



## Hare, Abortion, and the Golden Rule

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GEORGE SHER

Hare, Abortion,  
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In a recent article, R.M. Hare has argued that the proper way to approach the abortion debate is not through appeals to our moral intuitions, nor yet by appealing either to the rights of the parties concerned or to our concept of a person, but rather by invoking some fundamental and independently established moral principle.<sup>1</sup> Since Hare's own fundamental principle is a variation of the Golden Rule, he attempts to show the wrongness of (at least some cases of) abortion by arguing that "if we are glad that nobody terminated the pregnancy that resulted in *our* birth, then we are enjoined not, *ceteris paribus*, to terminate any pregnancy which will result in the birth of a person having a life like ours" (p. 208). (He afterwards expands this injunction to apply even to people who are *not* glad they were born; but this expansion will not concern us.) In this paper, I shall try to show that neither this appeal to the Golden Rule, nor any similar appeal to any analogous principle, is apt to win any new ground in the abortion debate.

To bring out the difficulty with Hare's approach, we may first note that anyone who accepts as fundamental a single moral rule *R* will have two quite different ways of showing that it is permissible to treat entities of type *T* in a given way. He may, first, show that the strictures which *R* places on our treatment of *T*'s are not violated by the proposed act; but, second, he may also win his point by showing that *T*'s do not fall under *R* *at all*. Of these methods, the first would pre-

1. R.M. Hare, "Abortion and the Golden Rule," *Philosophy & Public Affairs* 4, no. 3 (Spring 1975). Page numbers in the text refer to this article.

sumably be used to show that the Golden Rule permits us to play baseball with other people; but the second would be used to show that it allows us to throw baseballs through the air. Now, Hare's argument seems to tell, and in fact does tell, against the first way of defending abortion. Once fetuses are admitted as the sorts of things we ought to treat as we are glad we were treated, our gladness not to have been aborted does indeed entail that, *ceteris paribus*, we ought not to abort fetuses. However, the concession that fetuses are among the things we ought to treat as we are glad we were treated is surely not one which any proponent of abortion who accepts the Golden Rule will wish to make. His strongest line of attack is to argue that abortion is permissible precisely because fetuses do not qualify for treatment in accordance with the Golden Rule *at all*. If this is so, however, then Hare, in arguing that the Golden Rule prohibits abortion, is in danger of begging just the crucial question. He cannot assume without argument that fetuses are covered by the Golden Rule; for this is really the point under dispute.

Hare seems to recognize that his argument is in danger of begging the question, for he suggests at one point that the Golden Rule establishes not (only) the wrongness of killing any creatures which happen to fall under it but (also) an intermediate principle which in turn implies that fetuses *do* qualify for treatment in accordance with the Golden Rule. This intermediate principle is none other than Michael Tooley's "potentiality principle," glossed by Hare as "if it would be wrong to kill an adult human being because he has a certain property, it is wrong to kill an organism (e.g. a fetus) which will come to have that property . . . if we do not kill it" (pp. 209-210).<sup>2</sup> Hare says of this principle that it "can be based on the Golden Rule, as the examples already considered show" (p. 211). It is not entirely clear which examples Hare is referring to here; but he seems primarily to have in mind the one which Tooley originally proposed as a *counterexample* to the potentiality principle. Tooley had imagined a drug whose effect was to turn kittens into beings with minds like our own, and then had argued that since it does not seem wrong to abort a kitten treated with such a drug, the potentiality principle, which implies that this *would*

2. Tooley's original discussion of this principle appeared in his "Abortion and Infanticide," *Philosophy & Public Affairs* 2, no. 1 (Winter 1972).

be wrong, must itself be incorrect. Hare, in response, adduces the Golden Rule to subvert Tooley's conclusion. He argues that if he discovered that he himself was originally such a kitten, he would remain glad not to have been aborted. Since this is so, Hare concludes that, despite Tooley's intuitions to the contrary, it would be wrong to abort a "wonder kitten." If Hare is correct in maintaining that the potentiality principle is thus sustained by the Golden Rule, his overall discussion will indeed succeed in showing that that rule prohibits abortion.

There are, however, a number of reasons for believing that Hare has not made his case here. We may note, first, that the import of his use of the Golden Rule is not so much to *establish* the potentiality principle, as it is to *defend* that principle against Tooley's counterexample. Even if Hare's argument succeeded in fending off Tooley's challenge, therefore, he would need some separate argument to provide positive grounds for accepting the potentiality principle. Second, it is doubtful that Hare does successfully defend the potentiality principle against Tooley's challenge. No successful defense of any principle can tacitly invoke the very principle being defended, and yet Hare's defense seems to do just this. The pivotal premise of Hare's argument, that we would be glad not to have been aborted if *we* had been wonder kittens, will only affect our obligations towards current wonder kittens if there is some fact about these kittens which qualifies them to deserve the treatment we would be glad to have received in their place. But what can this fact be? It cannot be anything about the wonder kittens apart from their potential personhood; for *ex hypothesi* they do not differ from ordinary kittens, which do not deserve such treatment, except *in* their potential personhood. It must, therefore, just *be* the potential personhood of the wonder kittens which qualifies them for the treatment that we would have been glad to receive in their place. For Hare to assume this, however, is for him to assume precisely the principle he is supposed to be defending. Finally, and most seriously, the same difficulty which vitiates Hare's use of the Golden Rule to defend the potentiality principle against Tooley's counterexample must also vitiate any use of the Golden Rule to *establish* the potentiality principle. Here again, the stumbling block is that our gladness not to have been treated in certain ways when we were potential per-

sons (feline or not) only creates obligations to other potential persons if their potential personhood qualifies them for treatment in accordance with the Golden Rule; and the latter proposition, depending as it does upon the potentiality principle, is not a legitimate premise for any argument whose intent is to establish that principle.

These considerations show that the potentiality principle cannot be established by appealing to those acts which the Golden Rule commands us to perform towards wonder kittens or other potential persons. It remains possible, however, that the potentiality principle might be derived from the Golden Rule in a different way—as a consequence, perhaps, of the *logical* features of that rule. It is, after all, a logical fact that since the Golden Rule requires us to put ourselves in other beings' places, we can only apply it to those beings whose places we can imagine ourselves to occupy, or to have occupied. It seems, moreover, that whereas we *can* imagine ourselves to have been nonpersons (kittens, baseballs, etc.) with the capacity to develop into persons, we *cannot* similarly imagine ourselves to have been nonpersons lacking this capacity for development. Whenever we imagine ourselves to have been nonpersons at all, we necessarily also imagine ourselves subsequently to have developed into the persons we are now; and so we must imagine ourselves originally to have been nonpersons with the capacity for this development—such as wonder kittens—rather than ordinary ones. If this is correct, potential persons will indeed be logically appropriate subjects for the Golden Rule in a way in which ordinary nonpersons are not. It may seem to follow, therefore, that considerations of logic alone determine the Golden Rule's scope in a way which implies the truth of the potentiality principle.

In fact, however, this argument surely does not establish its conclusion. Even if considerations of pure logic do explain why the Golden Rule does not cover such acts as throwing (ordinary) baseballs through the air, they cannot be applied in the opposite direction, to show that the rule *does* clearly apply to fetuses and other potential persons. Even if potential persons pass the test of *logical* fitness for coverage by the Golden Rule, it remains possible that their nonactuality might exempt them from such coverage on grounds other than logical ones—or even, perhaps, on no grounds at all. Given this fact, no appeal to logical suitability can show fetuses to be covered by the

Golden Rule unless it is supplemented by the premise that there are no constraints on the Golden Rule's scope *except* logical ones. This further premise, however, is again one which the proponent of abortion is not likely to concede without argument.

Given the difficulties with the defenses of the potentiality principle examined so far, Hare's attempt to apply the Golden Rule to the abortion debate is evidently in some trouble. Before we abandon that attempt altogether, however, let us examine one other section in which Hare addresses our obligations towards potential persons. Near the end of his paper, Hare argues for such obligations by noting that

It seems strange to say that if we behaved only a little worse, so that the next generation was half the size it would have been [if we had treated our posterity as we were treated], we had done badly for that generation, but that if we behaved much worse, so that the succeeding generation was reduced to nil, we had not done badly for it at all [p. 221].

A bit further on, moreover, he adds that

If it would have been a good for [a potential person] to exist (because this made possible the goods that, once he existed, he was able to enjoy), surely it was a harm to him not to exist, and so not to be able to enjoy these goods [p. 221].

These arguments are different from any considered up to now. If they are sound, something like the potentiality principle will, after all, be correct, and so Hare's position will apparently be vindicated.

The first point to be made here is that, as a matter of fact, these arguments are *not* sound. The first, besides blurring an important distinction between our obligations to possible individuals and our obligations to future generations, begs the question by assuming that we *would* be acting badly by halving the size of the next generation; whereas the second, as Michael Bayles has pointed out, gains its plausibility only by collapsing a necessary distinction between harm and nonbenefit.<sup>3</sup> (Without this distinction it would follow, absurdly, that all charity is obligatory.) However, besides being unsound, the argu-

3. Michael D. Bayles, "Harm to the Unconceived," *Philosophy & Public Affairs* 5, no. 3 (Spring 1976), p. 298.

ments have what from our perspective is an even more damaging fault: they actually work *against* Hare's central contention that the Golden Rule, or some similar substantive moral principle, is essential to a successful resolution of the abortion debate. Neither of the arguments, after all, relies in any way on the Golden Rule; and if either argument were sound, we would need only the additional premise that it is wrong to deprive actual persons of existence (which is certainly plausible independent of the Golden Rule) to establish the wrongness of abortion. Since they do promise an independent resolution to the abortion debate, Hare's retreat to these arguments does not support, but rather undercuts, his attempt to invoke the Golden Rule.

It is, I think, not surprising that Hare's attempt to deduce the wrongness of abortion from the Golden Rule should end in a retreat of this sort. His program of applying a favored general rule to the act of abortion is doomed from the start by the fact that fetuses lie at the very border of any moral rule's range of applicability. Given this fact, it is inevitable that any straightforward application of the favored moral rule must fail, inevitable too that a similar fate awaits any bootstrap attempt to use the rule to establish a separate principle determining its applicability to fetuses, and inevitable finally that any alternative attempt to derive such a principle independently of the rule must end by rendering the rule superfluous. It is, thus, the nature of the problem, rather than any dearth of moral theory, that tempts philosophers to approach the abortion debate by scrutinizing their concept of a person, or by courting their intuitions as to where on the border of that concept fetuses should be located. If we lack an answer to this question, no moral rule can help us. If we have one, the hard work of the abortion debate is already done.