Debate

The moral status of embryos

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Author's abstract

In a recent discussion of human in vitro fertilisation, Kuhse and Singer argue that it is legitimate to destroy unwanted embryos. Their argument fails: it involves at least two and possibly three logical fallacies. If the destruction of embryos is to be justified an alternative argument will have to be found.

Helga Kuhse and Peter Singer address a moral problem arising from human *in vitro* fertilisation: 'what if more eggs have been fertilised than can be re-implanted . . . can these excess embryos simply be tipped down the sink' (1)? While this is a somewhat special problem, it has obvious connections with the morality of abortion and this gives their discussion a much wider relevance.

The answer which they offer is that there is no moral obstacle to the destruction of unwanted embryos. In support of this judgement they produce a somewhat diffuse argument which I reconstruct below, bracketing the premises which are not explicit in their discussion.

- 1) It is not wrong to destroy human gametes.
- 2) [If it is wrong to destroy human embryos there must be some difference between embryos and gametes which is the basis for this difference in moral status].
- 3) [The basis for a difference in moral status must be either actual or potential].
- 4) There is no actual difference between an early embryo and a gamete which is sufficient to make such a difference in their moral status.
- 5) There is no difference in potential between embryos and gametes.
- 6) So there is no difference in moral status between embryos and gametes.
- 7) So it is not wrong to destroy embryos.

Let us concede 1) for, as Kuhse and Singer say, no one disputes it. Premise 2) also seems acceptable as it

claims only that moral status is supervenient on some feature of the bearer of that moral status. It therefore rules out only extremely subjectivist meta-ethics. Premise 3) asserts that the features of individuals are either actual or potential, an innocent assumption. There could be dispute about 4). It would be denied, for example by those who hold both that the embryo has a soul from the moment of conception and that the soul is always active. I know of no good reason to accept these assumptions. Kuhse and Singer approach this matter in a spirit of empirical enquiry:

'Our argument applies specifically to the very early kind of embryo produced by the IVF [*in vitro* fertilisation] programme. In other words, we are talking about an embryo that has developed for only some hours or at the most a day or two. It will only have divided a few times, into two, four, eight, or sixteen cells. . . . At this stage, of course, the embryo has no brain, or even a nervous system. . . . The embryo could not possibly feel anything or be conscious in any way. Therefore what we shall argue about this kind of embryo has no *necessary* application to an embryo at a later stage of development, for example at a stage of development at which it does have a brain, and could feel pain (3)'.

It seems to me that they have made out a good case for premise 4). So, if premise 5) is true, 6) and 7) follow. All the weight, therefore, bears on 5). Kuhse and Singer offer an argument in support of this premise:

'Everything that can be said about the potential of the embryo can also be said about the potential of the egg and the sperm. 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 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 (4).'

If Kuhse and Singer are right on this point, what are we to make of the following cases?

Key words

In vitro fertilisation; abortion; destruction of embryos.

A: Montgomery's army has the potential to defeat Rommel's army. So Bill Sykes, a soldier in Montgomery's army, has the potential to defeat Rommel's army.

B: None of my constituent cells has any moral status. So I have no moral status.

To use the jargon of informal logic, argument A exemplifies the *fallacy of division*, argument B the *fallacy of composition*. The Kuhse-Singer argument has the peculiarity that it exemplifies both of these related fallacies. Corresponding to argument A we have:

The embryo has the potential to develop into a normal human being. So its constituent gametes have that potential.

Corresponding to argument B we have:

The gametes separately have no moral status so the product of their union has no moral status.

But wait: there is a qualification that avoids the charge that we have here an instance of the fallacy of division. Kuhse and Singer say 'The egg and sperm if united have the potential. . . ' If the egg and sperm are united they are no longer gametes but jointly constitute an embryo. So what we are being told here is that the embryo has the same potential as the embryo, a conclusion that is trivial and irrelevant. We have a choice therefore: with the qualification the argument is irrelevant; without the qualification it is an example of the fallacy of division. The other part of the argument is unaffected as an example of the fallacy of composition.

With the failure of the argument for premise 5) the whole argument collapses. Perhaps it is, after all, legitimate to destroy early embryos but we have been given no reason to think so. Kuhse and Singer will have to produce a new argument if they are to justify this practice. If such an argument is available it will need to be based on a more adequate conception of potential.

References

- (1) Kuhse H, Singer P. The moral status of the embryo. In: Walters W, Singer P. eds. *Test-tube babies: a guide to moral questions, present techniques and future possibilities*. Melbourne: Oxford University Press, 1982: 57.
- (2) See reference (1): premise 1: 58; premise 4: 57; premise 5: 61.
- (3) See reference (1): 57.
- (4) See reference (1): 61.

Response

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In his eagerness to find so many elementary fallacies in our argument, Dr Scarlett has overlooked a straightforward way of understanding what we wrote.

In the crucial paragraph dealing with the potential of the egg and the sperm, we had in mind the egg and the sperm when separate, but considered jointly. Perhaps we should have said so explicitly, or written of 'the potential of the-egg-and-the-sperm', so as to rule out alternative interpretations; but we thought the context made our meaning clear.

It may help to re-state this context. We had just been telling some imaginary stories. In the first of these stories the doctors working on an IVF programme had obtained a fertile egg from a patient and some semen from the patient's husband. They were just about to drop the semen into the glass dish containing the egg when they learned the patient had a medical condition which made pregnancy impossible. They therefore tipped the egg and the semen, separately, down the sink. (Nothing wrong here, Scarlett would apparently admit.) In the second story, the bad news is brought *after* the semen has been tipped into the glass dish, and fertilisation has already taken place. The couple do not wish to donate the embryo to another couple. Would it *now* be wrong to tip the contents of the glass dish down the sink? It was against this background that we compared the potential of the embryo with 'the potential of the egg and sperm', and we assumed it was apparent that by the latter phrase we meant the potential of what the doctors were tipping down the sink in the first story, that is, the *collective* potential of the separate gametes.

Once our meaning has been grasped it is easy to see that Scarlett's cases A and B are irrelevant to our argument. We are not suggesting that a part of a whole, considered on its own, has the potential of the whole. To change case A to make it parallel to our argument, the case would have to read:

A: 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 is plainly true.

Scarlett's case B is an argument about actual moral status, not about potential, so it has no application to the argument we are now discussing. We advanced no argument like the one which Scarlett says corresponds to case B. The actual moral status of the embryo was something we discussed in the paragraph which Scarlett himself accepts as having 'made out a good case for premise 4).' We returned to this issue on p 60 of our article, but Scarlett does not discuss the issue further and makes no objection to what we said there.

There is therefore no fallacy of division, nor of composition. What about the charge of triviality and irrelevancy? The phrase 'if united' on which Scarlett bases his charge that we have committed this fallacy, was intended only to indicate the means by which the potential of the-egg-and-the-sperm can be realised. We did not mean to suggest that the-egg-and-the-sperm

have this potential only after they are united and become the embryo. To say that flour, yeast and water have the potential, if mixed, kneaded and placed in a hot oven, to become bread, is not to utter the irrelevancy or triviality that bread has the potential to

become bread.

So our argument stands. If it is legitimate to destroy eggs and sperm, when one has both of them and could unite them, it is also legitimate to destroy early embryos.

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