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Procreative Responsibility in View of What Parents Owe Their Children

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Abstract and Keywords

Under what circumstances is it morally responsible to procreate with the intention of having children, in view of what parents owe their children? Three conditions are necessary for procreation to be morally responsible: the worthwhile-life condition, the doing-more condition, and the basic-needs condition. The worthwhile-life condition requires that a life be expected to be worth starting in the sense that existence is not noncomparatively bad for its subject, containing much that is bad without offsetting compensations. The doing-more condition requires that parents do more for their children than the worthwhile-life condition requires, if they can do so without undue sacrifice. The basic-needs condition provides that parents owe their children efforts to ensure that their basic needs or essential interests are met. Other considerations about the intentions of the parents are relevant to responsible procreation but do not bear on the parents' responsibilities to the child.

Keywords: procreative, morally responsible procreation, worthwhile-life condition, doing-more condition, basic-needs condition, nonidentity problem, disability

LIKE other animals, human beings procreate. Yet, among terrestrial species, humans are presumably unique in bearing moral responsibilities regarding their procreative choices. In this chapter I will address only those procreative acts—by which I mean sexual intercourse and later decisions and actions that permit the continuation of pregnancy—that are undertaken *voluntarily*, rather than accidentally or through coercion, *with the intention of raising the offspring*. Such acts (or series of actions) may be described as “procreation with the intention of parenting.” The question I will address is fairly specific: *In view of what parents owe their children, under what conditions is it morally responsible to procreate with the intention of parenting?* For ease of reference, I will

hereafter refer to procreation with this intention simply as “procreation.” And by asking whether certain acts are “morally responsible,” I mean to ask whether they are morally permissible—that and nothing more.¹

It is important to clarify the scope of our question, which does not cover all significant moral issues concerning procreation. Our question does not address the matter of how a morally responsible person should take into account the expected impact of procreation on the environment, limited resources, and the like. Nor does it ask about the responsibility of deciding to procreate in view of the importance of finding homes for the many children who stand to be adopted. Because of the qualification “in view of what parents owe their children,” our question does not—as explained later—engage the impersonal, consequentialist considerations that arise in connection with what has been called the *nonidentity problem*, although I will, in passing, briefly address this problem and adduce such considerations. By contrast, the question does engage the value of reproductive freedom, a factor that may partly determine when procreation is morally responsible.

(p. 642) The discussion that follows will be organized primarily around three conditions that I submit as necessary and jointly sufficient for procreation to be morally responsible in view of what parents owe their children. (Because there may be additional necessary conditions that address other factors such as environmental impact and the importance of adoption, I do not claim that the conditions I present are sufficient for morally responsible procreation, all things considered.) The first condition is a *worthwhile-life condition*, discussion of which will require us to consider wrongful-life cases and their conceptual basis. An examination of the interests of children-to-be and procreative freedom will vindicate the commonsense judgment that while some procreative acts are wrongful or impermissible, some are permissible. Further reflection will reveal that the wrongful-life condition is not sufficient for responsible procreation, motivating a *doing-more condition*: that parents do more for their children than provide a worthwhile life if they can do so without undue sacrifice. Because it will become apparent that these two conditions are not jointly sufficient for responsible procreation in view of what parents owe their children, I will defend a *basic-needs condition*, providing an approximate list of basic needs and considering whether exceptions to the requirement of meeting particular basic needs are tolerable. Next, I consider several case scenarios that could motivate the addition of an intention-based condition and explain why I do not think such a condition is warranted. I then consider whether freedom from avoidable disability should count as a basic need, taking us to the nonidentity problem. Exploration of this problem demonstrates how procreative ethics involves not only what parents owe their children but also the factor of foreseeable impersonal consequences. The discussion will conclude with a provisional classification of types of irresponsible procreation.²

A Worthwhile-Life Condition

One necessary condition for morally responsible procreation is that the child to be is reasonably expected to have a life worth living. It would be wrong to procreate when one could reasonably expect that the child would have a life so awful that it would not be worth living. Indeed, to do so is sometimes thought to wrong the child who is brought into being. This idea draws us into conceptually puzzling terrain.

The Concept of Wrongful Life

Intuitively, it seems that some lives are not worth living. Either they were never worth starting in the first place, or they were worth starting but are now so miserable and hopeless that they are not worth continuing, or both. Because our topic is procreation, which involves starting a life, I will focus on lives that are not worth starting.³

Consider, for example, Lesch-Nyhan syndrome (LNS), a recessive genetic disorder that is caused by the buildup of uric acid in body fluids and is generally passed on only (p. 643) to sons. Symptoms of LNS that appear in a child's first year include kidney stones, bladder stones, severe gout, arthritis, limited muscle control, and moderate mental retardation. In his second year, an affected child will begin such self-mutilating behaviors as head banging and biting of lips and fingers. Neurological symptoms include involuntary flailing and writhing, facial grimacing, and repetitive movements. Most LNS children cannot walk. Although some neurological symptoms can be alleviated with medications, there is no effective treatment for LNS, whose victims usually die in their first two decades from renal failure.

LNS is a condition that—at least today, in the absence of effective treatment—appears to be so awful for its victims that it makes an affected life not worth starting.⁴ Moreover, it would seem morally irresponsible to procreate with the intention of creating a child with LNS, or even with the negligent willingness—say, knowing that at least one parent carried the disease gene and not getting genetic testing—of creating such a child. If one does intentionally or negligently create such a child, the moral (and legal) charge of *wrongful life* seems appropriate. The idea of wrongful life is that one wrongs an individual by intentionally or negligently bringing him into existence with a condition that makes the affected life not worth living. This idea seems to apply here.

Yet it raises a puzzle. The child with LNS has a genetic disorder. He could not have existed without this condition. Even if someday genetic therapy in vitro or in utero will permit repairing the genetic defect, enabling the continuing existence of someone who

will live free of the disorder, this is not presently possible. So how, today, could an affected child—or, more realistically given the cognitive deficits associated with LNS, an advocate for the child—claim that the child was wronged? How could *that child* have been treated better? Not causing *him* to exist with LNS would have required not permitting *him* to exist at all.

One might not initially realize that there is a puzzle here, because it may seem obvious that nonexistence would have been better for the child than existing with LNS. What is tricky is the qualification “for the child.” Nonexistence is not some state the child can be in. Rather, the word “nonexistence” informs us (in a slightly misleading, reifying way) that *there would be no child* had he not been conceived and brought to term with LNS. It is puzzling to think that someone might have been wronged, even though there was no way for *him* to have been treated better or even differently.

At the same time, this way of stating the puzzle ignores the possibility that the boy could have existed briefly, in utero, and then aborted. His life, by hypothesis, was not worth living—neither starting nor continuing. But, if he could have been aborted at any time before acquiring the capacity for suffering (which apparently emerges only in the third trimester of pregnancy), he could have avoided suffering. Failure to abort, one might argue, wronged the boy by failing to spare him of terrible, uncompensated misery. The charge of wrongful life, then, applies not necessarily to the creation of the life in question but to the decision to allow it to continue beyond the presentient stage of life during which suffering is impossible. (It is worth noting that my present remarks make the assumption—which is sometimes challenged—that we come into existence as human organisms long before we acquire any mental life.⁵)

(p. 644) Although the charge of wrongful life, directed to a failure to terminate pregnancy, seems relatively straightforward and conceptually coherent, matters are trickier when the charge of wrongful life is directed at procreation itself. For, in this case, the child could not have been treated better because the child could not have existed without the genetic disorder. Again, how can one have been wronged if one couldn't have been treated differently, much less better?

One might suppose that this conceptual challenge is best developed by emphasizing that our ordinary concept of harm is comparative. A harms B, as harm is ordinarily understood, only if A makes B *worse off* than (1) B was before A's intervention (a historical conception of harm) or (2) B would have been without A's intervention (a counterfactual conception). In the case under consideration, the only alternative to the boy's having LNS is his never existing at all, so bringing him into existence is not harmful according to the ordinary concept, which does not apply in this case. The present way of developing the challenge raises interesting questions about the nature of harm, but it

misses the deeper point that the victim of wrongful life is claimed to have been *wronged*—whether or not she was *harmed*. (Here I am making a point about wrongful life from a moral perspective, setting aside what the law may require for a successful tort action.⁶) One can wrong someone without harming her, for example, by violating her rights in a nonharmful way.⁷ For example, a doctor might wrong a competent adult patient by neglecting to mention reasonable alternatives to the recommended medical treatment—violating the patient’s right to adequate disclosure—even if the recommended treatment proves to be highly beneficial and not at all harmful. So, our most basic question is not whether the LNS child was harmed, but whether he was wronged—even though he could not have existed without the disorder.

It seems to me that the most cogent approach to this issue accepts that one can be wronged by being brought into an existence that is *noncomparatively bad for the subject*.⁸ Such a life is bad for the subject in the sense of containing much that is bad for her—suffering, dysfunction, and/or deprivation—without being compensated for by whatever good the life may contain. This way of understanding wrongful life as applied to procreation (as opposed to failure to abort) need not claim that any harm is done, a claim that would be doubted by those who think harm is necessarily comparative (a matter of making one worse off). Rather, one is wronged by the intentional or negligent procreation of a child with a condition that makes life not worth living, even though the victim could not have been treated better because he could not have existed had the action considered wrongful not been performed.

An alternative to understanding wrongful procreation in terms of imposing lives that are noncomparatively bad for their subjects is an approach that may seem attractive to some thinkers, but I find it very strange logically and metaphysically. The alternative is to assert that the individual conceived with LNS *existed prior to conception as a mere possible person* and, as a preexisting individual, could have been treated better by being allowed to remain forever only possible and never actual. Although there are thoughtful people who take such metaphysical conceits seriously, here I simply report that I find (p. 645) such thinking objectionably divorced from reality. Readers may regard my rejection of possible people as real entities as a premise of the remainder of this discussion.

Might All Procreation Involve Wrongful Life?

Some acts of procreation constitute wrongful life. These acts involve the intentional or negligent imposition of a life not worth starting. Ordinary thinking about procreation makes room for the possibility that some procreative acts are wrongful while maintaining

that most, or at least many, procreative acts are morally responsible. Two scholars, however, have advanced significant arguments that challenge this congenial assumption. David Benatar explicitly argues that all deliberate procreation is wrongful while Seanna Shiffrin, without explicitly defending this thesis, advances arguments that can be reasonably understood to lead to this thesis.⁹ Having responded to their arguments in detail elsewhere, I will not recapitulate my responses here.¹⁰ Instead, I will cut to the chase and briefly explain why I think that many procreative acts are morally responsible.

But, first, very briefly, why would anyone doubt this? The strongest reason, in my estimation, is connected with the imposition of harm. We tend to believe that it is wrong to harm someone, without her consent, for the sake of her own good unless doing so involves the prevention of worse harm to her. Pulling someone out of a car with the foreseeable result of breaking her arm may be justified in an emergency in which there is no opportunity to obtain consent and death is the expected consequence of inaction. Here the harm of breaking an arm is imposed in order to prevent the worse harm of death. But breaking someone's arm without his consent in order to win a bet, the earnings from which will allow you to pay him a large sum of money, is likely to be considered wrong. Here the unconsented harm is not justified by the "pure benefits"¹¹: the benefit of cash as opposed to the prevention of a harm worse than a broken arm.

Considering that procreation involves the imposition of unconsented harm for pure benefits, one might doubt that procreation is ever justified. Clearly, the individual brought into being does not consent to being created. Surely, if harm is involved in being brought into being, it cannot be claimed that the harm is justified by the prevention of greater harm, for the alternative of nonexistence cannot involve any harm. So, if procreation entails the imposition of unconsented harm, it cannot be justified by the prevention of greater harm to the individual brought into being; a justification must appeal to the creation of pure benefits (the goods that the life will contain) for that individual. Finally, and crucially, a proponent of the present line of reasoning claims that *bringing someone into existence imposes harm on that individual because every human life includes the experience of harm.*

Now it is true, setting aside the possible and very rare exception of never-sentient human beings (e.g., anencephalic infants), that every human life includes the experience of harm, including at least some of the following: pain, distress, sadness, sickness, and injury. I am also comfortable in granting, at least for the sake of argument, that bringing someone into existence in some sense involves harming (and/or benefiting) (p. 646) that individual. Even though, prior to existing, there is no individual who can be benefited or harmed, once someone comes into being there is an individual who is the subject of harm (and/or benefit). And bringing someone into existence guarantees that the individual will

undergo harm—to which she did not consent and not for the purpose of preventing worse harm to her.

If I am willing to grant all this, one might wonder, how can I claim that procreation is often morally justified? Isn't it just a case of imposing unconsented harm for the sake of procuring pure benefits? And isn't doing so always wrong?

In response to these questions, first, I doubt that it is *always* wrong to impose unconsented harm for the sake of pure benefits. But, even if it is, the relationship between procreating in favorable circumstances and whatever harms the created life will inevitably include is often not best characterized as *imposing* the harm. Consider an example.

Let's say I get my elementary school child involved in basketball or soccer and strongly encourage her to stick with it for several seasons. The kid is too young and my encouragement too strong for consent to be a realistic possibility. I know that my child will experience some harm over the course of several seasons: probably some minor injuries, surely some bitter disappointment, and so on. The best reason for encouraging her involvement in the sport is not to prevent some greater harm—she could avoid obesity, for example, without taking the risks involved in these sports—but to create the opportunity and likelihood of procuring the benefits of physical discipline, improved skills, camaraderie with teammates, the learning of sportsmanship, probably some pride, and possibly some glory. But, significantly, my directing my kid to play basketball or soccer does not *impose* whatever harms eventually occur. Rather, I am *exposing* her to these harms.¹² I do so as part of the price of creating opportunities for the aforementioned benefits. It is a reasonable price.

Similarly, while human life inevitably involves some harm, in most if not all cases it also features benefits. Often the benefits, the good experiences of human life, are very considerable and outweigh the harms of a particular life. If a couple procreates in circumstances in which they have every reason to expect that their child will have a life that is well worth living, and they meet other necessary conditions (to be discussed) for responsible procreation, then exposing their child to harm is justified (in part) by the opportunity they afford him to have a good life. This thesis will be fleshed out further in later sections. For now, it is enough to clarify the cogent basis for denying that all procreation involves wrongful life.

Why the Worthwhile-Life Condition Is not Sufficient

As noted earlier, one necessary condition for morally responsible procreation is that the child to be is reasonably expected to have a life worth living. Although it seems (p. 647) impossible to draw a clear, nonarbitrary line dividing all cases of such worthwhile lives from all cases of lives not worth living, it is sufficiently clear that some lives are worth living and some lives are not. We can therefore tolerate the gray, ambiguous area between the clear cases on each side and maintain that the distinction is useful insofar as procreation is irresponsible when it is reasonably expected that the resulting life will not be worth living, an idea that motivates the worthwhile-life condition. Are there are other necessary conditions for responsible procreation?

A negative answer would permit a simple criterion for determining when procreation is responsible (once again, in terms of what parents owe their children): “As long as a couple can reasonably expect that their future child will have a life worth living, they may procreate responsibly.” But further reflection suggests the inadequacy of this position. Imagine a wealthy, self-indulgent, lazy couple who decide to have a child because “That’s what people our age do,” yet have no interest in putting much care into childrearing. They will make sure their child gets a couple of meals a day and gets to a hospital if seriously hurt or sick, and will have the child attend school. But the school district is terrible and the prospective parents are too cheap to send their child to a good private school; meanwhile, their reason for living in that particular school district is simply that it is near some beautiful mountains in which they like to hike; if they moved ten miles away, their child could attend a good public school. As for stimulation at home, the child will be allowed to watch television during most of his free time and will not receive any encouragement to cultivate his talents. Even with this patchy description of the prospective parents’ intentions, one is struck by *how much more they could do for their child*. Materially, even if not psychologically, the parents are well positioned as prospective parents. They can reasonably expect that, despite their negligence, their child will have a life worth living. Yet they are not doing nearly enough.

The worthwhile-life condition is insufficient. One might propose that parents owe their children (1) *worthwhile lives* and (2) *whatever other benefits they, in view of their circumstances, can provide them*. This analysis would plausibly condemn the parenting sloth of the aforementioned couple, who would flunk the second condition. Yet this second condition is excessively demanding.

Imagine that a couple devotes a great deal of attention to their young child while assuring that her basic needs are taken care of. The father has a job outside the house, but works the minimum he can get away with, so he can be home more and present for his child. The mother is presently staying at home as the primary caregiver. (The lesson of this thought experiment will be equally clear if the roles are reversed and it is the father who is the stay-at-home parent, or if the parents are a same-sex couple.) Suppose that the mother feels a strong identity-based need to resume her career outside the house. With some creative scheduling of their work hours, and some use of day care and babysitting, their psychologically healthy child, it seems, will fare well. Yet the child, it is expected, would admittedly do a little better if her mother stayed home, full-time, for several more years. If the parents are required to do as much as possible for their child, then either the woman should sacrifice her career (at least for a few more years) or the man should quit his job and let his wife return to work. It seems obvious to me that the (p. 648) couple may responsibly decide to take neither of these drastic steps. They do not owe it to their child to do so, since she will be fine with both parents working, and one of her parents would have to make a massive sacrifice to do what is optimal for the child.

In many other sorts of family situations, parents can do right by their children without literally maximizing their welfare. The previous example featured an important interest of the parents as competing (a bit) with their child's interests. In other situations, a child's interests may compete with those of another sibling, or an important community or charity endeavor. In a family with more than one child, it may be logistically impossible to maximize the welfare of each child because doing so for one will prevent doing so for another; here, the children's competing interests must be balanced in some reasonable way. Or consider a parent who donates funds in an effort to help save the lives of children at risk of an early death due to starvation or easily treated illness. Suppose these noble donations have the consequence that the child, now ready for college, must attend a university that, while good, is not the very best she could have attended had her parent not contributed to the charity. The failure to maximize the child's welfare does not seem sufficient to judge that the parent owed the child more, especially if the parent is loving and attentive to the child's most important needs, including getting a good education.

"Doing the best for one's child" and similar phrases have a nice ring, perhaps because children throughout the world are more often neglected than overindulged—and neglect may generally pose a greater threat to children's welfare than overindulgence does. In addition, since most people tend to be less literal-minded than philosophers and other highly analytical scholars, most people might interpret "doing the best for one's child" not as literally *maximizing* the satisfaction of the child's interests but as doing a great deal for the child and addressing his or her most important and legitimate interests. This looser understanding of the phrase gets us closer to the normative mark. Accordingly, we

should reject condition (2), as stated earlier, and focus on children's most important interests. As we will see, some remnant of (2) will survive the analysis.

A Child's Basic Needs or Essential Interests

Parents owe their children a lot, but not literally everything they can do for a particular child because this exacting standard would sometimes demand excessive sacrifice of the parents' interests, other family members' interests, or other important values. Much of what parents owe their children can be captured in the idea of their children's *basic needs* or *essential interests*. Although "basic needs" is a familiar term, "essential interests" suggests the point that "best interests" is an exaggerated standard for implying a requirement to maximize children's welfare. In any case, I will use the terms "basic needs" and "essential interests" interchangeably.

(p. 649) Parents owe their children an effort to ensure that their basic needs are met. It would be excessive to demand that parents *guarantee* that children's basic needs are met, because parents have too little control over their children's lives for this to be a reasonable expectation. If parents do all they reasonably can to protect their child, yet he proves very unlucky and is assaulted, the parents have not failed their child. There is only so much they can do to provide protection—without overly constricting their child's life (e.g., never letting him play outside), which would thwart other basic needs.

Perhaps, then, parents owe their children whatever is necessary for a reasonable expectation that their basic needs will be met. In view of our discussion about well-positioned parents owing their children more than worthwhile lives, but not to the point of excessive sacrifice, let us consider the following tripartite analysis: *Parents owe their children (1) worthwhile lives, (2) in which their basic needs are reasonably expected to be met, and (3) doing more for them if they can without undue sacrifice.* I find this analysis intuitively satisfying, at least at first glance. Indeed, I think that in a just world this tripartite standard might be exactly correct. At least in large part because our world is not just, we will have to confront a difficult issue: whether to permit some exceptions to condition (2).

Before doing so, let us add content to that condition by enumerating a list of children's basic needs. Of course, any list will be somewhat arbitrary, but a list that presents a reasonable approximation is far better than no list at all. In addition to helping to fill in an account of what parents owe their children, basic needs can be understood as *general conditions for the prospect of living a decent human life*—where "decent" gestures farther in the direction of flourishing than "minimally worthwhile" without going so far in

that direction as to present unreasonable demands on parents and social institutions. Although I will not emphasize rights in this discussion, it is worth noting that at least some rights theorists (including this one) will find basic needs to be plausible objects of children's rights.

Here, then, is a proposed list of children's basic needs:

- nutritious food, clean water, safe shelter, protective clothing, and competent medical care when medical care is needed;
- freedom from slavery, other forms of wrongful coercion, and physical abuse;
- education and adequate stimulation;
- opportunities to play and experience enjoyment;
- the opportunity to develop independent interests and gradually find one's own path; and
- the love, kindness, and attention of at least one committed, reasonably competent parent.¹³

The second condition, as it stands, would require as a condition of responsible procreation that it be reasonably expected that all of these basic needs will be met in the case of one's child.

(p. 650) From the standpoint of a child's interests, this demand seems excellent. But consider now prospective parents who live in circumstances of social injustice. More specifically, these individuals, who would be loving and attentive parents, are economically disadvantaged Blacks in contemporary (postapartheid) South Africa who do not have reliable access to medical services. Although it can be expected that, if they have a child, most of her basic needs will be met, it cannot be expected that she will receive needed medical care whenever such care is needed. Unless we qualify the second condition, our tripartite standard will imply that the South African couple in question would choose irresponsibly if they decided to have a child. This verdict seems harsh. After all, it is not the couple's fault that medical care might be out of reach. More generally, the second condition, if not qualified, would imply that many disadvantaged prospective parents would act irresponsibly if they procreated—whereas their advantaged counterparts, who may be no more disposed to be good parents, would act responsibly if they procreated. We find, therefore, an uncomfortable tension between being demanding enough for children and being fair and compassionate toward disadvantaged persons who could be loving, resourceful parents.

My inclination is to permit *some* exceptions to the expectation to meet basic needs where failure to meet them is due to external circumstances beyond the parents' control. For

example, parents who can expect to meet the basic needs of their child with the exception of competent medical care whenever it is needed may, if they meet other relevant conditions, responsibly choose to procreate. Admittedly, this is a very difficult issue, and I can easily understand how one might take a harder line, such as: “It’s not the child’s fault that her parents live in a society that doesn’t provide reliable access to health care to all its members, so the child shouldn’t have to bear the burden of this deprivation.” In reply, it is of course not the child’s fault, just as it is by hypothesis not the parents’ fault, yet the child is expected to have a worthwhile life and to have other basic needs met. Moreover, *the parents’ interest in procreative freedom should count for something*. Taking that factor into account, along with the parents’ lack of control over access to medical care and the overall good life they can expect for their child, supports a policy of allowing some exceptions to the basic-needs requirement.

I do not favor tolerating many exceptions. For one thing, if parents have a child when the only reasonable expectation is that many of their basic needs will go unmet, it is somewhat unlikely that even the worthwhile-life condition will be met. For me, an especially hard case is one in which loving, resourceful parents could be expected to meet nearly all of a child’s basic needs, but not freedom from slavery. Here I am deeply conflicted. Slavery, the institutional ownership of some persons by other persons, is a monstrous injustice. At the same time, slave couples may consider the prospect of becoming loving parents as among the only true joys life can offer them. Maybe an exception to the basic need of freedom from slavery would be tolerable if the conditions in which the slaves lived were relatively good (consistent, that is, with being slaves) and there appeared to be a strong chance that the family could escape from slavery either through successfully running away, being bought out by a benefactor, or the termination of the institution itself. But maybe not. Importantly, here, the parents could be described as *imposing* the condition of slavery on their child—rather than just *exposing* her to it—not because they (p. 651) themselves are slaveowners, but because they are freely procreating in circumstances that directly include the imposition of this legal status. I leave this issue open, while leaning in the direction of taking a hard line against any exceptions to this basic need.

Returning to the tripartite analysis articulated earlier, we may modify it by adding a parenthetical phrase, like so: (2) *in which their basic needs are reasonably expected to be met (some exceptions being justified only when the expected failure to meet a basic need is due to external circumstances beyond the parents’ control)*.

What underlies the stipulation that circumstances beyond the parents’ control must be *external* in order for an exception to be eligible for consideration? Consider that one might not be able to meet a child’s basic need to be free of abuse due to the internal

factor of one's compulsion—one ineradicable by medication or therapy—to abuse young children. In my view, such a person should not become a parent, period, even though the internal factor may be no more within a prospective parent's control than, say, the external circumstance of entrenched poverty or slavery. What might justify this double standard between internal and external factors? My suggestion is that *someone who is constitutionally incapable of being a good parent—incapable, even, of being a neutral, benign parent—should not become a parent, whereas someone who is constituted to be a good parent, but hamstrung by certain external circumstances, should be afforded some flexibility*. I do not know how to provide deeper support for this assertion. However, it is highly plausible on its face.

The assertion is also related to another claim: that the last basic need on the list is nonnegotiable. In other words, if a prospective parent is incapable of being a kind, loving, attentive, and reasonably competent parent, and is not with a partner who makes this grade, then he or she should not become a parent. (This allows for the possibility that one member of a couple who would be an inadequate single parent may become a parent so long as he or she is not abusive or otherwise highly destructive and is partnered with someone who would be a loving, committed, and capable parent.) Note, however, that by singling out this basic need for its nonnegotiable status, I do not mean to suggest that all other basic needs are negotiable. Access to medical care may be negotiable, but, for example, access to nutritious food, clean water, and clothing is not.

Does this suggest that some basic needs are more important than others? I think it does. While maintaining that access to competent medical care when it is needed is a basic need, I believe that it is less central to the prospect of a decent life than are nutritious food, clean water, clothing, freedom from abuse, and the presence of at least one loving, competent parent. (Admittedly, I have no evidence for this claim beyond reflection on people's life experiences.) Maybe education shares this status of being slightly less central with access to medical care. If so, then one implication is that it could have been morally responsible for Afghani parents to procreate even when the Taliban prevented girls from receiving an education.

This is the modified tripartite standard that was defended in the previous section:

Parents owe their children (1) worthwhile lives, (2) in which their basic needs are reasonably expected to be met (some exceptions being justified only when the expected failure to meet a basic need is due to external circumstances beyond the parents' control), and (3) doing more for them if they can without undue sacrifice.

(p. 652) The reference to basic needs here is vague, so we considered a rough list of basic needs. In addition, it was argued that the last item on the list—and at least a few others—were nonnegotiable.

One notable aspect of the tripartite standard is that it makes no mention of the prospective parents' intentions, a factor that might be thought to bear on the permissibility of procreation. A few case scenarios can motivate the issue.¹⁴

Suppose a couple has a child with leukemia and considers having a second child who could serve as a histocompatible bone marrow donor for the older sibling, thereby saving her life. One might feel that the parents intend, immorally, to use the second child as a means to saving the first, and that therefore their procreative plan is irresponsible. Accordingly, one might believe that the tripartite standard needs to be supplemented with some sort of intention-based condition. I disagree. Parents may decide to have a second child with an eye toward her being a "savior sibling" while committing themselves, and reasonably expecting, to be good, loving parents to both children. Wanting the second child as a means to saving the first does not preclude *also* loving the second child for her own sake. What the tripartite standard requires—appropriately—is not the absence of any motive for procreating that refers to interests other than those of the created child, but rather that parents do right by the child. So far, we find no reason to add an intention-based condition.

Consider a second couple, A and B, in which A wants them to procreate in order to punish B. B doesn't want a child, but A knows B won't favor abortion if the couple becomes pregnant. This, to be sure, is a terrible reason to bring a child into the world. In another couple, C and D, C wants them to procreate in order to induce D to remain in the relationship. D doesn't want a child, but C knows D won't favor abortion if the couple conceives. This case, too, features a dreadful reason to procreate. Both cases suggest the possibility that procreative ethics partly concerns an agent's behavior toward a procreating partner: treating the partner with respect rather than, say, manipulating him or her. Such a requirement of partnering respect would give one's intentions a role in procreative ethics because whether conduct is respectful or disrespectful toward another person has much to do with the agent's intentions.

But remember this paper's topic: the conditions of morally responsible procreation *in view of what parents owe their children*. The topic is not the conditions of responsible procreation, *all things considered*. What parents owe their children includes love, attention, and kindness, but (for all I know) fulfilling that need once a child comes into the world may be consistent with one or both partners having had very dubious reasons for wanting to procreate. Indeed, it might be possible for someone to decide to procreate for a bad reason yet be in a position to expect that the future child's basic needs (and the other conditions of the tripartite standard) will be met. It seems reasonable to suppose that the worse the motive, other things being equal, the less likely it is that a parent has the sort of character needed for good parenting, but there may be exceptions. In any case, what is immediately problematic in these two cases is procreative intentions that

evinced disrespect for one's partner, so I understand the cases to raise issues beyond the scope of this paper. At the same time, the cases remind us that the tripartite standard is (p. 653) unlikely to be sufficient for responsible procreation, *all things considered*. Maybe a condition regarding appropriate intentions would be needed for a comprehensive account of responsible procreation.¹⁵

Is Freedom from Avoidable Disability a Basic Need?

At this point in the investigation, it will be instructive to consider a candidate for another basic need: freedom from avoidable disability. The qualification *avoidable* is motivated by the recognition that, generally speaking, disabilities do not preclude, or even much diminish, the prospects for living a decent human life, at least where discrimination is minimal or absent and social accommodations are adequate. So consider this case:

Neonatal Neglect. A doctor informs a couple under her care that their newborn has a rare condition that, if left untreated, will probably cause paralysis from the waist down. The doctor prescribes a safe medicine that is effective in treating this condition. Although the parents could easily fill this prescription and administer the medicine, they neglect to do so with the result that their child becomes paraplegic.

In Neonatal Neglect, it is clear that the parents' passivity is wrong and that, in particular, that they wrong their child by failing to prevent a major, avoidable disability. One might think that a case like this motivates adding to the list of basic needs freedom from avoidable disability. But the way to avoid the relevant disability in this case is by providing needed medical care, which is already on the list of basic needs. Of course, disabilities can come about in other ways. For example, a person might become brain-damaged due to severe physical abuse. But freedom from abuse has already been identified as a basic need. Perhaps there is no need to add freedom from avoidable disability to the list of basic needs.

But now consider this case:

Preconception Neglect. A physician informs a couple under her care that they should delay attempts to conceive because the woman has a medical condition that would likely cause any child she has to be paralyzed from the waist down. If she takes a safe medicine for a month, however, she can later get pregnant and

give birth to a healthy child. Because the couple (for no particularly good reason) ignores this advice, they achieve pregnancy a week later, leading to the birth of a paraplegic child.

As in the case of Neonatal Neglect, the parents in Preconception Neglect act wrongly in neglecting the doctor's sound advice and taking a risk that predictably leads to the birth of a child with a substantial disability. But the two cases are very different in one respect that provokes what has been called "the nonidentity problem." The crucial way in which (p. 654) the two cases differ is that in Preconception Neglect there is no identifiable victim of the parent's negligence. That is because, had the parents acted responsibly and delayed conception, they would have conceived through the uniting of different gametes than did in fact unite in leading to the birth of the child with paraplegia. The latter child, in other words, is *not identical to* (not the same child as) the child who would have been born had the parents responsibly conceived later. Therefore, the actual child could not have been better off had the parents done the right thing, because he would not have existed at all had they done so. And the actual child, let us assume, has a life worth living and is therefore not the victim of "wrongful life," as discussed earlier.

So the actual child in Preconception Negligence is not a victim of the parent's wrongful behavior. Nor is anyone else directly harmed or wronged by their behavior. The parents act wrongly, it seems, without wronging anyone in particular. In my view, the wrongdoing in nonidentity cases such as this must be understood in the impersonal, consequentialist terms of making the world a slightly worse place than it would have been had they acted responsibly. The world, given their action, includes an individual who must face the challenges associated with paraplegia, whereas the world, had they acted responsibly, would have been the same except that, instead of the paraplegic child, there would have been a child who did not have to face the challenges associated with that condition.

Looking retrospectively over what happened given what the parents did, and what would have happened had the parents acted as they should have, one might say that the cost of their negligent behavior was an avoidable disability. Accordingly, one might recommend adding to the list of basic needs freedom from avoidable disability. But this addition would be based on a conceptual error: conflating the actual, paraplegic individual with the merely possible child who would have existed had the parents taken the doctor's advice, and on the basis of this conflation judging that the actual individual has an avoidable disability. The disability was not avoidable *for him*. True, it was avoidable for the world, so to speak, but only an individual—not the world—can have basic needs.

Conclusion

We arrive at the interesting point that the kind of wrong that characterizes nonidentity cases cannot be understood in terms of what parents owe their children. We are looking in the wrong place if we look at our tripartite standard of parental obligations and the appended list of basic needs. Ethics does not involve only what we moral agents owe each other.¹⁶ Indeed, ethics is not even limited to what we moral agents owe each other and what we owe individuals—such as infants and dogs—who are not moral agents. For ethics also involves the impersonal project of making the world a better place.

This means that there are several types of wrongful life that are worth distinguishing. Or, if we don't want to use the term "wrongful life" for all of these categories because it is too closely associated with the paradigm cases in which a life was predictably not worth (p. 655) living, we might coin a new term for our purposes. Let's use the term *wrongful* (or *irresponsible*) *procreation*.

One type of wrongful procreation, again, includes the paradigm wrongful-life cases in which parents violate the worthwhile-life standard. A second type of wrongful procreation we might call *wrongful, personal disadvantage*. In these cases, the created child's life is expected to be worth living, but some part of the tripartite standard—involving either basic needs or doing more for a child—is violated. Note that both wrongful life and wrongful, personal disadvantage involve moral failings in terms of what parents owe their children. Not so in nonidentity cases such as Preconception Neglect, which we may term *wrongful, impersonal disadvantage*. This sort of lapse is understood not in personal terms but in the impersonal terms of failing to make things better when one could reasonably have been expected to do so.

As noted earlier in this chapter, however, I have left open certain other issues in procreative ethics. I have not addressed how the expected environmental impact of one's choice to procreate might affect whether it is morally responsible; nor have I addressed whether at least some prospective parents, in view of their circumstances, might have an obligation to adopt a child (or remain childless) rather than bringing a new child into the world. Furthermore, the question of whether and how one's intentions or motivations in choosing to procreate bear on procreative ethics was found to lie beyond the scope of this chapter. I therefore leave it up to other thinkers to help determine whether, in addition to the three types of wrongful procreation identified here, there might also be *wrongful, impersonal resource depletion*, *wrongful nonbeneficence*, where the latter refers to an irresponsible choice not to adopt, and/or *wrongful procreative intention*.

Acknowledgment

My thanks to Leslie Francis for helpful feedback on an earlier draft.

Notes:

(1.) Some authors, by contrast, seem to hold that responsible acts are not only permissible but also decent. See, e.g., Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy and Public Affairs* 1 (1971): 47–66.

(2.) My discussion will both draw significantly and diverge from my *Creation Ethics: Reproduction, Genetics, and Quality of Life* (New York: Oxford University Press), chaps. 5 and 6.

(3.) David Benatar helpfully underscores the distinction between lives (not) worth starting and those (not) worth continuing (*Better Never to Have Been* [Oxford: Oxford University Press, 2006], chap. 2).

(4.) Some people believe that any human life is worth starting and continuing irrespective of its experiential quality. This belief, which is highly counterintuitive as applied to such cases as LNS, is likely to derive from a religious dogma. In this discussion, I set aside beliefs that depend on religious dogma.

(5.) For a defense of this assumption, appealing to a view of what we essentially are, see my *Human Identity and Bioethics* (Cambridge: Cambridge University Press, 2005), chap. 2. A discussion of this topic that significantly influenced my own is Eric Olson, *The Human Animal* (Oxford: Oxford University Press, 1998). By contrast, Jeff McMahan argues that we, who are essentially embodied minds, necessarily do not come into existence prior to the emergence of mental life in the human organism (*The Ethics of Killing* [Oxford: Oxford University Press, 2002], chap. 1).

(6.) In fact, I am fairly sure the law would require demonstration of harm to the wronged party.

(7.) It seems commonsensical to me that there are some harm-independent rights, as the example that follows suggests. Anyone who disagrees, however, can nevertheless agree that the fundamental question is whether the putative victim in a possible wrongful life situation has been wronged. The person who disagrees with me would simply understand the issue of wrong through the lens of harm: Was the putative victim harmed?

(8.) See Jeff McMahan, "Wrongful Life: Paradoxes in the Morality of Causing People to Exist," in Jules Coleman and Christopher Morris (eds.), *Rational Commitment and Social Justice* (Cambridge: Cambridge University Press, 1998).

(9.) Benatar, *Better Never to Have Been*, and Shiffrin, "Wrongful Life, Procreative Responsibility, and the Significance of Harm," *Legal Theory* 5 (1999): 117–148.

(10.) See my "Is It Wrong to Impose the Harms of Human Life," *Theoretical Medicine and Bioethics* 31 (2010): 317–331 and *Creation Ethics*, chap. 5.

(11.) The term is Shiffrin's ("Wrongful Life, Procreative Responsibility, and the Significance of Harm").

(12.) Admittedly, the distinction between exposing to and imposing harm is not very sharp. But the more closely tied the harm is to the activity itself, the stronger the case for conceptualizing the instance at hand as involving the imposition of harm. Thus, parents who have their young children take up boxing could be thought of as imposing head trauma on their youngsters, and for this reason I believe the parental push toward boxing to be misguided. With what we know about tackle football and head injuries today—that there is a higher risk of head injury than we used to believe, although the risks are far short of those associated with boxing—parents' choice to have their child play tackle football may lie somewhere between clear cases of imposing and clear cases of exposing a child to harm.

(13.) Lest there be any misunderstanding, the *parent* mentioned here need not be a genetic, gestational, or even legal parent, but she or he must *function socially* as the child's parent and undertake a commitment to parent the child. Ordinarily, this social parent will also be the legal parent, but I leave open the possibility of exceptions in which legal status does not, for some reason, track the social role. And how long must such a parent be around to fulfill the basic need for parenting as I understand it? I suggest that responsible parenting requires the reasonable expectation that such a parent will be alive and able to function as a parent long enough for the child to enter adulthood.

(14.) Thanks to Leslie Francis for raising this issue and suggesting roughly the cases I address in this section.

(15.) Another case mentioned by Leslie Francis (see previous note) features a rebellious teenager who wants to have a baby simply to defy her parents. Although we can stipulate that this teenager intends to give up the baby for adoption and knows that excellent adoptive parents are available, so that the tripartite standard would probably be met, it would seem wrong for this teenager to procreate with the stated intention. But, as

mentioned at the outset, my analysis concerns procreation *with the intention of parenting*. So this case lies outside the scope of my analysis. It does, however, add to the sense that some intention-based condition may be needed for a comprehensive account.

(16.) What moral agents owe each other would include the respect procreative partners owe each other, as discussed earlier in connection with procreative intentions.

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