Debate

The moral status of embryos

B F Scarlett  Philosophy Departments, University of Melbourne and Australian National University

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 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

Key words

In vitro fertilisation; abortion; destruction of embryos.

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?
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


Response

Peter Singer and Helga Kuhse Centre for Human Bioethics, Monash University, Clayton, Victoria, Australia

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 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.

Contributors to this issue

Daniel Candee has been a Research Associate in Education at the Center for Moral Education, Harvard University, since 1973. Currently he is also an Associate Professor at the Boston College School of Nursing.

Bill Puka is an Associate Professor of Philosophy at the Rensselaer Institute in Troy, New York. He has taught and published in the fields of ethics and political theory.

Charles Fletcher is Emeritus Professor of Clinical Epidemiology, University of London.

Graham Clayden is Senior Lecturer and Honorary Consultant Paediatrician at United Medical Schools (St Thomas’s). He is interested in introducing the study of medical ethics as an essential part of medical education on a multidisciplinary basis.

Najla Mattar is Senior Tutor, Nightingale School and is very interested in establishing an ethical input into the student nurses’ training programme.

B F Scarlett is a Lecturer in Philosophy at the University of Melbourne. He is a Visiting Fellow at the Australian National University for 1983.

Peter Singer is Professor of Philosophy and Director of the Centre for Human Bioethics at Monash University, Melbourne Australia

Helga Kuhse is Research Fellow and Acting Director, Centre for Human Bioethics, Monash University, Victoria, Australia

Anne Slack works as a social welfare officer in Leeds. She is a part-time student at Manchester University studying for an MA in Philosophy. Her thesis is on the ethics of killing.

I D Young is a newly appointed Senior Lecturer in Clinical Genetics at the University of Leicester, with responsibility for genetic counselling services in Leicestershire.

R S Downie is Professor of Moral Philosophy at Glasgow University.

John Harris is Lecturer in Philosophy, Department of Education, University of Manchester.

Paul Hodgkin is Lecturer in General Practice, University of Manchester.

Mary Lobioit is Medical Officer, Student Health Service, University of Manchester.

D W Millard is Lecturer in Applied Social Studies, University of Oxford; Fellow of Green College; Honorary Consultant Psychiatrist, the Warneford Hospital, Oxford.

American correspondent
Bernard Towers, Department of Pediatrics, University of California at Los Angeles.

Case conference editor
Roger Higgs, 81 Brixton Water Lane, London SW1 1PH.