Full Humans and Empty Morality

Author(s): John Harris

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DISCUSSIONS

FULL HUMANS AND EMPTY MORALITY

BY JOHN HARRIS

Mary Warnock in her reply to my discussion of the ethical issues raised by *in vitro* embryology¹ objected both to my use of the term 'person' and to the morality of an enterprise which challenged our automatic and unreflecting preference for ourselves. In doing so however she substituted for 'person' an even more suspect term and produced arguments which, while affording marginal protection to the human embryo, seem positively dangerous to adult human beings and perhaps also to the enterprise of moral philosophy.

My argument was that the permissibility of killing, freezing, or experimenting on embryos fertilised *in vitro* could not be decided by determining when life begins and then seeing whether such embryos were 'alive', but must rather turn on an answer to the question "when does life begin to matter morally?" I attempted to sketch what I hoped might prove a very general answer to this question, general in the sense that I did not assume that morally important life was co-extensive with human life. For want of a species-neutral term I used 'person' to stand for any being who might be thought to matter enough, morally speaking, to approach the importance we usually and perhaps unreflectingly accord to normal adult human beings.

Mrs Warnock's response was to suggest that:

we would do better to remove the concept 'person' altogether from the debate. It is both confusing and redundant. Since it is a word both in legal and in common use, its deployment. . . lends a spurious exactitude to the argument, as if something had been settled by deciding when to call someone a person. But nothing has. The question 'is he a person?' is only another way of asking 'may I do what I like with him?'.²

Although nothing is settled by deciding simply what to call someone, something might be settled by the arguments offered for calling someone a person where 'person' is not used simply as a natural kind term but plays precisely the role that Warnock identifies.

¹ "In Vitro Fertilization: The Ethical Issues", *The Philosophical Quarterly* 33 (1983) 217-49.

² Mary Warnock: "In Vitro Fertilization: The Ethical Issues II." *The Philosophical Quarterly* 33 (1983), p.241.

Warnock, on the other hand, "would rather ask whether or not the object of treatment was a full human being than whether or not he was a person".³ The reason for Warnock's preference cannot be to avoid spurious exactitude, for 'human' shares this dubious trait with 'person'. The use of such terms only becomes non-spurious, as Warnock rightly suggests, when we explain why those properly so called are in some sense valuable. For Warnock it is not humans *per se* that are valuable but *full* human beings. However, since she makes it a point of principle to decline to give any account of what it is about human beings that makes them valuable, or indeed more valuable than other species, she is unable to say what it is that's so great about plenitude. If humanness has no moral content then it cannot be better to be full rather than empty.

Warnock is curiously adamant in rejecting the whole idea of finding some moral basis for our preference for human beings and hence for full ones:

I would argue, on the other hand, that the concept of 'speciesism' as a form of prejudice is absurd. Far from being arbitrary, it is a supremely important moral principle. If someone did *not* prefer to save a human rather than a dog or a fly, we would think him in need of justification. . . . To live in a universe in which we were genuinely species-indifferent would be impossible, or if not impossible, then in the highest degree undesirable. I do not therefore regard a preference for humanity as "arbitrary", nor do I see it as standing in need of any other justification than that we ourselves are human.⁴

Now, while it might be undesirable or even perhaps impossible to live in a universe in which we were genuinely gender race, religion or nationality indifferent, it does not follow that it would not be "culpable injustice" to accord members of our own sex, or race or religion or nationality⁵ a "privileged position with regard to resources or care".⁶ What would make such discrimination culpable is not the simple fact that all such beings are members of the same species, but rather that there are no morally relevant differences between such beings. Quite apart from its complaisancy, we should be warned against a view that asserts that species preference stands in need of no further justification "than that we ourselves are human", if only because the same impenetrable preference has been asserted for race, gender and nationality with familiarly disastrous consequences.

Of course Warnock is right to say that "if someone did not prefer to save a human rather than a dog or a fly, we would think him in need of justification" but this is not simply because humans are *our kind of being* and dogs and flies are not; but rather that we believe, and believe we can show, that humans are more valuable than dogs and flies. We can (and I did) point to relevant differences between such beings and persons which support our preference. Differences moreover which are species neutral in the sense that they do not merely describe and value features possessed uniquely by adult human beings (the featherless biped syndrome) but rather point to features that should lead us to value any sorts of beings that possessed them. If there

³ *Ibid.*

⁴ p.242.

⁵ Some may regard nationality as a more controversial item than the others here listed. Those who think that our responsibility for others stops at the frontier can delete this term.

⁶ Warnock, *op cit*, p.241.

were no moral requirement that we should point to relevant moral differences, arguments similar to Warnock's would justify our saving, as a matter of public policy, "our kind of beings" if they are men rather than women, or whites rather than blacks, or gentiles rather than jews.

Having raised membership of the human species to the level of an ultimate, or at least a "supremely important moral principle" Warnock surprisingly abandons this line altogether. She poses the question left unanswered by her defence of humanity thus: "how do we decide whether an embryo or fertilised egg is *sufficiently* human to warrant protection?"⁷ But she does not answer it. Rather she makes the answer to the question of what we may do to or with the embryo turn not on its degree of humanity but on how other people or rather other humans feel about it. Warnock's thought here is that if people's moral feelings are outraged by something, they may be entitled to be protected from such outrage and that this protection is required by morality. Warnock however nowhere tells us how to distinguish outrage to *moral* feelings from outrage to less creditable feelings, nor, just how much weight to give to this feeling of outrage. She concludes by narrowing the discussion, again without argument, so that the feelings relevant to the moral status of the embryo are those of its mother alone. Although her discussion of these matters is a long one, her conclusions are summarised in the following passage:

I believe that the relationship between [the mother] and the egg or the foetus or the spare embryo is such that they should be used only with her consent. If she objects to their use for experimentation, then her objection must be respected and the material not used. That she may be able to give no good reason for her attitude makes no difference. The matter turns not on her reasons but on her feelings. . . I believe that it is to offend against the concept of morality itself to refuse to take moral feelings or sentiments into account in decision making.⁸

The first thing to note about Warnock's solution to the problem of the moral status or value of the embryo is that she has absolutely nothing to say about its moral status or value. Despite its humanity its value depends upon its evoking the right sort of feeling response in mothers. According to Warnock, if it doesn't evoke such a response (or if it has no one to evoke it from?) it is fair game. Warnock's concern is entirely that the mother should not be exploited: "to use an embryo for however good an end, if the mother related to it . . . cannot bear to contemplate the idea, is to use the mother as merely a means to an end".⁹ While I share Warnock's concern here it does not seem to me that this can be the overriding principle that she makes it. The problem that we have already partially noted and that I discussed in the original paper¹⁰ remains. How are we to weigh the importance of the mother's feelings, and the importance of the Kantian principle protecting them, against the cost of respecting both feelings and principle? This is a real problem and it is the same one that arises in cadaver transplants where the cadaver is also usually related to someone in related ways. How are we to value the feelings of the bereaved for the corporeal integrity of their deceased loved ones against the lives that using their organs might save? It still seems

⁷ *Ibid.*, p.242.

⁸ *Ibid.*, p.246.

⁹ *Ibid.*, p.247.

¹⁰ Pp.228–9 and also at greater length in my *The Value of Life* (forthcoming).

to me both implausible and immoral to regard those feelings as more important than the lives that might be saved if the feelings are overruled.

The moral question surely is, can it be worse to use people in the sense of overriding their wishes for their relatives, than it is to allow others to die prematurely or to continue to suffer? Is the principle of respect for wishes more important than that of respect for life?

However and finally, we can only be sure that this is the right way of posing the opposed principles if we are clear that the only moral importance attaching to the embryo is that which it gets from the wishes of its relatives. And the only way to be sure of this is to address the question that Warnock wishes to rule out, that of assessing the moral importance of the embryo relative to that, *inter alia*, of full human beings.

University of Manchester

DEPENDENCE, RELIANCE AND ABORTION

BY MARK STRASSER

In a recent article, Michael Davis makes an important distinction between reliance and dependence.¹ I argue that although this distinction helps illuminate some of our intuitions about abortion, it does not yield the results which he suggests. Rather, his distinction helps to show that we need not settle metaphysical claims about the personhood of foetuses before making headway in deciding when and if abortions are permissible.

I

First of all, there is some confusion in Davis's use of the terms 'reliance' and 'dependence'. He asks that we consider the following two rules as "*candidates* for rules of *justice*":

- A. *Dependence*. If someone needs your help in particular, he has a right to your help until he no longer needs you in particular.
- B. *Reliance*. If someone needs your help in particular because of what you have done to him, and what you did was not self-defence against him, a lawful punishment, or some other exception to the general prohibition of harming others, he has a right to your help until you can leave him in at least as good a position as you found him.

Davis dismisses A as a "Good Samaritan" rule – "open to all the usual objections made to such rules when proposed as rules of justice. . . Rule B, in contrast, is not a "Good Samaritan" rule at all. Your duty is quite limited. You have it because of what you have done. You can get out any time you can leave things as you found them" (p.266).

¹ Michael Davis, "Foetuses, Famous Violinists, and the Right to Continued Aid", *The Philosophical Quarterly* 33 (1983), pp.259–78 (future page references to this article).