

Abortion and the Argument from Potential: What We Owe to the Ones Who Might Exist

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I challenge the idea that the argument from potential (AFP) represents a valid moral objection to abortion. I consider the form of AFP that was defended by Hare, which holds that abortion is against the interests of the potential person who is prevented from existing. My reply is that AFP, though not unsound by itself, does not apply to the issue of abortion. The reason is that AFP only works in the cases of so-called same number and same people choices, but it falsely presupposes that abortion is such a kind of choice. This refutation of AFP implies that (1) abortion is not only morally permissible but sometimes even morally mandatory and (2) abortion is morally permissible even when the potential person's life is foreseen to be worth living.

Keywords: *abortion, impersonal morality, person-affecting morality, potentiality*

I. POSSIBLE, POTENTIAL, AND ACTUAL PEOPLE, AND FOOTBALL SUPERSTARS

A controversial spot aired during the broadcast of the 2010 Super Bowl. The quarterback of the Florida Gators, Tim Tebow, was chosen by the Christian group *Focus on the Family* as a spokesperson for its pro-family, pro-life, and antiabortion campaign. That advertisement is part of a series that sketches out the story of Tim's mother who, while pregnant with Tim, had refused to abort in spite of doctors' advice. Had she chosen differently, so the advertisement implicitly suggests, there would have been no such a football champion as her son, which would certainly have been a great loss for Gators supporters and all the football fans, not to mention for Tim Tebow himself. So touching a story is supposed to shed light on what a

cruel and immoral act abortion is toward the *potential* people we prevent from existing.

Lurking behind this kind of message there is the argument from potential (AFP) as applied to the issue of abortion. Roughly stated, it claims that abortion is not permissible when the potential person's life is expected to be at least worth living, for the reason that causing the death of the fetus would be against the potential person's interest. This is a very challenging objection to abortion because it does not rely on assumptions about the alleged intrinsic value of human life *as such*. For example, it allows termination of pregnancy when the future person is very likely to be so severely handicapped that her life would not be worth living, either because this person would suffer beyond a certain limit or because she would not be capable of valuing her being alive. The seeming reasonableness of this form of AFP derives from the sound idea, whose definition and justification are beyond the scope of this paper, that the aim of morality is to defend the interests of those affected by the consequences of a choice. Indisputably, it is in Tim Tebow's interest to have been born rather than to have died as a fetus.

In this paper, I shall argue against the philosophical version of this form of AFP, which was formulated and defended by Hare (1993a, 1993b). I shall demonstrate that it rests on an unuttered wrong presupposition, namely that it applies a value judgement that is only valid when a certain condition is met, but it falsely presupposes that abortion meets that condition.

In what follows I am going to talk of future, possible, and potential people. By "future people" I simply mean people who do not exist yet and who *will* exist in a time distant from now, regardless of what choices we make now. For example, the people who will inhabit this world in the year 2150 are to be considered "future people," even though we do not know *who* they will be. In the same way, the son a woman will have, *if she has any son at all in the future*, is a "future person." The expression "future people" can be taken as equivalent to the expression "*actual* people of the future." With respect to the *possibility* of causing future people to exist, a further distinction must be drawn between "possible people" and "potential people."¹ Both are people who *might* exist in the future and do not exist now. But with "possible people" I refer to people who will exist, provided that some action is performed, such as fecundation of an ovum *in vivo* or implantation of an *in vitro* embryo into a woman's womb; "potential people" are instead people who will exist, unless we perform some act, for example, an abortion, or unless something naturally happens that causes an embryo or a fetus to die. This last option will not be considered here because it does not have to do with the moral issue here at stake, that is, whether or not it is permissible to perform an act of abortion. Nor will I take up the issue of the alleged moral sense of the distinction between "possible" and "potential" people. I will make use of the concept of "possible people" only insofar as moral considerations that are valid with regard to it are also valid with regard to the concept of "potential

people.” If there are other moral considerations that are only valid either for the former or for the latter, they are beyond the scope of this paper.

II. THE ARGUMENT FROM POTENTIAL

The form of AFP roughly stated above is not just a piece of commonsense morality. According to Richard Hare (1993a, 1993b), universality required by an ethical approach commits us to impartiality toward the interests of all the people involved, including potential people. The centrality of the concept of “interest” is explicitly stated by Hare when he writes that “the general principle is that, if there are interests affected by a decision, then, since we have to treat people as ends, those interests should be protected impartially” (Hare, 1993b, 183). In Hare’s view, the reason why the interests of the potential healthy child are worthy of ethical consideration springs from the answer to a simple question: what if *your* mother had had an abortion while she was pregnant with *you*, so that you had never been born? If your life is worth living, you are definitely happy that she did not decide so. But if this is true for you, it ought to be true for everyone whose life was, is, will, and might be worth living, insofar as we stick to an ethical approach grounded on impartiality. Hare is very clear on this point, as he writes, “If we are happy 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” (Hare, 1993a, 153–4), where “like ours” can here be taken to mean at least “worth living.” In this respect, there is no need to appeal to the life of football superstars to plead for a potential person since even the life of a simple philosopher can be considered worth living. Nonetheless, Tim Tebow’s ad is instructive because it reflects the general attitude of those who oppose abortion on the grounds that it would be immoral toward the person who might exist.

In order to test the soundness of this kind of interests-based AFP, it is useful in the first instance to reformulate its point in terms of the distinction Derek Parfit drew (Parfit, 2006, 109) between the two general forms of morality, namely

- (a) impersonal morality: we should do what most reduces misery and increases happiness, and
- (b) person-affecting morality: we should do what harms people the least and benefits them most.

Now, we have just stressed that, according to AFP, potential people are as affected by a choice about abortion as any actual person is by the choice about her not having been killed as a fetus or not having been conceived. Benefiting a potential person by making her exist would mean increasing the amount of happiness in the world (which is the prescription of impersonal morality), in the same sense and to the same extent as benefiting an actual

person would. I say “in the same sense” and “to the same extent” because potential persons would be considered as individuals who have an interest in being alive when their life is worth living, like actual people do. In short, *in cases where potential people are involved*, by sticking to AFP the practical outcomes of (b) would be the same as to those of (a). This practical equivalence explains why, according to AFP, to terminate a pregnancy means not only to harm the potential person who is thereby prevented from existing but also to fail to increase happiness: not only Tim Tebow would not have enjoyed all that he has actually enjoyed in life but also the world would not have been so wonderful as it actually is. The question about the soundness of interests-based AFP can now be formulated as follows: when the existence of merely potential people is at stake, are we justified in making the distinction between impersonal and person-affecting morality disappear?

Before tackling the question (in Section 3), let us briefly focus on another way of making the point of AFP, namely that it implies symmetry between the different acts we could perform toward a potential person. Symmetry is to be understood in two related but distinct ways. In one sense, it is moral symmetry between an act directed toward a fetus that will become an actual person and an act directed toward a fetus that will not: by causing a fetus not to develop into an actual person, we would thereby be harming that potential person in the same sense (even though not necessarily inasmuch) as we would if we damaged the fetus in a way affecting the future person for the worse—for example, if we did not correct a genetic disorder or if a woman heavily smoked or drank alcohol during pregnancy. In another sense, it is moral symmetry between harming and benefiting a potential person: killing a fetus is a morally wrong act inasmuch as delivering is a morally good one. According to AFP, if we kill the fetus before it becomes an actual person, the fact that there is no actual person harmed by termination of pregnancy is no reason for considering the act morally irrelevant.

On the other hand, rebuttal of AFP is tied to endorsement of an asymmetrical assessment, which would bind us to saying that it is precisely because an actual person will benefit from the fact that she was born that we ought to benefit the fetus; but since no person will ever exist who will suffer for having never been born, destroying a human being before it becomes a person capable of valuing her life does not constitute any moral wrong. And this is exactly the sort of reply given by those who do not accept potentiality as a sound moral reason against abortion. As Harris put it:

Starting the life of a person and benefiting that person by things done to it as a pre-person are good for that person but to end its life or to fail to save it at any time prior to its becoming a person would not have been worse for this person; for the same reason that it would not have been worse for him if he had not started to exist. (1998, 78)

This statement clearly expresses the priority of person-affecting morality over impersonal morality: what matters is to make *people* happy, not to make happy people. And the same kind of question as before can now be asked: when the existence of merely potential people is at stake, are we justified in making person-affecting morality prevail over impersonal morality?

III. WHEN THE ARGUMENT FROM POTENTIAL IS SOUND

Which perspective should we assume, then, when deciding about the morality of abortion? None of the two candidates emerged so far, that is, to say Hare's pro-potential symmetrical perspective and Harris' anti-potential asymmetrical perspective, is right or wrong *by itself*. It all depends on the contingent scenarios where the ethical question arises. Even though Harris (1985, 11–2) considers his rejection of AFP a conclusive argument, it cannot be taken for granted that merely potential people do not count in any decision concerning their future existence or nonexistence. It is not sufficient to rely on the argument put forward by Harris, according to which the fact that X has the property *z* (e.g., a life worth living, or an interest in being alive, or worthiness of moral consideration) does not mean that also potential X has or ought to have *z*. Sometimes the inference from potential X having *z* to X also having *z* holds indeed. In some cases involving decisions about possible and potential people, person-affecting morality, as is expressed by (b) above, actually collapses into the impersonal morality expressed by (a). Parfit (2006, 111) gives a clear (though factitious) example that supports Hare's AFP in this way. The example refers to both possible and potential people, but this ought not to bother us, as it has been said above that the moral distinction between the two is not our concern here. Let us then examine Parfit's stories. A pregnant woman is told that, unless she takes a treatment, the child she is now carrying will be born with a certain handicap, even though a handicap not so severe as to render the child's life not worth living; but if she takes the treatment, the child she is carrying will be born healthy. A second woman, who is going to stop taking a contraceptive pill in order to get pregnant, is told that a pregnancy occurring now will result in her having a child with a handicap of the same sort as that mentioned in the previous case; but in three months' time she will be in a condition to conceive a healthy child. We can agree with Parfit that the first woman ought to take the treatment, that is, to cause a healthy rather than a handicapped child to exist, and the second woman ought to go on taking the contraceptive pill at least for the next 3 months, that is, to postpone pregnancy. If they fail to do so, then there are two alternative evaluations to morally assess their conduct, depending on whether we espouse an impersonal or a person-affecting morality. According to the impersonal one, the two women would indeed make an equally wrong choice: they both would cause a handicapped child to exist when they could have caused a healthy child to exist. Such an outcome

is unacceptable, regardless of *who* the child will be (either the one the first woman is carrying, the one the second woman could conceive now or the one she can conceive in three months). And this is exactly what the precedent agreed moral claim tells us. But according to the person-affecting principle, only the first woman would be making a wrong choice by not taking the treatment because it is the very same person she is now carrying as a fetus whom she wrongs; the second woman would instead be doing no wrong in not taking the contraceptive pill anymore and, therefore, conceiving now a handicapped child rather than conceiving later a healthy one. There is no one she would be affecting for the worse by getting pregnant: if pregnancy did not occur now, the handicapped child would never exist, and since by hypothesis this child's life, though less worth living than that of a normal child, nonetheless would be worth living, it cannot be claimed that being handicapped would mean to this child being worse off. Assuming a merely person-affecting morality would then commit us to the view that, *ceteris paribus*, having a healthy child is not preferable to having a handicapped one, when a choice between the two is available. But this conclusion contrasts with the previously agreed moral claim. To avoid such a conclusion, then, we should consider what is done to a potential person as if it were done to an actual person, which is exactly what is prescribed by the collapsing of person-affecting morality into impersonal morality *in cases where potential people are involved*. The persons we should take into account in our moral evaluation are not only actual and future people (like the child the first woman is now carrying) but also people who might exist in the future as a consequence of the decisions we make now (like the child the second woman might conceive now or the one she might conceive in the future, depending on which decision she makes about whether or not to go on taking the contraceptive pill). And this means exactly endorsing AFP since we have said above that by endorsing AFP practical outcomes of (a) (impersonal morality) are rendered the same as the practical outcomes of (b) (person-affecting morality). The same kind of assimilation of impersonal and person-affecting morality can be found in Hare's (1993c, 185–91) defense of AFP when, in presenting his example of the potential abnormal child, he claims that “the next child in the queue,” that is, the one who might be conceived if (and only if) the actual pregnancy of a defective fetus were terminated, is as involved in the decision about terminating pregnancy as the abnormal one who might be born in case of delivery. In other words, given that someone will exist, we are morally required to consider what the condition would be for *all* the people who might exist (i.e., possible and potential people) because people who might exist can be benefited and harmed and, therefore, contribute to increase or to diminish the amount of happiness in the world, exactly like people who *will* or *do* exist.

IV. SAME NUMBER CHOICES, SAME PEOPLE CHOICES, AND THE ARGUMENT FROM POTENTIAL

So far so good. It is true that the problem Parfit addresses through his example of the two women is that of possible people, not that of potential people. Whereas our and Hare's primary concern is abortion, that is, whether or not to terminate a pregnancy, Parfit's more general concern is whether or not, and when, to cause a certain possible individual or a certain number of possible individuals to exist. But this does not mean that his example fails to hint the nail on the head. On the contrary, it succeeds in backing Hare's AFP because, just like Parfit's argument, Hare's AFP is by itself blind to the distinction "possible/potential people": it works equally well in either of the two cases, provided that certain conditions are met by contingent facts. The problem lies in the proviso.

As a matter of contingent facts, we are used to ethical problems raised about possible people in situations where, just as it is in Parfit's examples, it is assumed that *a certain number of people*, or even *some particular and identified person(s)*, will exist whichever option is chosen. It is this condition that is morally relevant and that, while supporting the rights of possible people, also supports AFP. To give less factitious examples than that deployed by Parfit, we might imagine us wanting a woman not to take certain drugs while she is trying to get pregnant or to enact a public policy that aims at detecting defects in fetuses that could be treated before birth in order to have healthy rather than handicapped children. These are all examples of what Parfit (1984, 356) would call "same people" choices: regardless of which option is chosen (the woman does or does not take the drug, the public policy is or is not enacted), the very same persons will exist. The only aspect at stake is the condition they will find themselves in as a consequence of what is chosen. Thus, because they are same people choices, potential people have to be morally assimilated to (i.e., morally considered the *same as*) actual people; and because they have to be assimilated, harming a potential one would be the same as harming an actual one (person-affecting consideration): in both cases, we would be increasing the amount of misery in the world (impersonal consideration). And, *symmetrically*, benefiting a potential one would be the same as benefiting an actual one (person-affecting consideration), that is, increasing the amount of happiness in the world (impersonal consideration). Therefore, because they are same people choices, person-affecting morality actually collapses into impersonal morality, so that in such cases also AFP holds: the already-pregnant woman in Parfit's example ought to increase the amount of happiness in the world by benefiting the potential person she is carrying because this is the same as benefiting the actual person the fetus will become. Along with possibility, in such cases also potentiality counts.

More controversial issues about possible people concern such practices as preimplantation genetic diagnosis (PGD) aiming at detecting genetic disorders in early embryos so as to select only healthy embryos for implantation.

Hardly can this selection be considered a same people choice, given that the genetic endowments of different embryos are essential in determining the identity of a future person.² Rather, it is a case of what Parfit would call a “same number” choice: whatever we choose, a certain number of people will be born, even though they will not be the same persons in any possible case. Parfit rightly claims that in same number choices the following principle holds: “If in either of two outcomes the same number of people would ever live, it would be bad if those who live are worse off, or have a lower quality of life, than those who would have lived” (Parfit, 1984, 360). Such a principle voices the impersonal point of view. Who the person will be who will live depends on which choice we make now, but this is a morally irrelevant factor. The only thing that morally matters is that, *whoever* will live, she ought to be as happy as possible, so as to maximize happiness and minimize misery. But this is not what person-affecting morality would commit us to saying with regard to PGD because no one would be harmed if a genetic defective embryo were chosen for implantation instead of a healthy one. A handicapped child will be born as a consequence of this choice, but it could not be said that someone has thereby been harmed, as long as the handicapped child’s life is worth living. Here the case is identical (as for the relevant features) to that of Parfit’s second woman: they both are instances of same number choices. And they both show that in same number choices impersonal morality ought to prevail over person-affecting morality. But we have said that, *as long as potential people are involved*, this prevailing of impersonal over person-affecting morality can only be realized by considering potential people as if they were actual ones, that is, people who not only can increase the amount of happiness in the world by being benefited but also increase the amount of misery by being harmed. This possibility of affecting a potential person in either a good or a bad way, just like any actual person, mirrors the symmetry between benefiting and harming a potential person that has been presented above as a central feature of the interests-based AFP. And considering what is done to a potential person as if it were done to an actual person is a necessary condition for avoiding the conclusion that bringing into existence a healthy child would be morally equivalent to bringing into existence a handicapped one. In other words, all the possible as well as the potential people involved ought to be treated as if they were actual people and, therefore, actually capable of experiencing happiness and suffering for harms. It follows that, if a choice is available among different embryos, then the one(s) most likely to result in a healthy child ought to be chosen for implantation. The same criterion justifies Hare’s AFP: the potential person the mother is now carrying in her womb is involved in the choice inasmuch as “the next child in the queue”: she who would have a better quality of life is the one who has the strongest moral claim to become an actual person. Hare’s interests-based AFP is a valid argument in each of the cases just presented, as well as it was in the case of the woman Parfit would advise to postpone pregnancy.

V. ABORTION AS A DIFFERENT NUMBER CHOICE

Nonetheless, we are in a better position now to see why interests-based AFP does not constitute a valid objection to abortion. Considerations made so far give us a hint for detecting what the aforementioned false presupposition of AFP is. When AFP aims to condemn abortion by asking such questions as “what if you or Tim Tebow had not been born?” the comparison with me or with Tim Tebow makes sense only if it is assumed that *one* person *will exist* in any case. It means assuming that, whatever we choose, one person will exist, just as I am one existing person and Tim Tebow is one existing person, so that the potential existence of “someone” who is still a fetus could be compared with my or Tim Tebow’s actual existences. But the contexts in which the problem of abortion arises are not characterized by the fact that one person will exist whatever else happens. A choice concerning whether or not to abort is a choice between allowing and not allowing a potential person to exist; it is not between allowing and not allowing her to exist, assumed that she or someone else will exist in any possible case. Therefore, the question asked by supporters of AFP—namely, what if you had not been born as a consequence of your mother’s decision to have an abortion?—is not relevant in the case of abortion because *facts* are not such as to justify its having any moral weight.

The same comparison, grounded on the same “what if you?” question, might be understood as presupposing that the very same person, and not just “someone,” will exist in any possible case. To plead for a potential person by asking “what if you or Tim had not been born as a consequence of an act of abortion?” presupposes the idea that the fetus will become a particular person just as I am I, the writer of this paper, and Tim is Tim Tebow, the Christian football star. In other words, by asking that question we would be presupposing that the potential person can be benefited and harmed in the same sense as Tim and I can. But the same argument as before applies here. Again, the concrete choice is between allowing and not allowing a potential person to exist; it is not between allowing and not allowing *her* to exist, granted that *she* will exist.

In sum, the faulty presupposition is considering abortion a same number or same people choice, that is, the only kind of choice that supports the impersonal perspective on which AFP is grounded. Proponents of interests-based AFP fail to recognize that abortion is instead what Parfit (1984, 356) would call a “different number” choice. The actual alternative is that either a person will exist or no one will. Even when abortion is a decision made in view of conceiving another child in the future, the ethical problem that abortion itself raises does not concern the relation between the potential person already conceived and a possible person who might be conceived at a later stage.³ Rather, the issue is whether, focusing only on *this* particular case concerning this particular fetus, it is permissible to cause

no person to exist when we might allow one to exist and what is more one with a life worth living. What I have tried to show is that an AFP, though not unsound by itself, provides us with no reason to think that such a choice is not morally permissible. More precisely, although it is true that Parfit's example supports Hare's AFP on some occasions, it is not true that Hare's AFP makes the potentiality of the fetus a good argument against abortion. The reason is that it makes use of a value judgement that is only valid in cases of same number and same people choices, but it falsely presupposes that abortion involves these kinds of choices. Typically, those who deploy AFP against abortion make this mistake. For example, the error is apparent in the following formulation of AFP raised against abortion:

A potential X may be granted the same moral rights as an actual X in virtue of its potential if its potential generates an interest in such a moral right; that is, *if possessing the moral right constitutes a benefit for the potential X and a denial of the moral right constitutes a harm.* (Manninen, 2007)

But talking of harms to potential people makes sense only in same number and same people choices, which are typical of the contexts where possible people are at stake, and not even in all of these contexts.⁴ They are not the kinds of choices typically faced in the contexts where the issue of abortion arises. Thus, when Manninen tries to rehabilitate the potential principle against abortion, she makes use of such comparisons as that with the right to health insurance, which ought to be bestowed on actually as well as on potentially ill people, or that with the right to education, which ought to be bestowed on actually as well as on potentially rational adults. But whereas it is true that in any case someone will exist who will fall ill or who will be a fully rational adult, it is not true that in any case someone will be born when a woman has to decide whether or not to have an abortion.

VI. CONCLUSIONS

Two conclusions can be drawn.

In the first instance, rejecting the idea that potentiality matters by itself implies that, from a moral point of view, abortion is sometimes not just morally permissible, but even a moral duty. This is the case when the potential person is expected to have a life less than worth living.

Although the first conclusion also follows from AFP, the second conclusion can only be derived from the asymmetrical perspective and is in contrast with interests-based AFP. It claims that abortion is morally permissible even when there is reason to think that a potential person's life would be worth living. When abortion concerns a potential person as

healthy as Tim Tebow, all the same women are morally allowed to have an abortion. Because, as we have seen, the idea that a merely potential person can be harmed makes no sense, then there is no moral objection to abortion, whether or not the life of the potential person is foreseen to be worth living.

NOTES

1. I take the distinction from Post (2004, vol. 2, 717).
2. I am not saying anything to justify this claim. For those who believe that the identity of a person has not to do with his biological endowment, the present case falls within the previous category of same people choices.
3. I do not mean that this relation does not constitute an ethical problem. I simply mean that its being ethically problematic does not depend on AFP as applied to abortion; AFP as applied to abortion only concerns the relation between a fetus and the actual person this fetus might become.
4. Think, for example, of a couple who can have a child only through in vitro fertilization, but who decide to have the child only if a healthy embryo can be obtained from gametes of the couple and not from external donors. In such a case, a choice concerning a possible person is not necessarily a “same number choice” because the couple might decide to have no child at all.

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