the idea that nature itself is purposive—believe that destroying a species is wrong because it wastes an important and creative achievement of God or the procreant world. They mean that we should regret the loss of a species just as—though to a much greater degree than—we would regret the foundering of some project on which we or others had long labored. We regret the waste of a creative investment not just for what we do not have, but because of the special badness of great effort frustrated.

But many people who wish to protect endangered animal species or other important or beautiful natural products do not believe in a creative God or in a mysterious intelligence guiding nature. For them, the analogy between nature and art is only an analogy: they speak of nature as creative only as a metaphorical way of reporting their primitive but strong conviction that nature and art are both processes whose products are, in principle, inviolable. They believe that it is a shame for human beings to destroy what was created over aeons of natural selective evolution, not because some divine or cosmic artist created it but just because, in some primal way, it *is* a shame, an intrinsically bad thing to do. When they say that the extinction of a species is a waste of nature's investment, they mean not that nature is a conscious investor but that even unconscious natural processes of creation should be treated as investments worthy of respect.<sup>5</sup> Perhaps future generations will mock

the idea as ridiculously sentimental. But it is nevertheless very widespread now, and there is nothing irrational or disreputable about it. It is no more sentimental to treat what nature has created as an investment we should not waste than it is to take the same view of an ancient work of art, whose unknown author perished many centuries ago, or of some ancient language or craft created by people who never thought they were investing in anything.

I must emphasize, finally, two further features of our convictions about the sacred and inviolable. First, for most of us, there are degrees of the sacred just as there are degrees of the wonderful. It would be sacrilegious for someone to destroy a work by a minor Renaissance artist but not as bad as destroying a Bellini. It is regrettable when a distinctive and beautiful species of exotic bird is destroyed, but it would be even worse if we stamped out the Siberian tiger. And though we would no doubt regret the entire extinction of pit vipers or sharks, our regret might be mixed; we might think it not as bad when a species is destroyed that is dangerous to us. Second, our convictions about inviolability are selective. We do not treat everything that human beings create as sacred. We treat art as inviolable, but not wealth or automobiles or commercial advertising, even though people also create these. We do not treat everything produced by a long natural process—coal or petroleum deposits, for example—as inviolable either, and many of us have no compunction about cutting down trees to clear space for a house or slaughtering complex mammals like cows for food. And we consider only some species of animals as sacred: few people care when even a benign species of insect comes to an end, and even for those who believe that viruses are animals, the eradication of the AIDS virus would be an occasion for celebration untinged by even a trace of regret.

So in different ways we are selective about which products of which kinds of creative or natural processes we treat as inviolable. As we would expect, our selections are shaped by and reflect our needs and, in a reciprocal way, shape and are shaped by other opinions we have. We honor human artistic effort, for example, because it can produce marvelous things, like great paintings of beauty and insight and wonder, and then, because we honor that form of human creative enterprise, we respect everything it produces, including paintings we do not find marvelous. We honor nature because it has produced striking geological formations and majestic plants and living creatures we find extraordi-

nary, including us, and we protect examples of that production—mountains or rivers or forests or animals—in a special and more intense way because they are natural. The reciprocity between our admiration for processes and our admiration for product is complex, and its result, for most people, is not a single overarching principle from which all their convictions about the inviolable flow, but a complex network of feelings and intuitions.

It is not my present purpose to recommend or defend any of these widespread convictions about art and nature, in either their religious or secular form. Perhaps they are all, as some skeptics insist, inconsistent superstitions. I want only to call attention to their complexity and characteristic structure, because I hope to show that most people's convictions about abortion and euthanasia can be understood as resting on very similar, though in some important ways different, beliefs about how and why *individual* human life, in any form, is also inviolable.

#### THE SANCTITY OF EACH HUMAN LIFE

An obscure nineteenth-century Austrian philosopher, Joseph Popper-Lynkeus, said that the death of any human being, except of a murderer or a suicide, was "a far more important happening than any political or religious or national occurrence, or the sum total of the scientific and artistic and technological advances made throughout the ages by all the peoples of the world."<sup>6</sup> He added that anyone tempted to regard this extraordinary claim as an exaggeration should "imagine the individual concerned to be himself or his best beloved." His addition confuses the intrinsic value of human life with what I called its personal value. My life may be personally more important to me than anything else, but it does not follow that it is intrinsically more important, and once that distinction is made, it is ludicrous to suppose that even a premature and tragic death, let alone a natural death after a long life, is intrinsically a worse event than the destruction of all human art and knowledge would be. But Popper-Lynkeus's claim does capture, in hyperbolic form, a conviction that must now be our main concern: that in some circumstances the deliberate ending of a single human life is intrinsically bad—objectively a shame—in the same way as the destruction of great art or the loss of important knowledge would be.