normally and has the potential to grow into an adult with the attendant capacities.

It seems therefore that we are back at the old abortion controversy referred to earlier – ie does the fact that the fetus has the potential to develop into an adult confer on it any rights? After Goldenring and Kushner’s analysis we are clearly aware of the facts that: 1) brain waves are in certain contexts morally and legally significant and 2) the fetus has brain waves at roughly eight weeks. These authors wrongly conclude, however, that the presence of brain waves signifies the same thing in the case of the fetus as it does in the adult. Their argument is in reality another manifestation of the potentiality/actuality controversy, and no matter how much one may agree with its conclusion, the argument adds nothing to the debate. If the traditional debate over the moral significance of the fetal potential to grow into a moral agent were to be resolved, there would be no need for this argument. If on the other hand that debate is not resolved, their argument will remain inconclusive.

References and footnotes

(6) Warren M A. On the moral and legal status of abortion. The monist 1973; 57: 1. It may be thought that the phenomena of sleeping adults or adults in temporary coma may constitute a counter-example to the distinction proffered in this essay. That is, such individuals have rights and yet only have the potential to manifest valued capacities such as self-knowledge, the ability to follow rules, etc. The distinction can still be maintained, however, between an entity that has certain dispositions but cannot manifest them presently and an entity that only potentially has certain dispositions.

Singer and Kuhse on the potential of embryos

SIR

In replying to Singer’s and Kuhse’s response to my article ‘The Moral Status of Embryos (1)’, I will rely on the following points about potential:

1. There are degrees of potential.
2. Therefore, if A has the potential to become C, and B has the potential to become C, there is a sense of ‘potential’ in which it does not follow that A and B have the same potential.
3. Differences in degree of potential are important in various ways, including morally.

These points may be obvious, but I doubt that Singer and Kuhse would have replied to me as they did if they had kept them in mind. Nevertheless, a consideration of their adaptation of one of my cases illustrates all three points. Singer and Kuhse say:

‘Montgomery’s army has the potential to defeat Rommel’s army. So Bill Sykes, Bob Smith, Tom Jones . . . [the list continues until every soldier has been named] . . together have the potential to defeat Rommel’s army. This claim in plainly true (2)’.

Let us modify history. Montgomery is put in command of an untrained and undisciplined rabble. Against the pessimism of his staff he says ‘these men have the potential to defeat Rommel’s army’. He trains them, and, when he has turned them into a formidable army, utters precisely the same words, this time to general agreement. He puts his claim to the test of battle and is proven correct. Does the rabble have the same potential as the trained army? Yes, in the sense that the end-state, the defeat of Rommel’s army is the same. No, in the sense that they are not equally close to realising, or equally likely to realise, that potential. That such differences are strategically important is obvious. They are also morally important. The trained army has military responsibilities which the rabble lacks, and the rabble has a right to military protection which the trained army lacks.

With these preliminaries aside I now turn to deal with the claim that I have overlooked a straightforward way of understanding what Singer and Kuhse wrote. I will show that it is not straightforward and does not help their cause in the least. The passage to be interpreted follows. I have lettered and italicised the sections where the suggested gloss might be applied.

‘Everything that can be said about the potential of the embryo can also be said about (A) the potential of the egg and sperm. (B) The egg and sperm if united, also have the potential to develop into a normal human being, with a high degree of rationality, self-consciousness, autonomy and so on. On the basis of our premise that (C) the egg and sperm separately have no special moral status, it seems impossible to use the potential of the embryo as a ground for giving it special moral status (3)’.

The gloss offered by Singer and Kuhse is as follows:

‘In the crucial paragraph dealing with the potential of the egg and sperm, we had in mind, the egg and sperm when separate but considered jointly(2)’.

This gloss has no simple and univocal application. I think that the natural place for applying it is at (A) where it yields this result:

Everything that can be said about the potential of the embryo can be said about the potential of the egg and sperm when separate but considered jointly.

This is obviously false when one takes into account the fact that there are degrees of potential. All of the following have the potential to develop into intelligent adults: an egg, a 16-cell zygote, a 24-week fetus, an infant, a three-year-old, a 15-year-old. Do they have the same potential? Yes, in the sense that the end-state is the same. No, in the sense that they are not all equally close to realising or equally likely to realise that potential. The sense which yields the negative answer is morally important as the military example showed.

The artificiality of the gloss is obvious when it is applied to the phrase ‘the egg and sperm if united’ which occurs at (B). This phrase is incapable of being understood in the sense of ‘separate but considered jointly’. Rather ‘the egg and sperm if united’ just is the embryo (I follow Singer and Kuhse in not distinguishing between zygotes and embryos).

The passage marked (C) becomes ‘the egg and sperm separately but
considered jointly have no special moral status'. That is to say, an egg and a sperm in separate test-tubes in the same rack have no greater moral status than the egg alone or the sperm alone. But this is irrelevant. For from it we can derive no conclusions about the moral status of the embryo unless we can rely on (A). But (A) is false.

Contrary to what Singer and Kuhse suppose, I am not eager to find elementary fallacies in their work. None the less those fallacies are there and the authors have done nothing to eliminate them.

References

Response to Scarlett
SIR
Scarlett’s letter introduces a totally new element into the argument – the idea of degrees of potential. This idea is not even hinted at in his original article. Most of those who want to protect the human embryo are keen to deny that there can be degrees of potential, because this obviously allows us to say that the early embryo is less of a potential person than the later fetus or the infant. The claim that there are degrees of potential in fact concedes just the point we were seeking to make, namely that there is no absolute distinction between the potential of the human embryo just after fertilisation and the potential of the egg and the sperm when they are separate, but considered jointly.

Once it is conceded that potential is a matter of degree, the issue to focus on is the importance of particular changes in the degree of potential. Since there is no great difficulty in obtaining fertilisation once one has the egg and the sperm in a suitable condition (the success rate for the actual fertilisation *in vitro* of the egg and the sperm is around 90 per cent – the problems occur after the embryo is transferred to the uterus) it seems that fertilisation cannot be a crucial step in the creation of a new person.

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