

Dear reader,

This is an Accepted Manuscript of an article published online by Taylor & Francis in Human Reproduction and Genetic Ethics on 21 Apr 2015 available at <https://www.tandfonline.com/10.1179/hrge.6.2.y4v1p37874v42181>.

Original publication:

Werner Wolbert

The Potentiality Argument in the Debate relating to the Beginning of Personhood

Human Reproduction and Genetic Ethics, 2000, Vol. 6, Issue 1: 19–26

Equinox, 2000

URL: <https://www.tandfonline.com/doi/abs/10.1179/hrge.6.2.y4v1p37874v42181>

Access to the published version may require subscription.

Published in accordance with the policy of Taylor & Francis:

<https://authorservices.taylorandfrancis.com/research-impact/sharing-versions-of-journal-articles/>

Your IxTheo team

# The Potentiality Argument in the Debate relating to the Beginning of Personhood

by Werner Wolbert

In debates on the beginning of personhood some authors stress that the zygote is at least a potential human being. It has<sup>1</sup> „the potentiality of developing into a human existence“.

From this thesis two contrary consequences can be drawn:

1. The embryo is only a potential, but not an actual person. A potential king has not yet the rights of a king; a potential person, likewise, cannot have the rights of a person. A potential murderer cannot be treated like an actual murderer. An even more drastic *reductio ad absurdum* can be found with Harris<sup>2</sup>:

„We will all inevitably die, but that is, I suppose, an inadequate reason for treating us now as if we were dead.“

2. The embryo is a potential person, therefore it is already a person. The idea behind this thesis is: a potential X has already *in nuce* all essential characteristics of X, as an acorn is already an oak *in nuce*.

Eventhough the second argument is typical for authors of Catholic tradition, it is not to be found in the documents of the Catholic magisterium (if I see right). Accordingly, N. Ford characterizes the traditional opinion which he hold 15 years in his teaching<sup>3</sup>:

„According to this account the zygote is an actual human individual and not simply a potential human person in much the same way as an infant is an actual human person with potential to develop to maturity and not just a potential person.“

Therefore, an embryo or a fetus is, like a newborn, a potential adult, but not a potential person. For Ford, contrary to other theologians, a potential person seems not to have the moral status of an actual person.

There are two possible reasons for the difference in opinions so far sketched: Some authors draw wrong conclusions from the potentiality argument, or there are different notions of potentiality. The latter is indeed the case (the former not excluded).

---

<sup>1</sup> Kluxen (1986), 7 (daß „die befruchtete Eizelle schon die volle Potentialität besitzt, sich zu einer menschlichen Existenz zu entwickeln, deren Lebenszusammenhang mit diesem Stadium beginnt“), quoted from Schockenhoff,(1993), 312.

<sup>2</sup> Harris (1985), 39.

<sup>3</sup> Ford (1991) Xlf.

### 1. *Two concepts of potentiality*

H.T. Engelhardt understands ‚potentiality‘ in the sense of ‚probability‘. He proposes<sup>4</sup> not to speak of „X’s being a potential Y“, but „of its having a certain probability of developing into Y“ instead. This weak notion of potentiality has immediate consequences for the question of the beginning of such a potential personhood. In this case, conception (fertilization) cannot be regarded as the decisive break, as Harris stresses<sup>5</sup>:

To say that a fertilised egg is potentially a human being is just to say that if certain things happen to it (like implantation), and certain other things do not (like spontaneous abortion), it will eventually become a human being. But the same is also true of the unfertilised egg and the sperm. If certain things happen to the egg (like meeting a sperm) and certain things happen to the sperm (like meeting an egg) and thereafter certain other things do not (like meeting a contraceptive), then they will eventually become a new human being.“

E. Schockenhoff<sup>6</sup> pleads for a stronger notion. For him the potentiality of the embryo is not to be compared with the potential house in the fantasy of the owner, but in the blueprint of the architect. Potentiality in the stronger sense means that in case of the normal course of events the embryo develops into a person. The principle of this development is purely interior, no outside intervention is necessary<sup>7</sup>.

Similarly, Buckle distinguishes two notions of potentiality<sup>8</sup>:

1. „Just possibility“<sup>9</sup>. In this sense, an acorn is not only a potential oak, but also potential food, potential humus etc. The future of this potential may depend from the activity of humans. The relevant consequences are drawn by McLaren. According to the catholic point of view<sup>10</sup>:

---

<sup>4</sup> Engelhardt (1986), 111. Cf. critically Hartmann (1989) 166-169.

<sup>5</sup> Harris (1985) 11s.

<sup>6</sup> Schockenhoff (1993) 312. I will not discuss this question in this article; cf. Baumgartner/Honnelfelder/Wickler/Wildfeuer (1997), esp. 170-194.

<sup>7</sup> Similarly Annis (1984), 157.

<sup>8</sup> Buckle (1988), 230-234; cf. Stone (1987), who distinguishes a strong from a weak reading of the contention, that A is a potential B (818).

Tooley (1985) 165 distinguishes „potential persons“ from „possible persons“ and „latent persons“ and (167) active, passive, and latent potentiality:

„An entity may be said to have an active potentiality for acquiring some property P if there are within it all of the positive causal factors needed to bring it about that it will acquire property P, and there are no other factors present within it that will block the action of the positive ones. It has a latent possibility if all of the positive factors are present within it, but there is some feature of it that will block the action of those factors. Finally, it has a passive potentiality for acquiring property P if other things could act upon it in such a way as to bring it about that it acquires property P.“

<sup>9</sup> Buckle (1988) 231.

<sup>10</sup> McLaren (1986), 52.

„it is not the manipulation of a human preembryo that it is ethically unacceptable but rather its subsequent destruction, which can be avoided by placing it into its ‚natural‘ location, the uterus.

Turn this argument upside-down and you reach the ethical viewpoint to which I adhere. In my view, if a pre-embryo or even an unfertilized egg is intended for transfer to a uterus, to develop into a wanted child, then it is entitled to all the protection that we can give it, and should *never* be used for research that might in any way prejudice its chances of giving rise to a normal baby. That entitlement is because of what it is going to be, not because of what it is. For most people a pre-embryo is not a person or a human being or an unborn child, and we do not expend grief or ceremony over the thousands lost with the menstrual flow every month. So if a pre-embryo is not intended to be transferred to a uterus, in other words, if it has no future, then it seems to me positively good that it should be used for research directed towards the sort of problem outlined above.“ [IVF]

2. The inherent „power to develop in certain ways, or to produce certain outcomes“<sup>11</sup> The further development **geschieht also nicht durch Widerfahrnisse** (wie bei Spermium und Eizelle), but by its own power. In this sense the zygote is a potential human being. This, according to Buckle, is overlooked by Harris<sup>12</sup>:

„From the standpoint of the central, relevant, meaning of ‘potential’, Harris’s account does confuse the effect with its cause. Judgements of potential, in this relevant sense, indeed *imply* predictions (with some saving clause) about future actualities, but not because judgement of potential are provisional or conditional claims about the future. Rather, they are attributions of a present power to an entity, a power which will or can have that future effect.“

---

<sup>11</sup> Buckle (1988) 232.

<sup>12</sup> Ib. 233.

This is potentiality in the narrower sense unlike mere „possibility“. In the latter case, a certain being can become something (different) because of an external factor. In the former case, the being has in itself the potential to become what it already is *in nuce*. It does not become something different, but it preserves or develops its identity<sup>13</sup>. For that reason, Leist<sup>14</sup> prefers to speak of an identity argument instead of a potentiality argument in this case. For a zygote to become an adult person only „not interfering“<sup>15</sup> is necessary, in case of a mere possibility, on the other hand, positive assistance might be required.

It is important to emphasize this difference. The problem is, however, that most authors who claim the potentiality of the embryo in the narrower sense seem to take the ethical relevance of this kind of potentiality simply for granted. One has to ask with Buckle<sup>16</sup>: „But how can the capacity to develop moral significant characteristics be itself such a characteristic?“ Annis rightly ascertains<sup>17</sup> that a principle of potentiality in this sense „does not specify the degree of moral weight to be accorded to the fetus“. In general, it is true that „the stronger the potential, the greater the moral value.“ And<sup>18</sup>: „Thus it follows that the decision to abort a fetus is, at any point during prenatal development, a moral issue.“ And Ford says<sup>19</sup>:

„I believe the meaning of a potential person needs to be understood in the context of genetically human life and of the above moral concepts. While the wilful killing of a human individual, gifted by the Creator with an opportunity to choose a happy eternal destiny, is homicide, the deliberate destruction of a potential person would, by reason of its biologically human life, be immoral, but not technically homicide.“

Theologians who stress the potential of the embryo normally understand it in the narrower sense of an inherent potentiality. In this case, the objection that egg cell and sperm have some potentiality as well is not valid. They can not become anything so long as they are not united. There are, on the other hand, some difficulties with regarding the embryo as a potential person in this narrower sense:

---

<sup>13</sup> Similarly distinguishes Iglesias (1984) 34s „development *into* a person“ from „development *of* a person.

<sup>14</sup> Leist (1990), 84. Cf. Corradini (1994), 33s: „Vor der Befruchtung geht es um *aktuelle nicht-menschliche Individuen* (Ei und Spermium), die ein nur *mögliches menschliches Individuum* darstellen; nach der Befruchtung ist ein *aktuales menschliches Individuum* mit *potentiellen Eigenschaften* gegeben.“ The embryo is not a potential person, but a potential adult. „Während es möglich ist, daß x P besitzt, auch wenn x nicht aktual, sondern nur möglich ist, kann x nur dann P potentiell besitzen, wenn x schon aktual ist, und zwar als Individuum, das P haben wird. Mit andern Worten ist die Möglichkeit ein sehr genereller Begriff, der auch mögliche Individuen betrifft, während die Potentialität die Aktualität des Individuums erfordert, das sie besitzt.“

<sup>15</sup> Buckle (1988) 235.

<sup>16</sup> Ib. 229.

<sup>17</sup> Annis (1984) 161.

<sup>18</sup> Ib. 162.

<sup>19</sup> Ford (1991) 99. Corradini (1994) 28) formulates the problem strikingly: „Die Behauptung, daß die Potentialität des Fötus moralisch relevant ist, ist allzu vage, um mit ihr in der Abtreibungsfrage eindeutig eine Stellung zu beziehen. In der Abtreibungsdebatte spielt nämlich nicht nur die Potentialität des Fötus eine Rolle,

1. An *in vitro* generated embryo needs definitely some assistance, i.e. transfer in the womb, for his development. One could object that only in the womb it has its natural place where development by itself is possible. Nevertheless one has to consider that an embryo needs maternal assistance as an acorn needs fertile soil for developing into an oak. (The exact way of interaction between mother and embryo may still be in dispute.<sup>20</sup>)

2. Furthermore, there remains the problem mentioned by Harris, that the embryo divides into two main components<sup>21</sup>:

„the embryoblast and the trophoblast. The embryoblast becomes the foetus and the trophoblast becomes the extraembryonic membranes, the placenta and the umbilical cord. The trophoblastic derivatives are alive, are human, and have the same genetic composition as the foetus and are discarded at birth.“

Shouldn't one say that the embryo has the potential to become two things. Only the embryoblast (consisting of non life supporting cells) would have the inner potential to become a fetus, a child, and an adult later on. It is the question if the embryo is or remains the same from the beginning. A. McLaren has, therefore, expressed doubts about calling a „set of cells“ an *embryo*<sup>22</sup>:

„To the non-specialist this is confusing, just as it would be confusing persistently to refer to the [British] Shadow Cabinet as the Labour Party or vice versa.“

Buckle comments<sup>23</sup>:

„The Shadow Cabinet is not the Opposition Party, even though it is part of, or comes from, that party. Even though the Opposition Party can be said to produce the Shadow Cabinet, it is not itself the Shadow Cabinet. The two are distinct entities.“

And related to the embryo:

„The embryo proper is part of the organic system that develops from the fertilised egg, but it is not itself the same entity as the fertilised egg. The fertilised egg produces the embryo proper, but it is not itself the embryo proper.“

After this first sketch of the problematic variations of the argument from potentiality have to be checked.

sondern auch, - und vor allem - die genaue Bestimmung des zeitlichen Moments, von dem an die Potentialität des Fötus als relevant für ein Tötungsverbot angesehen wird.“

<sup>20</sup> This may remind one on the word in the Gospel (Joh 12,24): „A grain of wheat remains a solitary grain unless it falls into the ground and dies; but if it dies, it bears a rich harvest.“

<sup>21</sup> Harris (1985) 11 (quotation from H.W. Jones Jnr, „The Ethics of In Vitro Fertilization, in: Edwards and Purdy (eds), London, Human Conception in Vitro, London 1981, 353); cf. also Ford (1991) 124.

<sup>22</sup> According to Buckle (1988) 239.

<sup>23</sup> Ib. 240.

## 2. The position of R.M. Hare

R.M. Hare has tried to explain the argument from potentiality as a retrospective application of the rule of impartiality. Applied to the case of abortion the argument it says: We are glad that we were not aborted when we were embryos, therefore we should treat human embryos with the same respect that was shown to us during that time. In other words<sup>24</sup>,

„that if it would be wrong to kill an adult human being because he has a certain property, it is wrong to kill an organism (e.g. a foetus) which will come to have that property if it develops normally.

For a correct understanding of Hare's Position one has to keep in mind his non-cognitivist point of view. Since he does not presuppose any value of the person as an end in itself, the question whether the embryo/fetus is a person is not decisive. One cannot ground a moral judgment on the personality of the foetus.

Hare illustrates his position **with** an example (taken from Hart)<sup>25</sup>:

„If we make a law forbidding the use of wheeled vehicles in the park, and somebody thinks he can go in the park on roller skates, no amount of cerebration, and no amount of inspection of roller skates are going to settle for us the question of whether roller skates are wheeled vehicles ‚within the meaning of the Act‘, if the Act has not specified whether they are; the judge has to decide whether they are to be counted as such“.

The relevant question in this case will be what the prohibition of wheeled vehicles was supposed to exclude: noise, exhaust, danger to pedestrians. Only in the latter case roller skates could be counted as wheeled vehicles. Referred to the foetus this means<sup>26</sup>:

„To say that the foetus is (or is not) a person give by itself no moral reason for or against killing it; it merely encapsulates any reasons we may have for including the foetus within a certain category of creatures that it is, or is not, wrong to kill (i.e. persons or non-persons). The word ‚person‘ is doing no work here (other than of bemusing us).“

Only if there are (other) reasons against the killing of foetuses these were to be counted as persons.

Eventhough Hare proposes „A Kantian Approach to Abortion“<sup>27</sup>, he does not attribute to the human being qua person any unconditional value. For Kant morality and the person, insofar it is capable of it, have unconditional value, are ends in themselves<sup>28</sup>. For a non-cognitivist

---

<sup>24</sup> Ib. 155.

<sup>25</sup> Ib. 150.

<sup>26</sup> Ib. 152.

<sup>27</sup> The title of essay 11 in Hare (1993), 168-184. The Kantian element is, of course, the universalizability.

<sup>28</sup> Kant, Immanuel, *Grundlegung zur Metaphysik der Sitten*, BA 77; cf. Wolf (1997), 48 speaks of a second meaning of ‚Würde‘; but I think (with Kant, I hope) that faculty and dignity are not the same. The faculty (of morality) is the property of a rational being on which the dignity rests (as a consequential property); cf. Wolbert(1987), 110-124.

approach such a value judgment is not **wahrheitsfähig**. It is not a reason for any judgment of duty. It is viceversa: Whenever we have reasons to treat somebody like ourselves, he becomes an end in himself by that very decision. In a similar way, non-moral value judgments result from the preferences of the acting person. Concerning the problem of abortion the relevant question is<sup>29</sup>:

„How ought this creature, about whose properties, circumstances, and probable future we are quite adequately informed, to be treated?“

By the way, when Hare speaks of a concept „loose at the edges“<sup>30</sup>, a cognitivist philosopher or theologian could consent. But it would have a different meaning in his approach. As it is not clear which property constitutes a vehicle (if it were wheels, a sleigh would not be a vehicle), it is likewise unclear for Hare which properties constitute a person (arms, legs, speech). For a cognitivist like Kant, on the other hand, the criterion itself is clear: a person must be capable of morality („der Sittlichkeit fähig“). There may be some „looseness at the edges“ only in the application of this criterion. It is, at least, not manifest that an embryo has this capability.

At the first glance, Hare's application of the Golden Rule seems to coincide with a pro-life-position which does not allow any ethically relevant difference between born and unborn people. Hare changes the Golden Rule from the hypothetical to the actual<sup>31</sup>: „instead of saying that we should do to others as we wish that they had done to us we say that we should do to others as we are glad that they did do to us.“

Applied to the abortion problem this means<sup>32</sup>:

„If we are glad that nobody terminated the pregnancy that resulted in our birth, then we are enjoined not, *ceteris paribus* to terminate any pregnancy which will result in the birth of a person having a life like ours.“

If this argument is valid there is no moral difference between abortion and contraception<sup>33</sup>:

„I am glad, also, that my parents copulated in the first place, without contraception.“

We have therefore also a duty „not to abstain from procreation“. There is a problematic assumption implied in this argument which Wolf formulates precisely<sup>34</sup>:

---

<sup>29</sup> Hare (1993) 150.

<sup>30</sup> Ib.

<sup>31</sup> Hare (1993) 153.

<sup>32</sup> Ib. 153s.

<sup>33</sup> Ib. 157; Lenzen (1995), 225-239.

<sup>34</sup> Wolf (1983), 110: „Hare gibt ... keine Antwort auf die Frage, wie ein Wesen beschaffen sein muß, damit es in den Bereich jener Wesen fällt, auf die sich das Argument der Goldenen Regel anwenden läßt. Vielmehr scheint er einfach vorauszusetzen, dass Foeten in den Bereich dieser Wesen gehören.“



„Hare gives ... no answer to the question of what kind a being must be to belong to the sphere of those beings to which the Golden Rule argument can be applied. He seems simply to presuppose, on the contrary, that foetuses belong to that sphere.“

For some people this might, on the first glance, be attractive, an advantage that Boonin-Vail characterizes in the following way<sup>35</sup>:

„it offers a way to argue against the moral permissibility of abortion without first having to defend the claim that the fetus is a person with the same rights as you and I.“

The assumption that foetuses belong to those beings whom I have to regard as my equals is weak in Hare's approach. One has to observe<sup>36</sup>,

„that for Hare the probable future of a being counts among the conditions which go to make up the moral status of a being. But later on he holds that the principle of potentiality follows from the Golden Rule-argument. In fact, he presupposes it before he formulates the argument.“

The question is, therefore, if the duty of taking into regard the future of a being (its potentiality), follows from the Golden Rule or from the moral status of that being. Wolf is right to plead for the second possibility<sup>37</sup>.

The fundamental problem of Hare's position may be illustrated in another way. From a cognitivist point of view, only an existing being can be regarded as „capable of morality“ (Kant: „der Sittlichkeit fähig“). Only those beings can be regarded as our equals, to those the Golden Rule can be applied. Hare, on the other hand, holds<sup>38</sup>:

„Actuality is a property which cannot be defined without bringing in references to individuals, and therefore no such restriction can occur in a properly universal prescription.“

It is true that the Golden Rule excludes unequal treatment simply because of purely individual characteristics. For Hare actuality counts as such an individual characteristic. Therefore, the difference between abortion and contraception is not morally relevant for him even though he does not overlook the new beginning given with fusion of the gametes. The embryo is already „the bird in the hand“<sup>39</sup>. Limiting the application of the Golden Rule to actual people seems to

---

<sup>35</sup> Boonin-Vail (1997), 187.

<sup>36</sup> Wolf (1983), 110 („dass Hare unter die Menge der Bedingungen, welche den moralischen Status eines Wesens ausmachen, auch seine wahrscheinliche Zukunft zählt. Später behauptet Hare jedoch, dass das ‚Potentialitätsprinzip‘ aus dem Argument der Goldenen Regel folgt. In Wirklichkeit setzt er es aber voraus, bevor er das Argument formuliert.“).

<sup>37</sup> Similarly Corradini (1994) stresses (32): „Wie wird der Bereich der Betroffenen festgelegt? Nicht durch die GR [= Goldene Regel; W.W.] selbst, da ihre Anwendung die Bestimmung eines solchen Bereichs schon voraussetzt, sondern durch weitere und von ihr unabhängige materiale Prinzipien, die in unserem Fall Identitätskriterien sind.“

<sup>38</sup> Hare (1988), hier: 283; he refers to: Hare (1981), 6.4.

<sup>39</sup> Cf. Hare (1993), 183. Cf. Schöne-Seifert (1995), 218f: „Zum einen ist das ‚Irgendwann-Existieren‘ eben doch eine moralisch relevante Eigenschaft für Subjekte wie Objekte moralischer Präskriptionen. ... Und

represent for Hare a kind of ethical particularism. This view may result from a fallacy. Hare could confuse modifying and determining qualifications<sup>40</sup>. A black and a white person are equally human beings as a green and a red apple are apples equally. But, for instance, a real and a fictitious (or potential) parliament are not equally parliaments. Therefore, one cannot presuppose without closer examination that an actual and a potential person are equally human beings. Hare's argument from potentiality would only be valid if potentiality could be explicated as a modifying qualification. But a potential human being in Hare's sense is not a human being. Therefore the Golden Rule cannot be applied (in Hare's way regarding contraception<sup>41</sup>) to potential people.

True, even from a cognitivistic basis one has to take into regard hypothetical people (for instance, future generations. And hypothetical cases have to be judged like actual cases on Hare's second (critical) level (of the archangel). But duties against future generations (for instance, the duties of a married couple against future children )are not duties against potential individuals. The future people are not already present in a platonic heaven. We have duties against our descendants whoever they are.

The question „Which duties do actual people have against potential people is to differentiate (with Schöne-Seifert<sup>42</sup>):

„In the first case, there are possible conditional claims of potential people, that is, *in case of* their becoming actual people, in the second case, the question is how to deal with potential people during their status of pure potentiality.“

Tooley comments correctly on a possible obligation of generating children<sup>43</sup>:

„But if the action is not performed, those individuals will not exist, so there certainly there will not be any obligation to them that the action be performed. A decision not to produce additional people, then, cannot in itself be contrary to any prima-facie obligation that one has.“

---

zum anderen gilt auch für hypothetische Handlungsoptionen, daß sie doch immer unter der Annahme bewertet werden, daß die von ihnen Betroffenen existierten - so daß die dann geltenden Moralprinzipien nun tatsächlich keinen Unterschied mehr zwischen existierenden und nicht existierenden Adressaten machen müssen.“

<sup>40</sup> This difference was stressed by B. Bolzano that, for instance a painted man is always only a painting, not a real man („doch immer nur ein Bild und nicht eine wirklicher Mensch ist“) (Der Briefwechsel B. Bolzanos mit F. Exner, ed. by E. Winter, Prag 1935, 65).

<sup>41</sup> From my gratefulness for my existence does not follow any antecedent duty of my mother to give birth to me. It does not follow (Boonin-Vail (1997) 189), „that the mother did something she was morally obligated to do, but rather that she did something worthy of gratitude“. In the concept of Hare, on the other hand, it is nearly equivalent to abstain from an abortion of this child or from the generation of a later one; cf. Corradini (1994), 33).

<sup>42</sup> Schöne-Seifert (1995) 211 („Zum einen geht es um mögliche bedingte Ansprüche potentieller Menschen, nämlich *für den Fall* ihrer Aktualisierung; zum andern um den Umgang mit potentiellen Personen eben gerade im Zustand der bloßen Potentialität.“).

<sup>43</sup> Tooley (1985) 254f.

The action that results in the generation of offspring is in itself not beneficial for the offspring. It creates rather the presupposition for welldoing. Hare's expansion of the Golden Rule means, therefore, only a change of tenses<sup>44</sup>.

---

<sup>44</sup> Cf. *ib.* 246f.

### 3. *Hidden Potentiality Arguments*

Joyce holds<sup>45</sup>, „that the *human conceptus* is essentially a human person“ (not: potentially). He has the natural potential for „knowing, willing, desiring, and relating to others in a self-reflective way“. He seems to avoid speaking of a potential person, because this arguments does not lead to the result he holds true. His following statements are a bit confusing. A person must not have a developed faculty for thinking, willing etc., but<sup>46</sup> „*natural* capacity for these activities and relationships, whether this natural capacity is ever developed or not“. Does a newborn have a natural faculty to speak? This could only be a faculty which will develop in a natural way. Isn't that a potential faculty inherent in a human newborn. It is true<sup>47</sup>:

„Neither a human embryo nor a rabbit embryo has the functional capacity to think, will, desire, and self-consciously relate to others. The radical difference, even at the beginning of development, is that the human embryo *actually* has the *natural capacity* to act in these ways, whereas the rabbit embryo does not have and never will have it. For all its concern about potentialities, the developmentalist approach fails to see the actuality upon which these potentialities are based.“

Speaking of an actual natural, but not developed faculty seems to be a *contradictio in adjecto*, except if one distinguishes with joyce an actual from a mere „logical possibility“<sup>48</sup>. But the former could better be called a real possibility. Speaking of an actual potentiality is a semantic confusion. Or should one distinguish a actual potentiality from an actual actuality? Joyce seems to present a disguised potentiality argument.

### 4. *The potential to realize one's nature*

M. Reichlin distinguishes two meanings of potentiality: (1) possibility; (2) probability. The latter meaning was found already in Hare for whom potentiality is „possibility for future change“<sup>49</sup>. In this case, the future of the embryo depends on external factors as M. M. Warnock stresses<sup>50</sup>:

„Human semen is potential human material, *if* it fertilises an egg and is implanted. Human ova are likewise potential human beings *if* they are fertilised by semen, and implanted.“

---

<sup>45</sup> Joyce (1992), 30.

<sup>46</sup> Ib. 32.

<sup>47</sup> Joyce (1992) 32; similarly 36: „We must reckon then that such a potential is an *actually present capacity* which in the normal course of development will come to be more or less fully manifested in the personal life of an adult.“

<sup>48</sup> Ib. 32f. Wade (1975) 245 speaks of an „active natural potentiality or tendency“.

<sup>49</sup> Reichlin (1997), 2.

<sup>50</sup> Warnock (1987), 12; quoted from Reichlin (1997) 3.

In this case the killing of an embryo does not mean a violation of some right of the embryo but of the person into which the embryo may develop. The mere potential of the embryo is not relevant; stopping the development into a human being is at no time more reprehensible than at another time. It is not reprehensible at all, if the future person cannot expect a pleasant life.

One has to distinguish the potential of bringing something different into being from a potential to realize one's implicit nature<sup>51</sup>. The latter could be given with conception, but not the former. The latter one can be predicted, not the former. Only when Jimmy Carter became president could one know that he was a potential president already in 1930 (in a stronger sense than any American was a potential president in that time). Even a crown prince is a potential king only owing to a certain convention. Human dignity, on the other hand, is not dependant on such a convention.

Wer also dem Fötus als potentieller Person Rechte zuspricht, könnte darauf verweisen, daß dieser bei normalem Lauf der Dinge aufgrund des ihm innewohnenden Potentials zu einer Person wird. Reichlin criticizes a „reduction of an metaphysical concept to empirical considerations“<sup>52</sup>, which only stresses that in the normal course of events the embryo will develop into a person owing to its intrinsic potential. The nature of the embryo is decisive<sup>53</sup>: „the human individual develops and perfects the human nature it already possesses“. For Aristotle nature is identical with potentiality, some principle of motion. There is an inherent telos that is realised in the absence of external obstacles<sup>54</sup>:

„The sense in which the embryo is already what it will be is the project which it contains: it has all the information needed in order to accomplish the projected person it is.“

This is indeed true. The question is only, if not decisive questions remain unanswered.

1. What is the ethical relevance of a potential like that. Mostly, the authors content themselves with characterizing this kind of potentiality without explicitly asking about its ethical relevance. An acorn has a potential in that sense to become an oak, but there is no reason to treat it as an oak. Of course, an oak is not a person. But what is the relevance of potentiality in the case of persons. It will not help an unjust person in the last judgment if he stresses that he was at least potentially just. This is, of course, another kind of potentiality based on free will. But the question of the ethical relevance of „natural“ potentiality remains. Corradini explains a bit

---

<sup>51</sup> Larmer, (1995), 243.

<sup>52</sup> Reichlin (1997), 10.

<sup>53</sup> Ib. 12.

<sup>54</sup> Ib. 16.

more clearly that a person is defined by a set of properties but by the faculty to acquire these properties<sup>55</sup>. Personality is based on this first fundamental faculty.

2. The concept of nature/potency in the Aristotelian sense is not discussed. Reichlin refers to a „larger tradition of inquiry“<sup>56</sup>, according to MacIntyre. But then the question is, if the Catholic position can be communicated outside this tradition (if it is conceived that way). This is a critical point of communitarian approaches in general.

3. Speaking of „human nature“ is ambiguous, insofar as ‚human being‘ can mean a specimen of the human species, but also the human being as a **moral being**<sup>57</sup> (sittliches Wesen). The genetic information constitutes the human being in the first sense; but is it also a sufficient condition for personality? May not the genome be confused with what traditionally is called ‚soul‘? Another argument from Corradini<sup>58</sup>: an arrow may be blunt; but it is still an arrow, even if it has no value. But the value of a human being *qua* person is not dependant on its manifest properties, but on its faculty to develop certain dispositions.

One can distinguish here between a purely deskriptive or morphological and a functional sense of ‚human being‘<sup>59</sup>. In the latter sense the blunt arrow is not a *true* arrow because it doesn't work. The question concerning the human being is then if a human being in the purely morphological sense is to be regarded already as person and end in itself. There can be a functional sense of ‚human being‘ in a double sense:

1. insofar he (she) fulfills his (her) vocation (function) as a just person;
2. insofar he is called to justice (morality) or to conversion, insofar he is „capable of morality“ (Kant).

The question is if the embryo can be regarded as human being in this second sense.

---

<sup>55</sup> Corradini (1994) 36.

<sup>56</sup> Ib. 11.

<sup>57</sup> Es ist eigenartig, wie Verfechter des Lebensschutzes von Anfang an in der Kritik dieser Unterscheidung das Kind mit dem Bade ausschütten. Diese Unterscheidung sei, so etwa Wildfeuer (1992), 201 „der kontinentaleuropäischen Tradition der Ethik und Anthropologie weitgehend fremd“. Aber auch wer behauptet, jeder Mensch sei Person, wird doch diese Aussage als synthetische, und nicht analytische verstehen. (Schließlich kennt die Tradition nicht-menschliche Personen.) Dann sind aber die Wörter ‚Person‘ und ‚Mensch‘ nicht bedeutungsgleich, wie man etwa (als unverdächtigem Zeugen) bei Spaemann (1996, 41) nachlesen kann: „Während das Wort ‚Mensch‘ eine Spezies bezeichnet, eine natürliche Klasse, ... meint ‚Person‘ nicht die Klasse, sondern wesentlich das Element einer Klasse, und zwar nicht, *sofern* es Element dieser Klasse, sondern *sofern* es Individuum ist.“ Dann wird aber doch für die Abtreibungsfrage mit Recht herausgestellt, es komme nicht darauf an, ob der Embryo/Fötus Mensch sei, sondern ob er Person sei. Das gilt, egal ob man diese Frage bejaht oder verneint. Cf. Tooley (1990), 159-162.

<sup>58</sup> Ib. 38.

<sup>59</sup> Cf. von Wright (1996), 21.

4. Like G. Grisez Reichlin tries to solve the Problem of the natural selection of embryos in the following way<sup>60</sup>: In the case of spontaneous abort the potential seems to be lacking. And hydatidiform moles seem to be „predetermined to develop only into accessory tissues and lack the potential for rational acts“; therefore they are not to be regarded as human beings. Reichlin is cautious in his judgment about IVF and embryo-cryopreservation; they<sup>61</sup> „are in no way morally unproblematic“. And Grisez states equally cautiously<sup>62</sup>: „A person normally begins at conception.“ The problem of twinning is solved in the following way<sup>63</sup>:

„When a new human divides into identical twins, one may speculate that perhaps the fertilized ovum contained primordia for two individuals from the outset. Even if not, however, such twins can be explained by saying that two generations have occurred rather than one, the first by the usual process of sexual reproduction, and the second by an unusual process of asexual reproduction: either the first individual reproduced by giving part of itself, or the original individual ceased to be when it split, and two new individuals came to be. There is no logical or biological reason to reject this explanation.“

The first possibility is, in my view, to be excluded as soon as twinning can be caused artificially, as it now happens to be. There also grave difficulties concerning the other two possibilities. If one twin is considered as the parent of the other, there is not criterion to identify parent and child. Let me call them with N. Ford<sup>64</sup> *John* and *Tom*: there is no criterium to determine who is John and who is Tom. According to the second model John would be considered as the parent of, say, Tom and Jerry. The problem is, however, that John's life would not have ended by death, but by division. A human being would have disappeared without dying. That is, at least, a rather strange assumption. Because of those difficulties some authors (like the Catholic church) simply plead for a tutioristic solution according to which the embryo is to be treated as a person (without definitely stating that he or she is a person)

An additional problem seems to result from the fact that the genetic information may not be complete already with the joining of the male and female genom of the gametes. According to Ch. Kummer one knows now<sup>65</sup>, that the epigenetic Information of the cytoplasm is at least so essential as the genetic information of the chromosomes. If the blueprint of the organism is,

---

<sup>60</sup> Reichlin (1997), 41.

<sup>61</sup> Ib. 23.

<sup>62</sup> Grisez (1993), 195.

<sup>63</sup> Ib. 496; similarly Schockenhoff (1993) 308. Cf. the overview in Cahill (1993); she asks (138): „Which should be weighed more, the potential to divide, or the present cohesion, however ‚loose‘?“

<sup>64</sup> Ford (1991) 122. Differently Schockenhoff (1993) 308: „Wenn bei einer Zwillingsbildung aus einer Zygote zwei Individuen hervorgehen, heißt dies nicht, daß sie zuvor über keinerlei Individualität verfügte; der Vorgang läßt sich ontologisch auch so interpretieren, daß eine neues individuelles Lebenszentrum aus einem andern hervorgeht (selbst wenn dies dessen Tod bedeutet).“ Here two possible interpretations seem to be confused.

<sup>65</sup> Kummer (1997), 13.

in fact, not completely to be found in the genes, potentiality in the sense of a complete program cannot be given with the conception alone.



## 5. Result

The fundamental problem of the potentiality argument can be finally again illustrated by a quotation from K. Young *sagt*<sup>66</sup>:

„The functionalist views potentiality as the process of development *into* a person. The Aristotelian framework views potentiality as the process of the development *of* a person. A zygote, on this latter view is not a possible person, but rather a possibly functioning actual person. ‚Potential‘ persons and actual persons are the same in regard to their fundamental kind of being. The very meaning of ‚potential‘ here when referring to a living organism is that it already is a certain kind of being which will develop according to its proper kind.“

Isn't it better then to avoid speaking of potentiality? Should the respective argument not better read that every apparently potential person is, in fact, an actual person. There are some additional reasons for this proposal:

1. From a cognitivist point of view human dignity is an unconditional value. The decisive question which is obfuscated by the potentiality argument is: Can a potentially unconditional value really be already unconditional? Here is the problem of all comparisons. The oak is only of conditional value. Therefore we are not confronted with the question if an acorn is to be treated like an oak. The problem concerning humans may be illustrated by a comparison taken from Mahoney<sup>67</sup>:

„It may well be that the status of this living being on the way to hominisation is comparable in significant ways to the status of primates (to go back no further) at a pre-human stage in the evolution of *homo sapiens*, as we now identify that evolutionary process.“

2. The proponent of the potentiality argument shoulders an unnecessary heavy burden of proof. In my view, it is sufficient to ask for a *terminus post quem*: Is there a point before which there is no faculty of morality?

3. The embryo is not only *one* potential person. It contains the potential for several persons as far as each cell is totipotent whether there, in fact, one person comes into being or more than one<sup>68</sup>. N. Ford illustrates the problem as following<sup>69</sup>:

„If the natural active potential of the zygote and cluster of cells to develop into an adult person were enough to constitute an actual person, we would have to claim that the zygote and cluster of cells, at the same time, was both one person and more than one person.“

In this case it is also impossible to argue with identity<sup>70</sup> as again Ford stresses<sup>71</sup>:

---

<sup>66</sup> Young (1994), 4f.

<sup>67</sup> Mahoney (1986), 82.

<sup>68</sup> Cf. Ford (1991) 120. There is also the question of the potential of a (artificially or naturally) activated parthenogenetic cell; cf. ib 119.

<sup>69</sup> Ib. 135.

<sup>70</sup> Like Schockenhoff (1993) 310s.

„The continuity of the same ontological individual ceases when the zygote forms twins. The zygote is not the same ontological individual as either one of the eventual twins that result from its development, notwithstanding its genetic identity continuing throughout all its subsequent cleavages.“

Ford gives another important hint<sup>72</sup>: If in some cases a genetic factor really caused twinning, there would be a person only if this factor had become effective, that is after the division.

Ford's thesis is, therefore<sup>73</sup>: „The zygote is a human individual in potency“. That means that the real potentiality to be understood and interpreted is that of the embryo between conception and implantation. Unfortunately, the common reflections on potentiality don't seem to be very helpful to understand this special kind of potentiality.

4. Conception seems to be only a necessary, but not sufficient condition of personhood. The reason is again precisely formulated by Ford<sup>74</sup>:

„Unless the blueprint of the DNA in the zygote's genotype is activated, it is practically a ‚dead letter‘ and could not be considered a true human individual even if it does produce genetically identical progeny up to the two-or four-cell stage before degenerating.“

5. R. Dworkin<sup>75</sup> has distinguished a derivative and a detached objection against abortion. The first presupposes human dignity, the second is based only on the fundamental sacredness and inviolability of human life. The consequence from our considerations seems to be that for the zygote before implantation only the detached objection is relevant. Dworkin, in my view, is wrong to extend this minor objection on the whole time of pregnancy. But could the zygote perhaps be sacred in Dworkin's sense<sup>76</sup>: „Something is sacred or inviolable when its deliberate destruction would dishonor what ought to be honored.“?

---

<sup>71</sup> Ford (1991), 119.

<sup>72</sup> Ib. 136f.

<sup>73</sup> Ford (1991) 122.

<sup>74</sup> Ib. 74.

<sup>75</sup> Dworkin (1993); cf. Hagel (1996).

<sup>76</sup> Ib. 109. Similarly Ford (1991) ...

*Bibliography:*

- Annis, David B. (1984), Abortion and the Potentiality Principle: *The Southern Journal of Philosophy* 22, 155-163.
- Baumgartner, Hans Michael/Honnefelder, Ludger/Wickler, Wolfgang/Wildfeuer, Armin G. (1997), Menschenwürde und Lebensschutz. Philosophische Aspekte, in: Rager (1997), 161-242.
- Boonin-Vail, David (1997), Against the Golden Rule Argument Against Abortion: *Journal of Applied Philosophy* 14, 187-197.
- Buckle, Stephen (1988), Arguing from Potential: *Bioethics* 2, 227-253.
- Cahill, Lisa S. (1993), The Embryo and the Fetus: New Moral Contexts: *Theological Studies* 54, 124-142.
- Corradini, Antonella (1994), Goldene Regel, Abtreibung und Pflichten gegenüber möglichen Individuen: *Zeitschrift für philosophische Forschung* 48, 21-42.
- Donceel, Joseph (1979), Immediate Animation and Delayed Hominisation: *Theological Studies* 31, 76-105.
- Dworkin, Ronald (1993), *Life's Dominion. An Argument About Abortion, Euthanasia, and Individual Freedom*, New York.
- Engelhardt Jr., H. Tristram (1986), *The Foundations of Bioethics*, New York.
- Fehige, Christoph/Meggler, Georg (Hg.) (1995), *Zum moralischen Denken II*, Frankfurt.
- Feinberg, Joel (1980), Die Rechte der Tiere und zukünftiger Generationen, in: Dieter Birnbacher (Ed.), *Ökologie und Ethik*, Stuttgart, 140-179.
- Fisher, John Andrew (1994), Why Potentiality Does Not Matter: A Reply to Stone: *Canadian Journal of Philosophy* 24, 261-280.
- Ford, Norman M. (1991), When did I begin? Conception of the human individual in history, philosophy and science, Cambridge (= 1988).
- Grisez, Germain (1992), When do people begin?, in: Stephen J. Heaney (Hg.), *Abortion: a new generation of Catholic responses*, Braintree (Mass.), 1-27.
- Grisez, Germain (1993), *The Way of the Lord Jesus II: Living a Christian Life*, Quincy (Illinois).
- Hagel, Joachim (1996), Anfang und Ende des menschlichen Lebens. Der Beitrag von R. Dworkin zur Diskussion um Abtreibung und Euthanasie, *Freiburger Zeitschrift für Philosophie und Theologie* 43, 179-198.
- Hare, Richard M. (1975), Abortion and the Golden Rule: *Philosophy and Public Affairs* 4, 201-222; also in: Hare (1993), 147-167.

- Hare, Richard M. (1981), *Moral Thinking*, Oxford 1981.
- Hare, Richard M. (1988), Possible People: *Bioethics* 2 (1988) 279-293; also in: Hare (1993), 67-83.
- Hare, Richard M. (1993), *Essays on Bioethics*, Oxford 1993.
- Harris, John (1985), *The Value of Life. An introduction to medical ethics*, London.
- Hartmann, Klaus (1989), Rez. zu H.T. Engelhardt Jr. *The Foundations of Bioethics: Journal of the British Society for Phenomenology* 20, 166-169.
- Heaney, Stephen J. (Ed.) (1992), *Abortion: a new generation of Catholic responses*, Braintree (Mass.) 1992.
- Iglesias, Teresa (1984), *In vitro* fertilization: the major issues: *Journal of Medical Ethics* 1, 32-37.
- Joyce, Robert E. (1992), The Human Zygote is a Person, in: Heaney (1992), 1992, 29-42.
- Kluxen, Wolfgang (1986), Fortpflanzungstheorien und Menschenwürde: *Allgemeine Zeitschrift für Philosophie* 11, 1-15.
- Kummer, Christian (1997), Extrauterine Abtreibung. Sachargumente für eine Bestimmung des embryonalen Lebensbeginns: *Stimmen der Zeit* 215, 11-16.
- Larmer, Robert (1995), Abortion, Personhood and the potential for consciousness, *Journal of Applied Philosophy* 12 (1995) 241-251.
- Leist, Anton (1990), *Eine Frage des Lebens. Ethik der Abtreibung und der künstlichen Befruchtung*, Frankfurt.
- Leist, Anton (Hg.) (1990a), *Um Leben und Tod. Moralische Probleme bei Abtreibung, künstlicher Befruchtung, Euthanasie und Selbstmord*, Frankfurt.
- Lenzen, Wolfgang (1995), Hare über Abtreibung, Empfängnisverhütung und Zeugungspflicht, in: Fehige/Meggle (1995), 225-239.
- Mahoney, John (1986), *Bioethics and Belief*, London.
- McLaren, Anne (1986), Why study early human development?: *New Scientist* 24 (April 1986) 49-52.
- Rager, Günter (Ed.) (1997), *Beginn, Personalität und Würde des Menschen*, Freiburg 1997 (= Grenzfragen. Veröffentlichungen des Instituts der Görres-Gesellschaft für interdisziplinäre Forschung 23).
- Reichlin, Massimo (1997), The Argument from Potential: A Reappraisal: *Bioethics* 11, 1-23.
- Schockenhoff, Eberhard (1993), *Ethik des Lebens. Ein theologischer Grundriß*, Mainz.

- Schöne-Seifert, Bettina (1995), Zum moralischen Status potentieller Personen, in: Fehige/Meggle (1995), 210-224.
- Spaemann, Robert (1996), Personen. Versuche über den Unterschied zwischen ‚etwas‘ und ‚jemand‘, Stuttgart.
- Stone, Jim (1987), Why Potentiality Matters: Canadian Journal of Philosophy 17, 815-830.
- Stone, Jim (1994), Why Potentiality Still Matters: Canadian Journal of Philosophy 24, 281-294.
- Tooley, Michael (1985), Abortion and Infanticide, Oxford 1985 (=1983).
- Tooley (1990), Abtreibung und Kindestötung, in: Leist (1990a), 157-195.
- Wade, Francis C. (1975), Potentiality in the Abortion Diskussion: RevMet 29, 239-255.
- Warnock, Mary (1987), Do Human Cells Have Rights?: Bioethics 1, 1-14.
- Wildfeuer, Armin G. (1992), „Person“ und „Mensch“. Anmerkung zu einer folgenreichen Unterscheidung in der aktuellen Diskussion um Leben und Tod: Arzt und Christ 38, 201-211.
- Wolbert, Werner (1987), Der Mensch als Mittel und Zweck. Die Idee der Menschenwürde in normativer Ethik und Metaethik, Münster.
- Wolbert, Werner (1989), Wann ist der Mensch ein Mensch? Zur Frage nach Beginn und Ende personalen Lebens, in: Volker Eid/Antonellus Elsässer/Gerfried W. Hunold (Hg.), Moraltheo-logisches Jahrbuch 1, Mainz, 15-33.
- Wolf, Jean-Claude (1983), Sprachanalyse und Ethik, Bern.
- Wolf, Jean-Claude (1997), Die Würde der menschlichen Zygote, in: Heinrich Ganthaler/Otto Neumaier (Hg.), Anfang und Ende des Lebens. Beiträge zur medizinischen Ethik, Salzburg 1997 (= Beiträge zur angewandten Ethik 3)37-71.
- Young, Kirkland (1994), The Zygote, the Embryo, and Personhood: an Attempt at Conceptual Clarification: Ethics and Medecine 10 (1994) 2-7.