

The Potentiality Problem

Author(s): Elizabeth Harman

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THE POTENTIALITY PROBLEM

Many people face a problem about potentiality: their moral beliefs appear to dictate inconsistent views about the significance of the potentiality to become a healthy adult. Briefly, the problem arises as follows. Consider the following two claims. First, both human babies and cats have moral status, but harms to babies matter more, morally, than similar harms to cats. Second, early human embryos lack moral status. It appears that the first claim can only be true if human babies have more moral status than cats. Among the properties that determine moral status, human babies have no properties other than their potentiality that could explain their having more moral status than cats. So human babies' potentiality to become adult persons must explain their having more moral status than cats. But then potentiality must raise moral status generally. So early human embryos must have some moral status. It appears that the view that must underlie the first claim implies that the second claim is false.

I will advocate a solution to the problem that reconciles these two claims by explaining how potentiality has a particular significance that affects the way that human babies matter morally, but does not affect the way that early human embryos matter morally.

1. THE TWO CLAIMS

The two claims are:

BABIES PROVIDE STRONGER REASONS:

- (a) Human babies and cats both have moral status.
- (b) Harms to human babies matter more, morally, than similar harms to cats. For example, a baby's death matters more, morally, (provides stronger reasons against action) than



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a cat's death; and testing a shampoo made for adults by dripping it into babies' eyes is more morally serious than testing a shampoo made for adults by dripping it into cats' eyes.

EMBRYOS LACK MORAL STATUS: Early human embryos, one week old or less, that die due to the use of some forms of contraception, have no moral status.¹

Throughout this paper, I'll use the terms "matters morally", "moral status" and "matters more, morally" as follows. A harm to a being "matters morally" just in case there is a reason not to perform any action that would cause the harm and the reason exists simply in virtue of its being a harm to that thing, and simply in virtue of the badness of the harm for that thing. A thing has moral status just in case harms to it matter morally. One harm "matters more, morally" than another just in case there is a stronger reason *of the above kind* against causing the first harm than there is against causing the second harm. Some examples will help to illustrate this terminology. There are reasons not to harm both Alice and her car; but only Alice has moral status. Harms to Alice provide reasons against action simply in virtue of being harms to her. But harms to Alice's car provide reasons against action only in virtue of being harms to Alice; so these harms do not *matter morally* because the reason against action does not exist simply in virtue of the harm's being to that thing. Alice's getting her arm broken provides a stronger reason against action than Billy's getting a scraped knee; so Alice's getting her arm broken *matters more, morally*, than Billy's getting a scraped knee.

BABIES PROVIDE STRONGER REASONS says that the mere fact that an action would harm a baby or a cat provides a reason against the action; and that such reasons against harms to babies are stronger than such reasons against similar harms to cats. It does not say that among all the reasons there are, there are stronger reasons provided by harms to human babies than provided by similar harms to cats. Rather, **BABIES PROVIDE STRONGER REASONS** considers only the reasons against harming these beings that exist simply in virtue of the badness of the harms *for these beings*; and it says that these reasons are stronger for human babies than for cats. We can think of

these as the *subject-generated* reasons: they are the reasons generated by the subject of the harm. So, for example, **BABIES PROVIDE STRONGER REASONS** says nothing about the strength of reasons provided by harms to babies in virtue of their being harmful to the babies' parents; and it says nothing about the strength of reasons provided by harms to cats in virtue of some of them being harmful to cats' human owners.

Many people believe **BABIES PROVIDE STRONGER REASONS**. They believe that considering the subjects simply in themselves, harms to babies generate stronger reasons against action than similar harms to cats.² **EMBRYOS LACK MORAL STATUS** is more controversial, but many of the people who believe **BABIES PROVIDE STRONGER REASONS** believe **EMBRYOS LACK MORAL STATUS** as well. For example, someone may believe **EMBRYOS LACK MORAL STATUS** because she believes that not even minimal moral justification is necessary to engage in a contraceptive practice that may cause the deaths of some early embryos.

2. ARGUMENT THAT THERE IS A POTENTIALITY PROBLEM

If **BABIES PROVIDE STRONGER REASONS** is true, then there must be something that explains why harms to human babies matter more than similar harms to cats. If a baby's death matters more, morally, than a cat's death, it seems that something must explain this difference. If nothing explains the difference between a baby's death and a cat's death, then it would seem arbitrary to claim that more reason is generated by one harm than by the other.

Because the harms in question are similar harms – they are both deaths – it seems that there must be a difference in the beings that suffer the harms that explains why one harm matters more, morally, than the other. It seems that the following two claims must be true:

DEGREES OF MORAL STATUS: If a being has more moral status than another being, then a harm to the first being matters more, morally, than a similar harm to the second being.

BABIES HAVE MORE MORAL STATUS: Human babies have more moral status than cats.

BABIES HAVE MORE MORAL STATUS says that babies are more morally significant than cats; this would explain why babies' deaths matter more, morally, than cats' deaths. Someone committed to **BABIES PROVIDE STRONGER REASONS** appears to be committed to **BABIES HAVE MORE MORAL STATUS** as well.

BABIES HAVE MORE MORAL STATUS, in turn, must be explained by some facts about babies and cats. It might seem difficult to explain how **BABIES HAVE MORE MORAL STATUS** could be true, because the following claim seems to be true:

Human babies do not have any properties – other than potentiality properties – that could explain their having more moral status than cats.

(A “potentiality property” is a property of having a potentiality.) If we look only at human babies' and cats' non-potentiality properties, then it appears that cats have a claim to moral status that is equal to or better than the claim babies have. Cats are equally or better able to perceive the world around them, get around in the world, experience pain and pleasure, and form emotional bonds with others, than babies are.³ Note that **BABIES HAVE MORE MORAL STATUS** is harder to explain than:

PERSONS HAVE MORE MORAL STATUS: Normal healthy adult persons have more moral status than cats.

There are many morally significant non-potentiality properties that adult persons have but cats lack, such as self-consciousness and the capacity to form life plans.

If we want to explain **BABIES HAVE MORE MORAL STATUS** in the face of the comparability of babies' and cats' non-potentiality properties, it seems that we must appeal to this claim:

Human babies have more moral status than cats in virtue of their potentiality to become normal healthy adult persons.⁴

This claim would indeed explain how **BABIES HAVE MORE MORAL STATUS** is true.

The claim that babies' potentiality increases their moral status, itself requires explanation. It seems that it could only be true if the following more general claim is true:

Having the potential to become a normal healthy adult person increases a being's moral status.

But the early human embryos discussed in EMBRYOS LACK MORAL STATUS – those one week old or less, that die due to the use of some forms of contraception – have the potential to become normal healthy adult persons. If potentiality increases any being's moral status, then these early human embryos have some moral status, contrary to EMBRYOS LACK MORAL STATUS. So, because someone committed to BABIES PROVIDE STRONGER REASONS appears to be committed to the claim that potentiality does increase any being's moral status, someone committed to BABIES PROVIDE STRONGER REASONS appears to be committed to the denial of EMBRYOS LACK MORAL STATUS.

Let's review briefly. Suppose that both human babies and cats have some moral status, but that harms to babies matter more, morally, than similar harms to cats. It appears that this can only be true if human babies have more moral status than cats. Among the properties that determine moral status, human babies have no non-potentiality properties that could explain their having more moral status than cats. So human babies' potentiality to become normal healthy adult persons must explain their having more moral status than cats. But then potentiality must raise moral status generally. So early human embryos must have some moral status. In this way, it appears that the only reasonable view that could underlie BABIES PROVIDE STRONGER REASONS implies that EMBRYOS LACK MORAL STATUS is false.

3. FIRST SOLUTION

The above argument assumes a picture of how the moral status of beings gets determined; call it "the bad picture". It is a natural picture, but it is misleading. The first solution challenges one aspect of the bad picture; the second solution challenges another aspect.

According to the argument, if potentiality to be an adult person raises the moral status of babies, then it must raise the moral status of any thing that has it. According to the bad picture, properties fall into two categories: morally significant and morally insignificant. Properties that are morally significant raise moral status whenever they are present; properties that are morally insignificant never raise moral status. This picture is natural, but it carries an unwarranted

assumption. It rules out the possibility of *combination effects*. A property might raise the moral status of one being but not another, because it might raise moral status only when combined with certain other properties.⁵ More specifically, the following might be true:

The potentiality to become a normal healthy adult person raises the moral status of any being that has moral status independently of its potentiality.

This claim allows that bare potentiality might be morally insignificant, while saying that potentiality in the presence of other morally significant properties raises moral status.⁶

This way to solve the potentiality problem rejects the step from the claim that babies' potentiality raises their moral status to the claim that anything's potentiality raises its moral status. It adopts the claim that there is a combination effect as an explanation of the claim that babies' potentiality increases their moral status. Babies have many non-potentiality properties that are sufficient for them to have moral status; for example, they experience pain. Furthermore, that there is a combination effect does not imply that the human embryos mentioned in EMBRYOS LACK MORAL STATUS have any moral status. These embryos have no non-potentiality properties that are sufficient for moral status.

The first solution leaves a significant question unanswered: why does the combination effect it posits hold? For this reason, it is merely a sketch of a solution. I will not pursue the question of how the first solution might be elaborated.⁷ Rather, I will argue in section 7 that the first solution must be rejected, because it relies on an aspect of the bad picture which is mistaken and must be abandoned.

4. SECOND SOLUTION

According to the bad picture, there are degrees of moral status. Some things have no moral status at all, such as rocks and chairs; other things have some moral status, such as cats; and other things have yet more moral status, such as human babies and adult persons. There may be a wide spectrum of degrees of moral status. Harms to beings with greater moral status matter more, morally, than similar harms to beings with less moral status.

It seemed necessary to take recourse to a picture on which there are degrees of moral status, in order to explain part (b) of BABIES PROVIDE STRONGER REASONS:

- (b) Harms to human babies matter more, morally, than similar harms to cats.

Let's look more closely at that step in the argument, the move from (b) to these two claims:

DEGREES OF MORAL STATUS: If a being has more moral status than another being, then a harm to the first being matters more, morally, than a similar harm to the second being.

BABIES HAVE MORE MORAL STATUS: Human babies have more moral status than cats.

(b) appears to imply these two claims according to the following reasoning. Consider a harm to a baby and a similar harm to a cat: suffering a particular significant amount of pain. Why should the baby's suffering this pain matter more, morally, than the cat's suffering the same amount of pain? It seems that this can only be explained by the baby itself being more morally significant than the cat. The baby must have more moral status than the cat.

Similar reasoning underlies a parallel move from Persons Provide Stronger Reasons to Persons Have More Moral Status:

PERSONS PROVIDE STRONGER REASONS: Harms to healthy adult persons matter more, morally, than similar harms to cats.

PERSONS HAVE MORE MORAL STATUS: Persons have more moral status than cats.

If a harm to an adult person matters more, morally, than a similar harm to a cat, it appears that nothing could explain this other than the person's mattering more, morally, than the cat.

But the reasoning behind these steps treats *similar harms* as *equal harms*. Similar harms are harms that might be described the same way, that might naively appear to be equal harms: a baby's death and a cat's death; a baby's suffering pain and a cat's suffering the

same amount of pain; a healthy adult person's sudden painless death in the prime of life and a cat's sudden painless death in the prime of life. However, if we examine these harms more closely, we can see that they are not equal harms at all. Consider a healthy adult person's sudden painless death in the prime of life and a cat's sudden painless death in the prime of life. Both of these deaths deprive their subjects of future happiness. But the person's death harms the person in many ways that the cat's death does not harm the cat. The person's future plans and desires about the future are thwarted. The shape of the person's life is very different from the way he would want it to be. The person is deprived of the opportunity to come to terms with his own death and to say goodbye to his loved ones. None of these harms are suffered by the cat. Therefore, the person is more harmed by his death than the cat is harmed by its death. We can explain why the person's death matters more, morally, than the cat's simply by pointing out that the person's death is worse for him than the cat's death is bad for it. We need not appeal to degrees of moral status. So, PERSONS PROVIDE STRONGER REASONS can be explained without appeal to PERSONS HAVE MORE MORAL STATUS and DEGREES OF MORAL STATUS.⁸

Similarly, part (b) of BABIES PROVIDE STRONGER REASONS can be explained without recourse to BABIES HAVE MORE MORAL STATUS and DEGREES OF MORAL STATUS. Consider the death of a baby and the death of a cat. Both of these deaths deprive their subjects of future happiness. But the baby's death harms it in other ways. The baby has the potentiality to become a healthy adult person; its death deprives it of the chance to live life as an adult person. The cat is not similarly harmed by its death. The cat loses the chance to live life as a cat; this is a less severe loss. Therefore, the baby's death is worse for it than the cat's death is bad for it, and this explains why the baby's death matters more, morally, than the cat's death. Consider a typical case of a baby's suffering a certain amount of pain and a cat's suffering the same amount of pain. Because this is a typical case, the baby is likely to grow into a healthy adult person. Pain suffered as a baby typically has some chance of having some lasting psychological repercussions in the developing adult. So the baby's pain harms it by creating the possibility of psychological trauma; the cat's pain does not harm it in this way.⁹ This explains

how the baby's pain is worse for it than the cat's pain is bad for it, and thus why the baby's pain matters more, morally, than the cat's pain. The following claim is true:

POTENTIALITY CAN INCREASE HARMFULNESS: Babies' potentiality to become healthy adult persons makes many harms to babies *more harmful* than similar harms to cats.

Any harm that causes a baby's death deprives the baby of the chance to live life as an adult person; many harms that don't cause the baby's death create the possibility that the baby will grow into a person traumatized or otherwise limited by that harm.¹⁰

We can reject the argument that one cannot consistently defend both **BABIES PROVIDE STRONGER REASONS** and **EMBRYOS LACK MORAL STATUS** by rejecting the step from **BABIES PROVIDE STRONGER REASONS** to **DEGREES OF MORAL STATUS** and **BABIES HAVE MORE MORAL STATUS**. To explain part (b) of **BABIES PROVIDE STRONGER REASONS**, we can endorse the following claim instead:

MATTERS MORE IFF MORE HARMFUL: If two harms matter morally, then the first harm matters more, morally, than the second harm just in case the first harm is worse for the being that suffers it than the second harm is bad for the being that suffers it.

This claim says that, for two harms that matter morally, just considering the subject-generated reasons, the reasons against causing one harm are greater than the reasons against causing another harm, just in case the first harm is more harmful than the second harm. I gave one example of this at the beginning of this paper when I pointed out that Alice's getting her arm broken matters more, morally, than Billy's getting a scraped knee. Part (b) of **BABIES PROVIDE STRONGER REASONS** is explained by the claims **POTENTIALITY CAN INCREASE HARMFULNESS** and **MATTERS MORE IFF MORE HARMFUL**. Harms to babies are often more harmful than similar harms to cats, and this makes those harms matter more, morally.¹¹

Note that for some similar harms, the harm to a cat is actually more harmful than the harm to a baby. For an obvious example,

consider a baby's being deprived of cat's milk and a newborn cat's being deprived of cat's milk. The newborn cat needs its mother's milk to grow and be healthy; the deprivation of this milk is a serious harm. The baby does not need this milk; the deprivation of this milk may not be a harm at all. If the baby wants the milk, then the deprivation may be a harm of some sort, but it is not nearly so serious a harm. These considerations show that the second solution vindicates part (b) of BABIES PROVIDE STRONGER REASONS on one reading, but not on another. There are strong and weak readings of (b):

- (b) – ALL: All harms to human babies matter more, morally, than similar harms to cats.
- (b) – MANY: Many harms to human babies matter more, morally, than similar harms to cats.

The second solution vindicates only the weak reading, (b)-MANY.

5. COMPLETING THE SECOND SOLUTION

While the second solution has clearly provided a way to reject the argument that one cannot consistently defend both BABIES PROVIDE STRONGER REASONS and EMBRYOS LACK MORAL STATUS, it leaves an important question unanswered. Part (b) of BABIES PROVIDE STRONGER REASONS has been explained. But EMBRYOS LACK MORAL STATUS and part (a) of BABIES PROVIDE STRONGER REASONS remain unexplained: we need a new picture of how moral status gets determined that explains why cats and human babies *have* moral status, but early human embryos that die *lack* moral status; incorporating MATTERS MORE IFF MORE HARMFUL into this new picture will provide the second solution.

We have seen that the bad picture posited that there are degrees of moral status, and that this was used to explain part (b) of BABIES PROVIDE STRONGER REASONS. The bad picture endorses the notion of degrees of moral status given by:

DEGREES OF MORAL STATUS – “*similar*” version: If a being has more moral status than another being, then a harm to the first

being matters more, morally, than a *similar* harm to the second being.

But note that, because the bad picture does not distinguish similar and equal harms, the bad picture also endorses:

DEGREES OF MORAL STATUS – “*equal*” version: If a being has more moral status than another being, then a harm to the first being matters more, morally, than an *equal* harm to the second being.

Indeed, it is only the “*equal*” version of the claim that deploys a notion of degrees of moral status *with explanatory significance*; these are the degrees of moral status that can explain a difference in strength of reasons that is left unexplained by the lack of a difference between the harms themselves. On the new picture I am developing, the notion of degrees of moral status deployed by the “*equal*” version of the claim is misguided; there are no degrees of moral status that bear explanatory weight. We have no reason to posit such degrees of moral status, so we can conclude that moral status is not a matter of degree, but is rather on/off: a being either has moral status or lacks it.

(Note that the new picture can take or leave the notion of degrees of moral status deployed by the “*similar*” version above. It is true that *many* harms to babies matter more, morally, than similar harms to cats. We could then conclude, using the notion¹² defined by the “*similar*” version of the DEGREES OF MORAL STATUS claim, that babies have *more moral status* than cats. But this claim is explanatorily inert; we do not need it.¹³)

So far, we have two pieces of a new picture of moral status in place:

MATTERS MORE IFF MORE HARMFUL: If two harms matter morally, then the first harm matters more, morally, than the second harm just in case the first harm is worse for the being that suffers it than the second harm is bad for the being that suffers it.

MORAL STATUS IS ON/OFF: Moral status is not a matter of degree. It is on/off.

The important question left open is this: why do babies and cats have moral status, yet human embryos that die due to the use of contraception lack moral status?

In order to develop a picture that will answer this question, I want to first note that many things are capable of undergoing harms. The deprivation of light harms a weed. Having its wing torn off harms a fly. Having her arm broken harms a person. Yet not all of these things have moral status. A weed does not have any moral status at all. The mere fact that I would deprive a weed of light gives me no reason not to place a breakfast table in my backyard. So, the following claim is true:

The fact that something is capable of undergoing harm is insufficient to ensure that it has moral status.

While this claim might appear to be obvious, it is often useful to make this point explicit. It blocks a very bad argument for the claim that early embryos that die do have moral status:

- (i) Early embryos that die are deprived of lives as adult humans.
- (ii) Therefore, these early embryos are harmed by their deaths.
- (iii) Therefore, these early embryos have moral status.

Some philosophers find it natural to assume that harms can only occur to things with moral status. This is a mistake, as the weed example demonstrates.¹⁴

We need some principle that will distinguish, among all the things that can be harmed, those that have moral status. I propose the following:

CONSCIOUS: A being has moral status at t just in case it is ever conscious and it is not dead at t .

I will not offer any independent argument for **CONSCIOUS**.¹⁵ My aim is to elaborate a view that solves the potentiality problem, the problem of how to reconcile **BABIES PROVIDE STRONGER REASONS** and **EMBRYOS LACK MORAL STATUS**. The new picture of moral status provided by **MATTERS MORE IFF MORE HARMFUL**, **MORAL STATUS IS ON/OFF**, and **CONSCIOUS** together, does solve it.¹⁶ From **CONSCIOUS**, we get the conclusion that early embryos that die before becoming conscious lack moral status,

while cats and human babies have moral status, so EMBRYOS LACK MORAL STATUS and part (a) of BABIES PROVIDE STRONGER REASONS are true. From MATTERS MORE IFF MORE HARMFUL and our observation that POTENTIALITY CAN INCREASE HARMFULNESS is true, we get the conclusion that many harms to babies matter more morally than similar harms to cats: part (b) of BABIES PROVIDE STRONGER REASONS is true. Note that we can grant that early embryos are harmed by their deaths – that they are severely harmed – and yet deny these harms matter morally. The embryos lack moral status, so harms to them simply don't matter morally.

6. THE SECOND SOLUTION IN A NUTSHELL

The second solution solves the potentiality problem through the following observation: that potentiality may affect the strength of reasons not to harm babies by affecting *how harmful* those harms are, but without at all affecting *whether* harms to embryos matter morally. The second solution claims that potentiality makes harms to babies worse, but does not at all affect how much moral status babies have. If potentiality does not affect *how much* moral status babies have, then it need not affect *whether* embryos have moral status. Potentiality does make many harms worse for embryos, but it does not contribute at all to make those harms matter morally.

Three charts can illustrate the difference between the bad picture and the new picture. Let us pretend – what is clearly false – that the badness of a harm, the amount of moral status something has, and the strength of a reason, can all be numerically measured. The following chart represents the facts as they initially appear, before the problem has been raised:

Chart #1:

	Harmfulness of death (similar harms)	Moral status	Strength of reason
Babies	5	?	10
Cats	5	?	5
Embryos	5	0	0

That is, it initially appears that three equally bad harms – deaths – generate different strengths of reasons against actions that would cause them. There is no reason not to harm the embryo by causing its death; that is because it lacks moral status. But we must explain why there is a greater reason against causing the baby’s death than against causing the cat’s death. It seems we must fill the chart in like this (taking the strength of reason to be a function of harmfulness multiplied by moral status):

Chart #2:

	Harmfulness of death (a similar harm)	Moral status	Strength of reason
Babies	5	2 <i>because of potentiality</i>	10
Cats	5	1	5
Embryos	5	0	0

Now we have our problem. Babies’ moral status is higher than the moral status of cats because of babies’ potentiality. But if potentiality raises moral status, then embryos cannot lack moral status.

The new picture avoids this problem by questioning the initial statement of the facts: Chart #1 is wrong. The death of a baby is not equally harmful as the death of a cat. The new picture endorses the following chart:

Chart #3:

	Harmfulness of death (a similar harm)	Moral status	Strength of reason
Babies	10 <i>because of potentiality</i>	1 <i>because conscious</i>	10
Cats	5	1 <i>because conscious</i>	5
Embryos	10 <i>because of potentiality</i>	0 <i>because not conscious</i>	0

The key insight of the second solution is to move the significance of potentiality from *whether something has moral status* (whether harms to it matter morally) to *how harmful individual harms are*. Then, the question of whether something has moral status can be answered in a different way, without reference to potentiality.

7. WHY THE FIRST SOLUTION MUST BE REJECTED

The first solution must be rejected because it was motivated by a confusion, the conflation of similar harms with equal harms. The first solution posits degrees of moral status that bear explanatory weight, that can make a difference to the strengths of reasons against two harms, even when these are equal harms. Once we recognize that the similar harms that motivated the potentiality problem are not equal harms, we no longer have any reason to endorse the existence of degrees of moral status. We have no reason to deny that there is only one type of moral status – being such that harms to one matter morally – and that differences in strength of reasons against harms are wholly explained by differences in the harms themselves. The first solution (and the potentiality problem) were motivated by insufficient attention to the nature and complexity of individual harms.¹⁷

8. OBJECTION: TERMINAL BABIES AND TOOLEY'S KITTENS

It might be objected that MATTERS MORE IFF MORE HARMFUL and POTENTIALITY CAN INCREASE HARMFULNESS cannot explain part (b) of BABIES PROVIDE STRONGER REASONS. My explanation relies crucially on babies having the potentiality to become normal adult persons, and on cats lacking this potentiality. But, the objector maintains, some babies lack the potentiality to become normal healthy adult persons, and some cats could have this potentiality; yet part (b) of BABIES PROVIDE STRONGER REASONS is, and would be, true of these cats and babies.

The objector points out that some babies have diseases that will certainly kill them while they are babies; call them “terminal babies”. Terminal babies appear to lack potentiality. But, the objector claims, harms to terminal babies still provide stronger reasons than similar harms to cats.

The objector then asks us to imagine a case in which we have a serum that, when injected into kittens, causes them to develop in such a way that they become cats that are as mentally sophisticated as normal adult persons; they come to seem just like persons in cats' bodies. The objector claims that a cat injected with such a serum, before the serum has begun to take effect, has the potentiality to come to have the moral status of an adult person; and even a cat that has not been injected with the serum has this potentiality, since it could be injected. The objector then claims that these cats are morally on a par with ordinary cats; harms to babies still provide stronger reasons than harms to these cats.¹⁸

The point of this objection is to challenge the significance the new picture accords to potentiality: the objector maintains that lack of potentiality does not diminish the strength of reasons against harms to babies; and the addition of potentiality does not increase the strength of reasons against harms to cats. I agree with the objector that the potentiality to come to have the mental sophistication of a normal adult person, while in a cat's body, is morally on a par with the potentiality to become a normal adult person. I disagree with the objector regarding his understanding of what it is to have either of these potentialities.

The most permissive understanding of potentiality would hold that something has the potentiality to become a normal adult person just in case there is some possible future in which it becomes a normal adult person. But then, too many things would have this potentiality. We can imagine any material object gradually morphing into something with the moral attributes of a person, preserving enough spatio-temporal continuity such that (on some views) identity across time is preserved. This is metaphysically possible, though it may not be physically possible. A narrow understanding of potentiality would hold that something has the potentiality to become a normal adult person just in case it will in fact become an adult person. But that understanding of potentiality would get wrong the case of a healthy human baby that is suddenly killed in a car crash; it had potentiality, but its potentiality was not realized.

My objector seems to be operating with the following understanding of potentiality: something has the potentiality to become a normal adult person just in case it is physically possible for it

to become a normal adult person. I think this understanding is too permissive. Rather, it seems to me that a human baby differs dramatically, regarding potentiality, from a cat that has not been injected with the serum. Both *could* become normal adult persons, but one of them already has, encoded within it, the plans to become a person. I claim that human babies have potentiality, while cats not injected with the serum lack potentiality. Now consider cats in which the serum has been injected, but in which the serum has not yet affected the cats at all. It has not yet started to interact with the cats' cells. Here it is reasonable to maintain that the cat does not yet have potentiality; once the serum has sufficiently interacted with the cat's own cells and tissues, then it comes to have potentiality. The important point is that the cat, as an entity, can be seen to exist wholly distinctly from the serum; the serum is within the space in which the cat is located, but it is not intrinsically part of the cat. Babies are not similarly separable from their DNA. Babies have the plans to become a person *intrinsically within them*; cats recently injected with the serum do not.

Terminal babies also have the plans to become a person *intrinsically within them*; but they also have within them, something that interferes with these plans. I claim that these babies have the potentiality to become persons.

My response to the objector is to disagree that the examples he gives involves babies that lack potentiality, and to split the cases of the cats he considers into two categories: some of these cats lack potentiality, and some of them have potentiality. In granting that some of these cats have potentiality, and thus acknowledging that what I say about potentiality applies to them, I may appear to be biting a bullet (though less so than if I had acknowledged that all the cats have potentiality). But acknowledging that serum-altered cats are morally on a par with babies, in the extent to which harms to them provide reasons, is right. These cats are indeed just like human babies, in their morally relevant features. What could justify treating them morally differently? They are, like human babies, on their way to becoming sophisticated mental creatures just like human adults.

The objector might rephrase the first half of her objection. She can grant my claim that there is a sense in which terminal babies have potentiality. But she maintains that POTENTIALITY

CAN INCREASE HARMFULNESS does not apply to these babies. These babies are certain not to become persons, so, for example, their deaths do not deprive them of lives as persons, and causing them to suffer pain does not create the chance that they will suffer future trauma.

There are two points to make in response to this further objection. First, something can be harmed by being caused to have an increased chance of a bad result, even if the bad result does not occur. So terminal babies can be harmed by being caused to have an increased chance of bad adult lives, even if they end up not having adult lives. (They do not in fact lack any chance of becoming adults with good lives; this chance is simply very low.) Similarly for perfectly healthy babies that are in fact killed while they are babies. Second, terminal babies might be seen to be *worse off* than healthy babies in virtue of their likelihood not to fulfill their potentiality. On some views, if we compare two apparently equal harms to two beings, the fact that one being is worse off makes it worse for that being to suffer the harm. So it may be worse for terminal babies to suffer certain harms in virtue of how badly off they already are.

9. OBJECTION: DOES ANYONE REALLY BELIEVE BABIES PROVIDE STRONGER REASONS?

It might be objected that the potentiality problem is not important or interesting, because not many people believe BABIES PROVIDE STRONGER REASONS at all. Many people believe that the reasons against causing harms to babies are greater than the reasons against causing harms to cats, but they don't have the further belief that this difference is due to a difference in the subject-generated reasons. The difference might be explained by any of the following: that harming babies also harms the babies' parents; that harming babies is similar to harming healthy adult persons so such harm might encourage the harming of adults; and that human babies are created by adults and therefore adults have a special obligation to babies. I acknowledge that these considerations may generate genuine reasons against harming babies. But they cannot adequately account for the common belief that harms to babies are more morally serious than harms to cats.

We can see this by seeing that all of the following claims are true, and are believed by many people:

- Even if a baby has no family, there is still a stronger reason against killing it than against killing any cat.
- Even if no people cared at all about babies – if people switched on their interest in babies once babies started to speak – then there would still be stronger reasons against causing many harms to babies than against causing similar harms to cats.
- Even if harming babies did not develop a callous attitude towards human adults, there would still be stronger reasons against causing many harms to babies than against causing similar harms to cats.
- Even if babies were spontaneously created by plant spores, there would still be stronger reasons against causing many harms to babies than against causing similar harms to cats.¹⁹
- Even if no people cared at all about babies, harming babies did not develop a callous attitude towards human adults, *and* babies were created by plant spores, there would still be stronger reasons against causing many harms to babies than against causing similar harms to cats.

The truth of these claims shows that the suggested explanations, while they may be morally significant, do not adequately explain the stronger reasons generated by harms to babies, as compared to similar harms to cats.

This also provides an answer to a related objection. An objector might argue that we can retain the bad picture and yet vindicate belief in **BABIES PROVIDE STRONGER REASONS** and **EMBRYOS LACK MORAL STATUS**. On this view, babies have more moral status than cats because babies have certain *relational* properties that cats lack. For example, babies are such that: adult humans care deeply about them; adult humans are hurt when they are hurt; and adult humans are responsible for their existence. My discussion in section 2 only considered intrinsic properties of cats and babies in comparing their claim to moral status.²⁰ This objector asserts that **Babies Have More Moral Status** can be explained without recourse to **Babies' Potentiality** because babies have many relational properties that cats lack.

Several considerations show that moral status is intrinsic.²¹ Some relational properties are ruled out by the definition: the fact that

harms to babies are also harms to adult humans who care about them does not contribute to the subject-generated reasons against harming babies. Other relational properties cannot account for the extent of babies' moral status, as the conditional claims above demonstrate. Still other relational properties are such that babies have those properties because they have moral status, not vice versa: we care about babies because they are the kinds of things that matter morally; they do not matter morally because we care about them.

10. OBJECTION: NEED ANYONE REALLY BELIEVE
EMBRYOS LACK MORAL STATUS?

Similarly, it might be objected that the potentiality problem is not important because no one need be committed to believing EMBRYOS LACK MORAL STATUS rather than:

EMBRYOS HAVE LOW MORAL STATUS: Early human embryos, one week old or less, that die during the use of some forms of contraception, have low moral status.

If we want to retain the permissibility of certain forms of contraception in the face of EMBRYOS HAVE LOW MORAL STATUS, we need only show that there are serious moral considerations in favor of the use of contraception, which can outweigh the deaths of beings with low moral status. According to this objection, we need not reject the argument that one cannot consistently defend both BABIES PROVIDE STRONGER REASONS and EMBRYOS LACK MORAL STATUS. We can accept the claim that potentiality raises the moral status of any being, allowing that both babies' and embryos' moral status is raised by their potentiality. We can furthermore retain the bad picture of moral status, according to which there are degrees of moral status. Human embryos are harmed by their deaths; this harm does matter morally because the embryos have moral status, but this harm does not matter very much, because the embryos are not very morally significant.

There are two significant problems with the objector's proposal. The first problem is as follows. Potentiality needs to have a *very significant* impact on the moral status of babies in order to give

them greater moral status than cats. This is so for two reasons. First, potentiality does not play the role of a tie-breaker between two things that otherwise have equal claim to moral status. Rather, ignoring potentiality, cats arguably have greater claim to moral status than babies. So potentiality has to lift the moral status of babies above that of beings that otherwise have greater claim to moral status. Second, potentiality does not merely have to raise the moral status of babies *slightly* above that of cats. Rather, we take harms to babies to matter *significantly more*, morally, than similar harms to cats. These two reasons together show that potentiality must significantly raise the moral status of babies. Therefore, taking potentiality to raise babies' moral status well above the moral status of cats commits us to attributing substantial moral status to embryos. This makes the question whether to use certain forms of contraception a substantive moral question with significant moral considerations against it, which is contrary to the common view underlying EMBRYOS LACK MORAL STATUS.

Moreover, even on the bad picture, grievous harms to beings with lower moral status can matter more, morally, than minor harms to beings with higher moral status. So, for example, a cat's being tortured matters more, morally, than a human child's being deprived of amusement. And it would seem that, if early embryos have any moral status at all, an embryo's suffering the grievous harm of losing the chance to live life as an adult would matter more, morally, than many of the considerations that might be offered in favor of using a particular type of contraceptive. So accepting EMBRYOS HAVE LOW MORAL STATUS would imply that many contraceptive practices that can cause embryos to die are impermissible.

I conclude that the objector's proposal is unsuccessful.

11. HOW I LEARNED TO STOP WORRYING AND LOVE POTENTIALITY

Consider the following two very liberal views:

CONTRACEPTION NEEDS NO JUSTIFICATION: The practice of a contraceptive procedure that may cause some early human embryos to die does not require even minimal moral justification, because these human embryos do not have moral status.

EARLY ABORTION NEEDS NO JUSTIFICATION: The practice of early abortion does not require even minimal moral justification, because the pre-conscious early fetuses that die in these abortions do not have moral status.

The **CONTRACEPTION** claim is believed by more people than the **EARLY ABORTION** claim; but both are believed by many people. As someone who believes both claims, I used to be naively terrified of acknowledging any moral significance for potentiality. If potentiality raises the moral status of any being that has it, then both the **CONTRACEPTION** claim and the **EARLY ABORTION** claim are false. But the new picture of moral status given by the second solution demonstrates that we can acknowledge the moral significance of babies' potentiality without challenging either the **CONTRACEPTION** claim or the **EARLY ABORTION** claim at all. Potentiality has a particular kind of significance: it is significant to how harmful a particular harm is, but not to whether that particular harm matters morally.

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NOTES

¹ I use the one week cut-off here merely because it ensures that the embryos we are discussing are very early indeed. Many forms of birth control can cause the deaths of such early embryos.

² In section 9, I will defend the claim that many people believe BABIES PROVIDE STRONGER REASONS, in the face of the objection that people believe only the different claim that there are stronger reasons, *including* non-subject-generated reasons, against harming babies than against harming cats. I will argue that many people attribute a significance to babies that is properly expressed in BABIES PROVIDE STRONGER REASONS and misunderstood in any rejection of that claim.

³ Here it is important to distinguish two kinds of dispositions: potentialities and capacities. Capacities are dispositions to have certain manifestations right now; a capacity could be manifested at any moment. Potentialities are dispositions to manifest change in a certain way, over a considerable period of time. Potentialities cannot be manifested right away. I don't claim that this is a sharp distinction. But there are clear cases of capacities, such as those I mention, and clear cases of potentialities, such as the potential to become a human adult.

⁴ One might object that some babies have more moral status than cats, yet lack the potentiality to become normal healthy adult persons. I discuss this objection in section 8.

⁵ Shelly Kagan makes the point that a feature may have a certain moral significance in combination with other features, but not alone. ("The Additive Fallacy", *Ethics* 1988, 99: 5–31.)

⁶ Bonnie Steinbock holds the view that potentiality is not sufficient for moral status, but can raise the moral status of a being that independently has moral status. Her view appears to be motivated by a direct intuition that potentiality is significant, not by a problem that forces recognition of the significance of potentiality. (*Life Before Birth: The Moral and Legal Status of Embryos and Fetuses*, New York: Oxford University Press, 1992.)

⁷ In footnote 17, I explain how the second solution *might* be understood as an elaboration of the first solution.

⁸ The insight that similar harms are not equal harms, and that therefore the lesser significance of some harms to animals need not be explained by animals themselves mattering less than persons, is due to Peter Singer (pp. 58–59 of "Chapter 3: Equality for Animals" in *Practical Ethics*, Second Edition, Cambridge: Cambridge University Press, 1993). I do not think he would endorse my extension of this point regarding babies below.

⁹ Cats are susceptible to something that might be called psychological trauma; but human psychological trauma has features that cats' experiences cannot have.

¹⁰ There may be another way in which, in typical cases, harms to babies are bad for them. Babies typically have actual futures as adult humans. Adult humans are in a position to consent or not consent to being treated in certain ways. Even when an adult is not in a position to give or refuse consent, it is bad for her to be treated

in a way to which she *would not* consent, or of which she would not approve. When a baby is harmed, the baby is typically treated in a way of which her later self would not approve. This may be another way in which harms to babies harm them; harms to cats do not harm them in this way.

¹¹ It might be objected that harms to babies and harms to cats simply cannot be compared. Similarly, it might be argued that harms to two different persons cannot be compared. I think both claims are wrong for the same reason: facts about comparisons of harms are clearly morally explanatory of other moral facts that we know to be true. It is impermissible for me to prevent one stranger from getting a paper cut rather than prevent another stranger from losing his life; part of the explanation is that dying would be much worse for the second stranger than getting a paper cut would be bad for the first stranger. It is impermissible for someone to deprive his cat of food for a week, even though venturing out to get cat food would involve enduring a somewhat biting wind on his face; part of the explanation is that being deprived of food would be much worse for the cat than suffering the cold wind would be bad for the person. This is true even though other factors are also explanatory, such as the fact that the person has taken responsibility for the cat.

¹² Or a closely related notion, according to which babies have more moral status than cats because babies are susceptible to a range of serious harms and extraordinary benefits more significant than anything to which cats are susceptible; so, babies can be the source of stronger reasons than cats can be, and often are.

¹³ See footnote 17 for an explanation of how, if the second solution *does* endorse the “similar” version’s notion of degrees of moral status, then the second solution may be seen as an elaboration of the first solution.

¹⁴ Several philosophers do assume that something has moral status if and only if it can be harmed. Peter K. McInerney (“Does a Fetus Already have a Future-Like-Ours” *The Journal of Philosophy* 1990, 87: 264–268) appears to assume this view, and argues that early embryos are not harmed by their deaths in order to argue for the permissibility of abortion; I think this strategy cannot succeed. Bonnie Steinbock (*Life Before Birth: The Moral and Legal Status of Embryos and Fetuses*, New York: Oxford University Press, 1992) holds the view that something has moral status just in case it has interests, following Joel Feinberg. Steinbock’s arguments that plants and early fetuses cannot be harmed strike me as providing inadequate reasons to say these things cannot be harmed, but very good reasons to say these things lack moral status. My disagreement with those who say that things have moral status just in case they can be harmed may be terminological, but it is important. I think that arguments about whether certain harms matter morally are made more perspicuous when it is clear that the question at stake is whether the thing that is harmed has moral status, not whether the purported harm is really a harm.

¹⁵ Something is conscious just in case it is having experiences. (Or, if unconscious experience is possible, something is conscious just in case it is having

conscious experiences.) Equivalently, something is conscious just in case there is something it is like to be that thing.

CONSCIOUS implies that *actual future* consciousness is sufficient for *present* moral status. (So it is important that the embryos discussed in EMBRYOS LACK MORAL STATUS die as embryos and are never conscious.) I will not defend this implication of CONSCIOUS in this paper. I argue for and defend a weaker claim, that *actual future personhood* is sufficient for present moral status, in my “Creation Ethics: The Moral Status of Early Fetuses and the Ethics of Abortion”, *Philosophy and Public Affairs* 1999, 28: 310–324. An alternative solution that would do the same work as my proposed solution to the potentiality problem, would replace CONSCIOUS with the following claim:

CONSCIOUS*: Something has moral status at t just in case it is not dead at t and: it is conscious at t , or it has been conscious prior to t .

This claim implies that comatose individuals have moral status, but pre-conscious humans that will become conscious lack moral status (and, as my CONSCIOUS does, that dead human bodies lack moral status). This claim has the unattractive feature that it treats past and future consciousness differently, in a way that may be hard to justify.

¹⁶ It might be objected that consciousness is not on/off but a matter of degree (and/or sometimes indeterminate), so it cannot be that both something has moral status just in case it is ever conscious *and* moral status is on/off. However, no problem is raised by degrees of consciousness among the conscious things, so long as *the question whether something is conscious* is never either a matter of degree or indeterminate. I argue in “Vagueness and the Moral Status of Fetuses” (MS) that the question whether something is conscious is never either a matter of degree or indeterminate.

¹⁷ There is a way in which the second solution can be seen as an elaboration of the first solution. I said that the second solution can take or leave the notion of degrees of moral status defined in terms of “similar” harms. A proponent of the second solution need not take this notion on board, but she can. She can accept it as true – though explanatorily inert – that babies have *more moral status* than cats, in the sense that babies are susceptible to a range of serious harms and extraordinary benefits more significant than anything that cats are susceptible to; so, babies can be the source of stronger reasons than cats can be, and often are. Understood in this way, the second solution holds that babies’ moral status is *raised* by their potentiality (because potentiality explains the severity of some of these serious harms), while potentiality does not raise embryos’ moral status, because embryos lack moral status independently (and though potentiality does increase the severity of harms to embryos, this is morally irrelevant because the embryos lack moral status). In this way, the second solution can seem to endorse the combination effect proposed by the first solution. Nevertheless, I think that the two solutions are best seen as independent, and that the first solution is best seen as simply wrong, once we endorse the second solution. The key point is that we have found something else, other than degrees of moral status – namely,

difference in severity of the harms – to explain the difference in the strength of reasons against similar harms to babies and cats. We can tack on some facts about degrees of moral status after we’ve done this explanatory work, but we don’t have to rely on the claim that there are degrees of moral status to do the explaining, contrary to the spirit of the first solution.

¹⁸ Michael Tooley imagines such a serum in “Abortion and Infanticide”, *The Rights and Wrongs of Abortion*, Marshall Cohen, Thomas Nagel, and Thomas Scanlon, eds., Princeton, NJ: Princeton University Press, 1974. He is concerned to argue that potentiality is morally insignificant.

¹⁹ Judith Jarvis Thomson (“A Defense of Abortion”, *The Rights and Wrongs of Abortion*, Marshall Cohen, Thomas Nagel, and Thomas Scanlon, eds., Princeton, NJ: Princeton University Press, 1974) considers the counterfactual possibility in which fetuses come from plant spores, for a somewhat different purpose than my own here.

²⁰ A thing’s intrinsic properties are properties that would be shared by any possible duplicate of that thing. This definition is illuminating to those unfamiliar with the term “intrinsic”, but it is not a reductive definition that could be used to determine whether a property is intrinsic (because the best definition of “duplicates” appears to be: things that share intrinsic properties). Several definitions of “intrinsic” have been proposed and criticized. We can engage in such criticism because we have a good intuitive grasp of which properties are intrinsic. A promising definition is given in Langton and Lewis, “Defining ‘Intrinsic’” *Philosophy and Phenomenological Research* 1998, 58: 333–345; also see the papers on intrinsicness in *Philosophy and Phenomenological Research* 2001, 63: 2.

²¹ On my view, the intrinsic properties something *ever* has determine its moral status; for example, future intrinsic properties can affect current moral status.

It might be objected that my brain lacks moral status due to an extrinsic property – being part of me – because otherwise too many reasons would exist (reasons against harming my brain in addition to reasons against harming me). In response, I maintain that both consciousness and moral status are intrinsic, but deny that distinct reasons against actions can come from harms to two non-distinct entities, such as me and my brain. Thanks to Brian Weatherson; see his weblog, <http://philosophyweblog.blogspot.com>, entry on March 4, 2003.

Department of Philosophy
New York University
503 Silver Center
100 Washington Square East
New York, NY 10003
USA