

ASSESSING ANTI-NATALISM: A PHILOSOPHICAL EXAMINATION OF THE  
MORALITY OF PROCREATION

By

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## **Introduction**

Consider a couple planning to have children. There are many reasons one could offer these potential parents for reconsidering bringing new people into existence. One could for instance say to them that they currently lack the finances, or maturity, to adequately take care of any children they produce. If it were almost certain that this couple would pass on a terrible genetic disease to their offspring, one could see it as one's duty to warn them against reproduction. One could even draw attention to the plight of orphans, and suggest to these (and other) potential parents that a more pressing responsibility lies not in planning to give homes to persons not yet in existence, but in attempting to give homes to those already in existence. However, when deciding whether or not to create children, rarely does one consider, over and above the preceding considerations, whether there might be some fundamental wrongness to the very act of procreation. In other words, rarely does one consider the possibility that creating people might, all things considered, *never* be permissible.

At its extreme, "anti-natalism" implies the view that coming into existence is always a harm that outweighs any of its benefits. This position is defended by David Benatar (Benatar 1997, 2006). However, one need not believe that coming into existence is always an overall harm in order to favour an anti-natal perspective; one need only believe that it is morally problematic to inflict serious, preventable harms upon others without their consent. Such a consent-based anti-natal position can be derived from the argument put forth by Seana Shiffrin (1999). To be clear, according to either of these versions of anti-natalism, creating a new person is considered an *impermissible*

harm. When I refer to “anti-natalism” in this dissertation, I will be referring to this negative judgement regarding procreation.

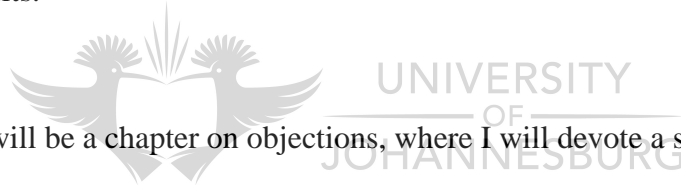
Anti-natalism has a rich philosophical heritage, with its roots stretching back to antiquity. For instance, *Ecclesiastes* (1:1-18) of the Hebrew Bible bemoans the apparent meaninglessness and futility of existence—a state of affairs with which any number of generations of humans must cope. Not until very recently, however, has the anti-natal position been given due consideration by philosophers. Arthur Schopenhauer (1851), for instance, is perhaps best known for advocating a pessimistic philosophy that is, broadly speaking, anti-natal in its implications. The key figure in this field, however, is Benatar, who defends an unequivocally anti-natal position.

Though Benatar’s book, *Better Never to Have Been: The Harm of Coming into Existence* (2006), offers the most systematic defence of anti-natalism thus far, and I will indeed be referring to his views throughout, there are other routes to an anti-natal conclusion.<sup>1</sup> In this respect, I find Shiffrin’s discussion of the limits of permissible harm in “Wrongful Life, Procreative Responsibility, and the Significance of Harm” (1999) to be worthy of systematic consideration. Though she appears reluctant to defend an explicitly anti-natal conclusion, I believe that she puts forth a case for anti-natalism no less strong than Benatar’s. Furthermore, because her view has been under-explored in the natal debate, I will be focussing primarily on her paper in this dissertation.

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<sup>1</sup> Note that Benatar’s book contains an argument he put forth years earlier in “Why It Is Better Never To Have Come Into Existence” (1997). Since Benatar intends for his book to offer an updated version of his anti-natal position, I focus on this latter text here.

My aim here is to defend a Shiffrin-esque route to anti-natalism from four powerful and intuitive objections. I will proceed as follows. The next two chapters will contain expositions of Benatar's and Shiffrin's positions respectively. Even though my focus will not be on Benatar, his is the most prominent and influential argument for anti-natalism, and I think that it will be useful to compare his argument, at various points in my dissertation, to Shiffrin's. And because Shiffrin is reluctant to explicitly state that she is defending an anti-natal position (as I have mentioned), the chapter explaining Shiffrin's position will also contain my version of a Shiffrin-esque anti-natal principle of permissible harm. The key feature of this principle is that it is impermissible for one to impose serious, ongoing and inescapable (without great cost)<sup>2</sup> harm upon an unconsenting individual purely for the sake of granting that individual benefits.



Following this will be a chapter on objections, where I will devote a section each to four objections to the above principle. These four sections will proceed in the following manner. I will be addressing the claim that *procreation is all-things-considered permissible because*: (1) it is permissible for one to knowingly harm an unconsenting patient if one has good reasons for assuming her *hypothetical consent*, and procreators can indeed reasonably rely on some notion of hypothetical consent; (2) it is permissible to act on another's behalf if one is reasonably sure that she will endorse one's action, and, because many people, if not most, appear to endorse their parents' decision to create them, there is thus a high probability of parents' procreative actions garnering the *subsequent endorsement* of their offspring; (3) though it could be conceded that parents do indeed harm their children by creating

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<sup>2</sup> That is to say, death, namely by suicide. I find it odd and disturbing that anyone could suggest that (instead of passing judgement on his or her parents or generally complaining about life) a person can at any time opt to "opt out" via suicide. But I have had a surprising number of people suggest this to me.

them, it could also be asserted that this harm is permissible if parents subsequently offer *adequate compensation*; (4) it is permissible for parents to impose the harms of life upon their offspring if some *intended benefit to third parties* is subsequently realised. Though I think all four of these objections are relevant and important, my hunch is that the first two represent the strongest challenges to Shiffrin.

I wish to make a brief note on the terms I will be using. When I use the term “pro-natalism”, I will not mean for it to refer to the position that procreation is always right and good. Were one to hold such an extreme position, it would commit one to deny that any lives are wrong to start, even those which will be characterised by—parents and their doctors are sure—intolerable suffering. Instead, I will be using “pro-natalism” as shorthand for “the friend of natalism”, who simply wishes to defend procreation against the charges of the anti-natalist—that is to say, someone who wishes to adopt an opposing, but not the polar opposite, position to anti-natalism. The pro-natalist, as I see her, can believe that procreation is permissible under certain conditions without having to deny that *some* acts of procreation may in fact be wrongful—or even that *procreation itself* may indeed be *pro tanto* wrong. In fact, the pro-natalist can believe that despite its element of *pro tanto* wrongness, ordinary, everyday procreative acts may be considered permissible. This is of course in contrast to the anti-natalist, who believes that procreation is (almost) always impermissible, all things considered.

With regard to the manner in which I will be using the term “anti-natalism”, I do not desire for it to be taken as any particular philosopher’s position—though it is indeed precisely the position Benatar defends—but a genuine philosophical position in its



own right, and one which can be arrived at from several routes. This is because a significant shift in the literature has occurred—literally during the time it has taken me to compose this dissertation—with anti-natalism evolving from a fringe view with one major proponent (namely Benatar), to a legitimate ethical stance toward procreation.<sup>3</sup> And so my aim is not to ascertain whether or not we ought to take anti-natalism seriously—the debate, to my mind, has moved on from that; my aim is to ascertain whether a non-Benatarian route to anti-natalism, namely a Shiffrin-esque one, can be successful. I will argue that it can.



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<sup>3</sup> At least two new arguments for anti-natalism have recently been advanced: one by Gerald Harrison (2012) and another by Christopher Belshaw (2012). I will not discuss their arguments in this dissertation, but I should like to note that both Belshaw and Harrison aim to provide separate, non-Benatarian and non-Shiffrin-esque routes to anti-natalism.

## **1. Benatar's Anti-natalism**

Since most of the ethical literature on natalism focuses on Benatar, I think it will be useful to ground my dissertation within this Benatar-based discussion. Benatar's primary anti-natal argument can be referred to as his "asymmetry argument", and attempts to prove that there is a fundamental asymmetry between harms and benefits, such that the benefits of coming into existence never outweigh the harms. Benatar claims that we all share the assumption that we have a moral duty to *avoid harming* people, whilst we do not really afford *causing pleasure* such a comparable status (Benatar 2006:32). That is to say, we do not, most crucially, claim that we have a "duty" to bring new *happy* people into existence, whereas we *do* think of it as a duty to avoid bringing some potential *sufferers* into existence—persons whom we know will be born with horrible birth defects, for instance (Benatar 2006:32). Whilst it would be strange for us to assert that we have the first duty (namely the "duty" to create new happy people), the second impression (namely to avoid harming potential sufferers), is to us, Benatar thinks, quite intuitive (Benatar 2006:32). And thus, whilst in the first instance we would be benefiting new existers,<sup>4</sup> we do not take this *in itself* to be a sufficiently good reason to create these persons—we do not, in other words, claim that coming into existence is a good we should promote *for the sake of that person*; on the other hand, we *do* feel that we would be doing a duty by preventing a potential sufferer from experiencing suffering (Benatar 2006:32-33). Benatar (2006:30-49) argues that these intuitions can best be explained by the claim that there is an *asymmetrical relationship* between pleasure and pain:

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<sup>4</sup> I realise, as does Benatar, that this way of speaking is open to a number of objections; because, for one, how can one speak of "persons" whilst simultaneously acknowledging that "they" don't exist? However, this manner of speaking is nonetheless useful and has no ready alternative.

(1) the presence of pain is bad,

and

(2) the presence of pleasure is good.

whilst

(3) the absence of pain is good, even if that good is not enjoyed by anyone,

whereas

(4) the absence of pleasure is not bad unless there is somebody for whom this absence is a deprivation.

(Benatar 2006:30)

Whereas there is a symmetrical relationship between (1) and (2) (pain = bad, pleasure = good), there is no such symmetry between (3) and (4) (no pain = good, no pleasure = *not good, not bad*). This asymmetrical relationship can also be represented thus:

<b>Scenario A</b> <b>(X exists)</b>	<b>Scenario B</b> <b>(X never exists)</b>
(1) Presence of pain (Bad)	(3) Absence of pain (Good)
(2) Presence of pleasure (Good)	(4) Absence of Pleasure (Not Bad)

(Benatar 2006:38)

Only existers (Scenario A) suffer harms (that is, experience pain: a disadvantage to coming into existence), whilst non-existers (Scenario B) cannot (an advantage to not being in, and motivation for us to resist causing non-existers to come into, existence).

This is the case not merely because only existers suffer, but also because the absence of pleasure in Scenario B is “not bad”, because no one is deprived by its absence. In quadrants (1) and (2), the relationship between harms and benefits is symmetrical (“bad” to “good”). On the other hand, whilst it can be argued that at least in the case of a life worth continuing, the benefits of pleasure outweigh the harms of pain, this does not represent a real counterweight to the above-mentioned fundamental relationship between absent pain and pleasure. For it must be remembered that whilst the absence of pain is good, the absence of pleasure is not bad, meaning that a life is not worth starting if it will have any pain. This represents an *asymmetrical* relationship—one which will not provide an adequate counterweight to the apparently symmetrical one between the presence of both harms and benefits, namely (1) and (2).

Thus (1) and (2) in Scenario A and (3) and (4) in Scenario B are *not* two sides of the same coin: in the case of non-existers, the relationship between harms and benefits cannot, according to Benatar, ever be used to justify bringing them into existence. Indeed, this fundamental asymmetry between harms and benefits provides a real challenge for those with pro-natal intuitions, for it appears as though the benefits of coming into existence never outweigh the harms. Benatar thus concludes that, despite the prevalent belief that most acts of creation result in an overall benefit to progeny, creation in fact results in an overall harm—a “net harm” (Benatar 2006:1).

It could be said that all Benatar’s asymmetry shows is that it is only because *coming into* existence creates the (very high) *probability* of being harmed (where such a probability would not otherwise exist) that coming into existence is a harm. Being brought *into* existence, in other words, exposes one to the harms *of* existence. The

pro-natalist could concede this whilst asserting that existence also has its *benefits*, and that the leap from asymmetry to anti-natalism is yet harder to justify in the light of these benefits. Being in existence (Scenario A), in other words, also allows one to enjoy the benefits of existence—not just the harms.

But Benatar has already responded to this objection, with Scenario B intending to show that these benefits (of existence—Scenario A) don't represent a “real advantage” (Benatar 1997, 2006) over not existing, since their absence would not be bad in the case of the non-existent. Benatar's asymmetry, to reiterate, suggests not simply that *coming into* existence is a harm (given the exposure to harm), but that *existence itself* is, all things considered, a harm. To put this in other words, though *whilst one exists* the benefits of being in existence might influence one to (falsely, in Benatar's view) believe that these benefits outweigh the harms, this does not alter the fact that one would not have been harmed by the absence of these benefits, and that one was harmed by being brought into existence. And hence, assessing whether or not creation is a permissible harm involves more than merely factoring in the harms and benefits experienced *within* existence (that is, Scenario A); it is a decision that must be viewed from a perspective that takes into account existence *and* non-existence (that is, Scenarios A *and* B). Existents suffer harms and enjoy benefits; non-existents do not suffer harms, but do not suffer from the *absence* of benefits either.

It is important to note that Benatar believes he has another way of coming to an anti-natal conclusion, a way he believes provides *independent* reasons for the same conclusion: Benatar (2006:93) explicitly states that “[t]here is more than one way to reach this conclusion”, one which provides a basis “*independent of asymmetry and its*

*implications*, for regretting one's existence and for taking all actual cases of coming into existence to be harmful" (Benatar 2006:61, my emphasis). To this end, he argues that our lives are far worse than we delude ourselves into thinking, that this is in effect a "world of suffering" (Benatar 2006:88). To bolster this Schopenhauerian claim, Benatar (2006:88-92) paints a bleak picture of the vast numbers of people who suffer due to natural disasters, hunger and malnutrition, diseases, and the various harms people inflict upon each other: rape, assault, murder, genital mutilation, slavery, humiliation, etc.

Despite the presence of great suffering in the world, many (if not most) persons seem to express a preference for existence, so to speak, and, despite the harms they and others suffer, appear to endorse their creation. Benatar is not surprised by the marked contrast between his "world of suffering" picture and the rosy, optimistic view of life most people seem to have. Our life-assessments are notoriously unreliable, he claims, because of built-in mechanisms that allow (most of) us to hide from ourselves just how bad our lives really are—and to him all lives are very bad. For one, we all tend to be optimistic, he says—often to quite an irrational degree. The so-called "Pollyanna Principle" (Benatar 2006:64) is the psychological phenomenon whereby we tend towards optimism rather than pessimism, leading us to oftentimes have very inaccurate representations of ourselves and the world. Another psychological phenomenon, "adaptation" (Benatar 2006:67), helps us cope with setbacks by allowing us to adjust our expectations to this (lowered) standard (Benatar 2006:67-9). Finally, Benatar notes that we often assess our wellbeing comparatively, that is, not according to the actual quality of our lives but relative to that of others (Benatar 2006:68). Crucially, this very often leads to shared negative features being left out of

our life assessments (Benatar 2006:68). Benatar asserts that these three psychological mechanisms help people cope with, or even steadfastly deny, the fact that this is indeed “a world of suffering”.

Whilst Benatar’s “asymmetry argument” will not feature in my dissertation, I think that there is much merit to Benatar’s claims regarding these psychological mechanisms, and their relevance to my argument will become more evident during my discussion of the objection from endorsement. There I draw a distinction between certain beliefs most people hold—namely theistic ones—and pro-natalism. I suggest that there are revealing similarities between theism and pro-natalism, such that the tenability of the latter position, to my mind at least, is thrown into serious doubt.

Note also that Benatar and Shiffrin both believe that the harms of existence are far from trivial. But unlike Benatar, who of course argues that creation results in a “net harm”, Shiffrin believes that creating a person usually does provide an overall benefit to that person (Shiffrin 1999:136). Like Benatar, however, she believes that even though parents may benefit their offspring by creating them, they also impose “substantial burdens” (Shiffrin 1999:137) on them:

By being caused to exist as persons, children are forced to assume moral agency, to face various demanding and sometimes wrenching moral questions, and to discharge taxing moral duties. They must endure the fairly substantial amount of pain, suffering, difficulty, significant disappointment, distress, and significant loss that occur within the typical life. They must face and undergo the fear and harm of death. Finally, they must bear the results of imposed

risks that their lives may go terribly wrong in a variety of ways. (Shiffrin 1999:137)

And so, despite believing that procreation might result in an overall benefit to a child, procreation is morally problematic to Shiffrin because “[all] of these burdens are imposed *without the future child’s consent*” (Shiffrin 1999:137, my emphasis).

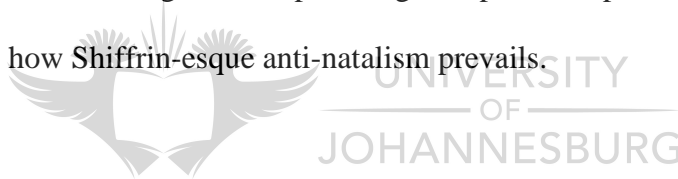
The next chapter summarises Shiffrin’s consent-based argument and encapsulates the key features of her view into a principle of permissible harm. This principle—“Principle A”, as I shall call it—has anti-natal implications.





## **2. Shiffrin's (Reluctant) "Anti-natalism"**

In this chapter I outline Shiffrin's position and explain why I think she provides a compelling argument for anti-natalism. Importantly, I posit a principle of permissible harm derived from her argument. I shall call this principle "Principle A". Principle A implies anti-natalism in that, roughly, it limits permissible harmful actions only to those which remove or prevent greater harm. Procreation is (arguably) never done with the aim of removing or preventing harm, and is thus apparently in violation of this principle. It is crucial to understand the motivation behind Principle A, as I intend for it to represent Shiffrin's (unstated) anti-natal position. My defence of this anti-natal position will form the backbone of my dissertation: in the next chapter I will test the principle underwriting it, Principle A, against powerful pro-natal objections, and demonstrate how Shiffrin-esque anti-natalism prevails.



Shiffrin's ultimate aim is to argue for a wider range of liability in wrongful life suits—where a child, or a party acting on behalf of this child, seeks damages for harms he or she has incurred by being brought into existence (Shiffrin 1999:117). Traditionally, wrongful life cases are limited to claims brought by people who contend that their congenital burdens (think: serious disabilities) make their lives overall not worth living. These suits allow children to sue their parents for negligent creation, and/or their doctors for failing to advise their parents in a manner that may have prevented these congenital burdens from being imposed upon them. Shiffrin (1999:119) wants to argue for the *philosophical* justification of *all* children being allowed to sue for the (ordinary) harms of existence. For the most part, I will focus

on this philosophical argument—of, I will assert, an anti-natal character—and ignore the legal issues surrounding procreation.

Shiffrin is aware of Benatar’s early (1997) statement of his anti-natal views, though she does not respond to them. There are, as she acknowledges, similarities between her views and Benatar’s.<sup>5</sup> To my mind, the most crucial similarities are both authors’ intuitions that we have stronger obligations not to harm than to benefit, their emphasis on the moral relevance of the fact that if we do not procreate, no one will face the harms of existence, and their emphasis on the seriousness of the harms to which procreation exposes children. A crucial difference between their views is that Shiffrin grants that creation might in fact often result in an overall benefit to children, though she entertains the possibility that it might nevertheless always be impermissible to act to bestow this benefit.



Both Benatar and Shiffrin are clear about not viewing procreation as a morally innocent activity. Shiffrin advances what she terms the “equivocal view” (Shiffrin 1999:136), which sees procreation as an intrinsically morally problematic endeavour, as it always involves “serious moral hazards” (Shiffrin 1999:136).<sup>6</sup> What all procreators must realise, she asserts, is that by creating new people they are *imposing* significant harm upon these persons (Shiffrin 1999:136-7). This is an “imposition” not only because non-existent persons cannot give their consent to be harmed, but also because it is indeed the very nature of harm to transform the agent experiencing it into an “endurer” as opposed to an actively willing agent (Shiffrin 1999:123-4).

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<sup>5</sup> In a footnote, Shiffrin (1999:136) mentions that Benatar, “[i]ndependently...has advanced some related arguments that causing to exist imposes burdens on children...”

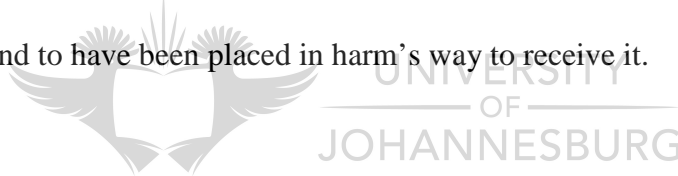
<sup>6</sup> In a related claim, Benatar emphasises that there is a sort of gamble one takes when deciding to conceive a child, something he calls “procreational Russian roulette” (Benatar 2006:92).

Furthermore, the standard defence for the harms of creation—namely that they are offset by the greater benefits of being in existence—does not work, says Shiffrin. On her account of harm, procreation appears generally impermissible because it imposes a (serious) harm to nonconsenting individuals that is not for a suitably important end—which, for Shiffrin, is apparently only the prevention of greater harm (Shiffrin 1999:128-9). Here Shiffrin argues that whilst we consider it morally permissible to harm someone without consent in order to prevent a greater harm befalling her—for example, when rescuers or surgeons must injure persons in order to rescue them from far greater harms—we do not consider it similarly morally permissible to harm an unconsenting person in order to secure her a greater “pure benefit” (Shiffrin 1999:126-7). *These* kinds of benefits impart (non-essential) improvements—sensual pleasure, material enrichment, and the like—to our lives, and do not derive their “beneficial” status from the removal or prevention of harm (Shiffrin 1999:124-5). As examples of pure benefits that we would deem it wrong to break an unconsenting patient’s arm for, Shiffrin lists “supernormal memory, a useful store of encyclopaedic knowledge, twenty IQ points worth of extra intellectual ability, or the ability to consume immoderate amounts of alcohol or fat without side effects” (Shiffrin 1999:127).

Shiffrin (1999:127) employs a parable to presumably suggest that creation represents the bestowal of pure benefits (among other things), which appear impermissible to bestow. I summarise this parable below:

Wealthy/Unlucky Case

*Wealthy* is a very wealthy individual. One day he decides to share some of his wealth with his neighbours, who live on a nearby island. They are in no need of extra money. *Wealthy* gets into his plane with a hundred cubes of gold bullion. His intention is to drop these gold cubes from the sky. He goes about doing this, taking care not to hit anyone. He is aware that his actions could maim, or even kill, but he has no other means of distributing his wealth. Most of the recipients of gold cubes are surprised but happy to receive their unexpected gifts. One person, *Unlucky*, does in fact get hit, and the impact breaks his arm. *Unlucky* is glad to have the extra money—a life-changing fortune, in fact—but he is unsure as to whether he would have consented beforehand to have been placed in harm's way to receive it.



*Wealthy* might have delivered an all-things-considered benefit to *Unlucky*, but in doing so he placed *Unlucky* at great risk where no such risk previously existed, and indeed inflicted a serious injury upon *Unlucky*. Similarly, even when parents create persons who come to view their lives to be all-things-considered beneficial, parents expose their offspring to potentially serious harms:

Even if [*Wealthy*] took the greatest care, he imposed risk of harm and injury on another without consent and without the justification that it was necessary to avoid a more substantial harm. Everyday procreation may be described in similar terms. (Shiffrin 1999:136)

All lives—even the best ones—contain harms. Shiffrin continually stresses that parents “impose” these harms upon their offspring, in the sense that their offspring are not available to give their consent to be placed in harm’s way. Furthermore, whilst a rescuer can be excused from liability for the harm he causes due to the fact that he acts to alleviate a greater harm, neither Wealthy nor parents can say that their actions were in aid of alleviating a greater harm. Unlucky and the other members of his community—and, by analogy, the unborn—are in no need of rescuing; the reason it is justifiable for a rescuer to harm his rescuee is not available to the procreator. Being created, on Shiffrin’s view, is thus not comparable to being saved from a greater harm (for non-existers cannot suffer harm), nor is it the bestowal of a pure benefit; being created is, in effect, a “burden-riddled mixed benefit” (Shiffrin 1999:140).<sup>7</sup>

To my mind, Shiffrin is appealing to the following sort of principle:



Shiffrin’s Principle of Permissible Harm (Principle A):

*It is permissible for one to knowingly harm unconsenting patient A to a non-trivial degree if, and only if, the following conditions are met: a) one imposes the harm with the reasonable expectation of thereby alleviating or saving patient A from a pre-existing or anticipated harm; and b) the imposed harm is a lesser harm than the harm one aims to alleviate.*

I think Principle A takes into account the most salient features of Shiffrin’s position regarding permissible harm. Shiffrin does not think it is (ordinarily) permissible to

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<sup>7</sup> I am unclear as to why Shiffrin calls creation a sort of “benefit” (as opposed to a “burden-riddled mixed *action* or *event*”, say). In any case, recall that Benatar (2006:1) makes the stronger judgement of creation as a “net harm”.

harm a patient in order to bestow a pure benefit upon this patient. I have thus not seen it necessary to mention the bestowal of pure benefits in constructing the above principle; only features necessary and sufficient to justify harm to an unconsenting patient are included, and, as can be seen, there aren't many such features on Shiffrin's viewpoint.

As I have noted, Shiffrin does not intend to argue for anti-natalism, strictly speaking. She is explicit about this:

I am not advancing the claim that procreation is all-things-considered wrong. It is consistent with these arguments to regard nonconsensual, burden-imposing actions as morally problematic but not always impermissible, or to regard procreation as a special case. All I mean to advance is the claim that because procreation involves a nonconsensual imposition of significant burdens, it is morally problematic and its imposer may justifiably be held responsible for its harmful results. (Shiffrin 1999:139)

Perhaps she fears that an anti-natal conclusion will be considered a *reductio* of her arguments. In any case, I am of the view that it is in fact *not* consistent with Shiffrin's arguments to consider avoidable, nonconsensual burden-imposing actions—specifically procreative actions—permissible. Consider the fact that Shiffrin argues that Wealthy should compensate Unlucky. She gives two possible positions one could adopt to explain this judgement. The first, stronger position holds that Wealthy's actions were morally wrong, all things considered, because his actions violated something like my Principle A: Wealthy's action "risked and inflicted serious

harm on nonconsenting individuals but was not in the service of a suitably important end (such as the prevention of greater harm to them)” (Shiffrin 1999:128-9).

The second, weaker position holds that Wealthy’s actions were (merely) *pro tanto* wrong, but all-things-considered permissible as long as he adequately compensated for any “incidental harm” he inflicted (Shiffrin 1999:129). Shiffrin is explicit about which position one ought to adopt: “I am inclined toward the stronger position and believe that Wealthy acted immorally” (Shiffrin 1999:129). I submit that if she intends the Wealthy/Unlucky parable to be analogous with procreation, and she believes that Wealthy acts impermissibly, then she must conclude that procreators act impermissibly. To be clear, parents, on this hard version of Shiffrin, act immorally when they impose the harms of existence upon their offspring.

To summarise, the imposition of unconsented-to harms is all-things-considered impermissible because it

is in tension with the foundational liberal, anti-paternalist principle that forbids the imposition of significant burdens and risks upon a person without the person’s consent. Doing so violates this principle even if the imposition delivers an overall benefit to the affected person. Hence, procreation is a morally hazardous activity because in all cases it imposes significant risks and burdens upon the children who result. The imposition of significant burdens and risks is not a feature of exceptional or aberrant procreation, but of all procreation. (Shiffrin 1999:137)

In the next chapter, I will explore four plausible pro-natal objections to the Shiffrin-esque principle of permissible harm, Principle A, I have just introduced. I will devote separate sections to each of these objections, and will propose in each a new natal-friendly principle of permissible harm as a counter to the anti-natal Principle A. I will take care to thoroughly examine each of these four objections and their corresponding principles, providing replies on behalf of the Shiffrin-esque anti-natalist. In each section, I will find the initially plausible pro-natal objection under review to be deficient, and my overall conclusion will be that Principle A—derived, recall, from Shiffrin’s argument—is a robust principle providing forceful support for anti-natalism. I should also like to note that I will in each section offer arguments—both pro- and anti-natal—which, to the best of my knowledge, advance the natal debate into areas hitherto unexplored in the burgeoning literature on the subject.





## **Chapter Three: Objections to Shiffrin**

### **3.1. The Hypothetical Consent Objection**

Principle A implies that it is impermissible for us to harm an unconsenting patient if we act solely to secure her benefits. What if, however, we believe that we can be reasonably sure that she would have consented to our actions? What if, in other words, we believe that we are justified in presuming her hypothetical consent to our actions? This section explores this question.

I will be looking at arguments for a certain kind of paternalism, as these arguments appear to rely on hypothetical consent in ways that might challenge Shiffrin. Indeed, when I refer to “the friend of hypothetical consent” here, this may be read as interchangeable with “the friend of paternalism”, such is the strength of the link I see between (defences of paternalism) and (appeals to) hypothetical consent. On the face of it, some paternalistic acts appear to harm—often via autonomy-limiting interventions—for the sake of securing benefits. If this is so, and if we do indeed find such interventions permissible, it seems as though there is a larger category of permissible harms than Shiffrin believes. Principle A (the sort of principle I am claiming Shiffrin appeals to) is thus false—which, perhaps, leaves room for procreation to be considered permissible. Indeed, procreation can be viewed as a paternalistic act, or at least an act performed with a paternalistic attitude: parents decide to impose harms upon their children for the sake of securing those children benefits. Paternalism thus presents an initially promising way of objecting to Shiffrin.

In the following paragraphs I examine arguments that appeal to hypothetical consent to justify paternalism. I bracket libertarian, broadly Millian concerns regarding intrusions into individual liberty, and consider arguments for the conditions under which paternalism is permissible. I argue that paternalism need not in fact run afoul of Principle A: Shiffrin and the friend of paternalism both appear to share similar intuitions regarding permissible harm. I conclude that this strategy cannot successfully contest Shiffrin's claim, namely that appeals to hypothetical consent, whilst justified in cases where the aim is to avert greater harm, do not seem justified where the aim is to bestow pure benefits. Further, I argue that the degree of harm imposed is of utmost relevance when ascertaining the permissibility of paternalistic interventions, and it is not obviously the case that we are permitted to impose the serious harms of life.



Before commencing upon my critique of my Shiffrin-esque Principle A using the notion of hypothetical consent, I think it will be necessary to define *consent* and show what makes *hypothetical* consent a special sort of consent. I would like to suggest the following definition, which I borrow from A. John Simmons: Consenting is “the according to another by the consenter of a special right to act within areas within which only the consenter is normally free to act” (Simmons 1979:77). Consent is thus a sort of transactional relationship between two or more agents wherein one agent agrees to relinquish a degree of her autonomy to the other(s). To draw an example from the political arena, elected representatives are entrusted with the task of promoting the best interests of those who elect them.

I now wish to distinguish between three varieties of consent: a) express consent, b) tacit consent, and c) hypothetical consent. *Express consent* is when a consenter gives a “clear sign” of her consent to the one she is consenting to (Simmons 1979:64). So, for instance, a consenter could explicitly state that she is indeed giving her consent to another by performing some voluntary activity that both parties have agreed would clearly signify consent. Examples of such voluntary activities include the showing of hands and the voicing of ayes or nays. *Tacit consent* is where a consenter does not give a clear sign of consent to a proposal, but where her consent can nevertheless be reasonably inferred from her *lack of explicit objection* to the proposal (Simmons 1979:80). So, for instance, a university lecturer could ask her students whether there are any objections to her extending her lecture by a few minutes, and, if no student voices an objection or gets up to leave, could thus infer that all of her students have consented to her proposal.<sup>8</sup> To give another example, it is often asserted (but not without controversy) that we can infer from the continued residence of persons in a state that these persons tacitly consent to that state’s authority.<sup>9</sup>

*Hypothetical consent* differs from the two varieties of consent discussed above, and requires a more extended discussion. We are on occasion called to act on behalf of a person or persons who, for any number of reasons, are not available for consultation. The opportunity to ask these persons for explicit signs of consent is thus not available to us, nor, by extension, is it plausible to infer their tacit consent. On such occasions we often must rely on some notion of hypothetical consent, asking ourselves what the persons we are acting on behalf of would consent to.

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<sup>8</sup> The scenario presented here is a modification of the one found in Simmons (1979:79-82).

<sup>9</sup> Simmons (1979) in fact argues against precisely this claim.

Hypothetical consent can be separated into two sorts: hypothetical consent that relies on *objective* criteria, and hypothetical consent that relies on *subjective* criteria. In the former case, we can adopt a Rawlsian strategy and ask: To what sorts of proposals would contractors in the “original position” (Rawls 1971) be most reasonable to consent?<sup>10</sup> Here we can say that, because they aim at promoting objective values and maximising universal goods, there are certain proposals to which everyone ought to consent. Even if persons don’t for some reason (currently or ever) care about these goods or values, we may be justified in asserting that they ought to care.

In the latter case—hypothetical consent that relies on subjective criteria—a different strategy from the one just outlined is adopted. Here we ask: To what sorts of proposals would it be rational for *agent A* to consent, given *her* unique aims? This second strategy is tailor-made to best reflect the interests and preferences of specific individuals. So, for instance, let us assume that Wealthy somehow knows some of the people from his neighbouring island very well. He is thus so well acquainted with the unique interests and preferences of each of these people that he can say, with a very high degree of certainty, that they would probably consent to him placing them at significant risk in order to secure them the chance of acquiring gold bullion. Were Wealthy to, under these altered circumstances, appeal to some notion of subjective hypothetical consent as (at least partial) justification for his decision to release gold bullion over his neighbouring island, I think it would make a difference to our assessment of the permissibility of his actions. We might still consider his actions impermissible, though we might be inclined to think differently about the extent of his liability and the sort of compensation, if any, he owes the islanders.

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<sup>10</sup> Note that Benatar (2007) believes contractors in the original position would arrive at an anti-natal conclusion.

Procreators arguably cannot rely on subjective hypothetical consent when deciding on the permissibility of bringing people into existence. Non-existers cannot be said to have preferences—let alone unique, individual preferences!<sup>11</sup> What about objective criteria, though? On one reading, Shiffrin, the committed individualist, seems to underplay the possibility of determining objective values and universal goods that we all, it can be said, ought to prefer. However, a closer reading of Shiffrin reveals both that there are indeed some objective goods for her, and that she allows for hypothetical consent to promote these goods (though it is not clear what she thinks these goods are). When considering whether Wealthy had justification to rely on the hypothetical consent of the islanders in deciding to place them in harm's way in order to benefit (some of) them, she is explicit that he did not. This is not simply because Wealthy was not justified in relying on hypothetical consent, but because he was not justified in relying on hypothetical consent *as someone acting to promote greater benefits and not avert greater harms*. In Shiffrin's own words:

[T]here seems to be a harm/benefit asymmetry built into our approaches to hypothetical consent where we lack specific information about the individual's will. We presume (rebuttably) [the presence of hypothetical consent] in cases

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<sup>11</sup> Shiffrin consistently maintains that the unique features of the individual being created cannot be taken into account by parents; it therefore appears as though she thinks parents consider their unborn children generically—which is to say, as things of the same sort. The friend of endorsement could argue that matters are not this simple. He could say that, insofar as they can, parents often, and always ought to, consider the unique circumstances of the lives they will bring their children into. Here, parents often have a pretty good idea, according to the current line of reasoning, of what kinds of lives their children can expect to enjoy. Prospective parents can construct a relatively reliable picture of sorts from their shared genetic history, their socio-economic situation, etc., and be pretty sure what their children would prefer. On this line of reasoning, therefore, it is not quite accurate to say that prospective parents consider their potential offspring generically: they consider their offspring, insofar as they can, as unique products of their (the parents') unique circumstances. I am not convinced that this objection holds much weight. Consider the fact that siblings often have very different preferences. Consider also the fact that children very often fail to live up to their parents' expectations. Finally, though Shiffrin (so far as I can tell) thinks this is rare, children might *not* have a subjective preference for existence—and it may be begging the question against the (Benatarian) anti-natalist to assert that children ought to have this as an objective preference.

where greater harm is to be averted; in the cases of harms to bestow greater benefits, the presumption is reversed. (Shiffrin 1999:131)

Unlike the rescuer, Wealthy acted not to remove patients from harm, but to secure them “pure benefits”. What concerns Shiffrin most is that whilst a rescuer has good reasons to infer the hypothetical consent of the patient he is rescuing, Wealthy—and, by extension, all persons who place unconsenting patients in harm’s way in order to secure these patients pure benefits—had no good reason to think that he had some way of ascertaining what sorts of harms the islanders would willingly expose themselves to: “I do not think it is clear that Unlucky would give his consent *nor is it clear what test is relevant: that his consent is certain? rationally required? likely?*” (Shiffrin 1999:132, my emphasis). In contrast, with the rescue case Shiffrin concedes that appeals to hypothetical consent might be “appropriate”, as “something of great *objective significance* is at stake” (Shiffrin 1999:132, my emphasis).

It appears to me that a case can be made for the claim that the rescuer is appealing to hypothetical consent to *bestow benefits* as well as avert harms. Though the evaluation of harms and benefits is, Shiffrin consistently maintains, an individual, subjective matter, in the rescue case she can be read as allowing for (in the promotion of some good—which I shall tentatively refer to as *survival*<sup>12</sup>) an appeal to objective criteria. And so, though Shiffrin does indeed consistently place great emphasis on respecting individual liberty—and thus subjective preferences and interests over some notion of objective, universal preferences and interests—she does not appear to be blind to the existence of objective goods we all ought to consent to receive (even if this entails

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<sup>12</sup> Or perhaps a larger set of objective goods, as survival usually encompasses other goods.

some harm to ourselves). I wish to test whether there is a longer list of objective goods than she is willing to admit, but to which reason ought to compel her to concede.

Consider the following principle, which, to my mind, encapsulates the paternalist's (and, for my purposes, the friend of hypothetical consent's) ethical stance regarding the permissibility of harmful intervention:

The Friend of Hypothetical Consent's Principle of Permissible Harm (Principle B):

*It is permissible for one to knowingly harm unconsenting patient A to a non-trivial degree if one has good reasons for assuming her objective hypothetical consent to one's action.*



It might be said that though we can agree with Shiffrin that harming for the sake of bestowing pure benefits is morally problematic, this needn't be the end of the story. We could for instance deny that our lack of any "specific information about the individual's will" (Shiffrin 1999:131) is fatal to the permissibility of our interference(s) on behalf of the individual concerned. We could claim that there is indeed a longer list of *objective* goods we can refer to in order to help us decide whether our interventions are permissible. Hence, whilst we might not have enough information about a given individual to rely on subjective criteria when assessing the permissibility of hypothetical consent—or we might be Rawlsians, asserting that subjective criteria aren't morally significant, even when available—we may still have sufficient justification to interfere on her behalf according to certain *objective* criteria,

such as the promotion of goods like health, compulsory education for children and, indeed, liberty. I am interested as to whether procreation can be justified via an appeal to objective hypothetical consent.

In order to further challenge Shiffrin here, I suggest that we consider some arguments from paternalism. Friends of paternalism hold that it is often permissible to harm individuals—by limiting their autonomy, for instance—in order to advance one or more of their interests. To be clear, the friend of paternalism could agree with Shiffrin that everyone’s capacity for autonomous decision-making, as it relates to one’s own life, ought to be respected. But the friend of paternalism could also point out that individuals are often not in the best position to recognise what is in their best interests. Indeed, individuals often have conflicting interests. For instance, I might have a very firm desire to live a long, healthy life. I might also have an unhealthy desire to smoke, which, despite various attempts, I can’t quite break away from. This latter interest is in conflict with my former, deeper, more consistent desire for longevity. To restate the preceding from the perspective of a paternalist appealing to some notion of *subjective* hypothetical consent: my subjective preference, overall, is to stop smoking. Another person assisting me in expressing this preference to stop smoking will be working to bestow a benefit upon me.

But, to alter the example so as to apply it to Principle B—which appeals to objective hypothetical consent—what if I do not ever desire to stop smoking? In other words, what if I have conflicting preferences, and/or, despite the serious health risks, what if giving up smoking is in fact *not* one of my preferences (subjective or otherwise)? Perhaps, through wishful thinking, I have convinced myself that smoking’s well-



documented adverse effects will not affect *me*, and that I will not impede my goal of living a long and healthy life if I continue to smoke indefinitely. And perhaps no amount of information to the contrary will get me to change my mind. Another person interfering in my wish to continue smoking is *not* assisting me in expressing my deeper preference, as *I* see it. It is instructive to look at my situation here from the perspective of someone appealing to some notion of *objective* hypothetical consent. From such a perspective, it could be said that an activity such as smoking hinders one's capacity for autonomous decision-making to the point that one falls under its spell, becoming a slave to it (Goodin 1989).

I would like to highlight a couple of conclusions that I think follow from this analogy to slavery. First, as no one can be said to rationally give oneself into slavery, it can be assumed that no one would rationally decide to fall under the spell of a severely autonomy-limiting state such as addiction (Goodin 1989:586; Mill 1974:173). Thus, secondly, the preferences of one currently under its spell to remain there ought not to be respected. To clarify, a paternalistic perspective appealing to some notion of objective hypothetical consent might assert that certain activities are, objectively speaking, irrational to adopt: we are justified in assuming, says the paternalist, that no self-interested rational agents would deem it reasonable to promote such activities. This is especially true, as mentioned, for autonomy-diminishing activities that cannot be escaped from. With such activities, the friend of paternalism wishing to appeal to some notion of objective hypothetical consent might assert that because *not* engaging in such activities ought to be everyone's firm preference, there ought to be little objection to paternalistic measures being adopted which ensure that such activities become more difficult to start or continue to engage in.

### **3.1.1. Replies to the Hypothetical Consent Objection**

I will first point out (in 3.1.1.1.) that in the most prominent instances of where hypothetical consent is permissibly presumed—namely, the most tenable cases of paternalistic intervention—the aim is to prevent serious harms. Procreation is not toward this end. Second, I will proffer (in 3.1.1.2.) a plausible counter on behalf of the friend of hypothetical consent. I will argue that this counter fails to challenge my response on behalf of Shiffrin, in that the thought experiment it utilises only looks plausible if it involves the imposition of trivial harms. Procreation, I argue, is significantly removed from this case (as well as from paternalism), and therefore does not appear a plausible candidate for justification via an appeal to hypothetical consent.

#### ***3.1.1.1. Hypothetical Consent Works Only When Significant Harm is at Stake***

According to the preceding formulation of paternalism, interfering with a patient's autonomy is sometimes permissible if it furthers some objective good, such as her health. To be clear, the paternalist would justify this intervention *by appealing to objective hypothetical consent*: he would say that harming in order to secure a patient certain objective goods—health, education, liberty, etc.—is (often) permissible, because the patient being acted upon *would* consent to such harmful actions i) were she of course available to give her consent and ii) were she considering matters in light of objective reasons.

But all the paternalistic interventions I have mentioned so far, though they aim to confer benefits, do so by removing or preventing harm; in other words, they are not in

aid of conferring *pure* benefits. “Pure benefits”, remember, do not involve the removal or prevention of harm; however—and this is crucial—in every example of clearly permissible paternalistic intervention I can think of, the removal or prevention of harm is involved. Paternalistic interventions promote the objective good of education, and neglecting one’s education can be immeasurably harmful (especially to one born into significant socio-economic disadvantages); anti-smoking measures promote the objective good of health, and sickness is the opposite of health; and so on. Paternalistic interventions making it harder for smokers to procure cigarettes (through the imposition of so-called “sin taxes”) or consume them (by making explicit the effects of smoking via labels on cigarette cartons) gain their justification due to the fulfilment of conditions (a) (b) in Principle A. Paternalistic interventions of the sort most plausibly justified by objective hypothetical consent thus do not appear to run afoul of this principle.



And so whether the friend of paternalism is arguing for intervention toward the end of health, education or liberty, “something of great objective significance is at stake” (Shiffrin 1999:132)—namely the removal or prevention of greater harm—and people, all things being equal, ought to consent to such interventions. I therefore do not see why Shiffrin would need to object to paternalism as such; she can concede much to the friend of paternalism and still be consistent with Principle A. However, in my view, Shiffrin has much to say regarding *when* paternalistic interventions are permissible, or—to be more precise—when *appeals to hypothetical consent* are justified. To summarise, my response to the pro-natal paternalist, on behalf of Shiffrin, is that hypothetical consent appears to justify harm only to alleviate or prevent greater harm.

It is possible for the friend of paternalism to counter my response in the following manner. It is possible for him to claim that certain goods exert such a powerful appeal that only the most unreasonable persons would object to receiving them. But I think that his claim can be defeated in the following manner.

### ***3.1.1.2. The Degree of Imposed Harm Matters***

Consider this example of a pure benefit, which is arguably an objective good, and which could perhaps be viewed as a good we all ought to want to receive—even if we need to be harmed in order to receive it. The good I have in mind is an utterly wonderful aesthetic experience. I will use the example of a gorgeous, unforgettable sunset. Imagine the following scenario, in which a paternalistic act is performed exclusively toward the promotion of a good, and not the prevention of harm:

#### *Sunset Case*

*You are part of a tourist group on a train running through a rainforest. As with everyone else in your tour group, you have fallen into a deep sleep. The tour leader is awake, however, and, looking out the train windows, he sees a most beautiful scene. [Long, poetic description of the sun setting through treetops.] Now, this is quite a large tour group, and the sun is just about to disappear beneath the horizon; your tour leader does not have enough time to race through the train to wake everyone up. It just so happens that every seat and bunk in this train is electrified: with the push of a button, a mild electric current will be sent through every seated and lying passenger on the train,*

*waking anyone who happens to be asleep. Your tour leader has this button on his remote keychain; he presses it. You and everyone else in your tour group awake with a start. You are all greeted by the last few moments of a most memorable picture as the train's carriages are lit by the soft orange glow of a glorious sunset.*

In the above case, the tour leader harmfully intervenes in order to procure others a pure benefit. Do his actions look justified? There is nothing inherent to *not* seeing a sunset that's harmful. *Missing out* on such an experience, especially if one alone has missed out, can make one feel very disappointed. And one is arguably wronged when another seeks to disappoint one by denying one a nonessential but desirable experience or good. But that sunset is breathtaking! It could be held that the tour group members would surely be acting unreasonably—ungrateful, even—if they (after soaking up the scene, perhaps) confronted their tour leader over his (they allege) ill-treatment of them.

But note that the Sunset case states that a “*mild* electric current” will be sent through every passenger. Suppose that mild electric shocks count as trivial harms, all things considered. What difference would it make, morally, if the voltage were increased to a level where it was a matter of reasonable dispute whether or not electric shocks of such an intensity counted as trivial or not? Further, what difference would it make to one's evaluation of the tour leader's actions if his interventions were such that they imposed lasting, ongoing effects? For example, if he risked burning and scarring some or all the passengers, I doubt that his actions would meet with universal approval from the tour group. I doubt, in other words, whether the tour leader could

reasonably assume the objective hypothetical consent of all whom he acted on behalf of. Procreators, to my mind, take a similar gamble when they opt to “awaken” individuals to the (pure) benefits of life.

I propose that, despite its status as an objective good, the degree of harm required to secure this benefit (in *Sunset*) is indeed, as Shiffrin believes, of utmost moral relevance. There ought to be, in other words, limits to the degree of harm we are willing to impose for the sake of conferring such goods. The *Sunset* case works only if the imposed harm remains trivial, and is thus, as I will motivate, relevantly unlike procreation—for I am doubtful as to how analogous this and other pure benefits are with the “real thing”: procreation.

The decision whether or not to procreate is far more complicated than weighing up, on one hand, the imposition of harms as trivial and transitory as pinpricks or mild electric shocks against, on the other, objective goods (whatever they may be). The harms procreation imposes are serious, protracted and inescapable without great cost. (I am reminded here of the quip, “life is a sexually transmitted disease”.) For the tour leader’s actions to be *more like* those of procreators, he would have to recreate each passenger’s life anew. For being born is not like awaking from a deep sleep to continue on a pre-existing journey: being created is starting life from scratch—not quite as a *tabula rasa*, but perhaps the closest thing to that. And so, for his actions to be more analogous with those of procreators, the tour leader would have to reset, as it were, the psychological narratives of his passengers. Further, he would have to run the risk of permanently maiming or imposing disabilities of varying degrees upon his passengers.

And so, though the friend of hypothetical consent may well appeal to the objective attractiveness of certain goods, he cannot reasonably deny the moral relevance of the degree of harm required to bestow these benefits. The moral issue of procreating to “benefit” children really is more complex than this, and I thus reject the argument from hypothetical consent.

### **3.1.2. Hypothetical Consent: Conclusion**

I have put forth a counter to Principle A, Principle B, the aim of which is to justify procreation via appeals to hypothetical consent. I have argued, counter to the Principle B-wielding friend of hypothetical consent, that appeals to hypothetical consent do sometimes appear justified, but almost exclusively in cases where the aim is to avert serious harm—namely in *some* acts of paternalism. Procreation is not such a case. Further, I have argued against the view that there are certain objective goods everyone ought to want even if they need to be harmed in order to receive them. Here I defended the claim that the degree of harm required to grant individuals these (alleged) objective goods is of utmost moral relevance. The friend of hypothetical consent—and the pro-natalist in general—has some work to do in order to justify the imposition of harms as serious as those experienced in a typical life.

My aim in the next section is to defend Principle A from another powerful objection. This next objection appeals to the common belief that because most people endorse their creation, procreation is often permissible, all things considered. I will show how this apparently intuitive objection fails.

### **3.2. The Endorsement Objection**

I will now test Principle A against a strong objection that appeals to a view many people hold, and that David DeGrazia (2011) has recently put forward. This popular and initially appealing objection, which I will be referring to as the objection from “endorsement”, holds that it is permissible to bring persons into existence if we have good reasons for presuming that these persons will be, without delusion, glad to have been created. On the behalf of the anti-natalist, I in turn advance four replies to this view. I conclude that the objection from endorsement fails to defeat Principle A and thus Shiffrin-esque anti-natalism.

It is important to note that endorsement is neither equivalent to hypothetical consent nor is it the same as subsequent consent. Consent is a relational property, in the sense that consent always entails a sort of tacit agreement or contractual relationship between two or more individuals or institutions. Endorsement is different.

Endorsement is purely internal to the individual; even if it is about another’s actions, it does not essentially involve a relationship with her. She can consent to another’s actions; whether or not she endorses them is another matter. This distinction is particularly evident in cases where “consent” is given under duress. Consider the case of a respected public figure “endorsing” the candidacy of a politician. Here, the former individual publicly expresses her view of the latter: she informs us that she has positive views regarding the candidate. Her “endorsement” would lose much of its value if were to become known that she expressed these views as part of some transactional agreement between her and the candidate. We want to know her endorsement expresses her wholehearted views about the candidate.



As I will be characterising its (mis)use, the spirit of “endorsement” is often thought to be captured by the phrase, “I’m *glad* you did that for me.” To my mind, this is the sense in which most people seem to understand endorsement when talking about their creation; most people say something like, “I’m glad to be alive.” This appears to be the sense in which DeGrazia understands endorsement as well. The fact<sup>13</sup> that the majority of people appear to endorse their existence, and what this fact means for the morality of procreation, need to be examined in detail.

What is the best explanation for the prevalence of this gladness? Benatar and DeGrazia have very different views, whilst Shiffrin is mostly silent on the issue.<sup>14</sup> According to DeGrazia (2011:34), the best explanation for the prevalence of gladness at being alive is that most people, contra Benatar, are undeluded in their life assessments. DeGrazia is interested in factors that *may* justify procreation: he understands the “undeluded gladness factor” (2011:34) to be a necessary, but not obviously sufficient, condition for judging when procreation may be permissible (2011:35, 38). When I refer to “the friend of endorsement”, I am thus not referring exclusively to DeGrazia, whose own estimation of the force of the undeluded gladness factor is weaker than I think it can plausibly be represented. After all, many, if not most, people appear to be pro-natal friends of endorsement!<sup>15</sup>

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<sup>13</sup> I concede, for the sake of argument, that this is a fact, but I am not sure that it really is. On the face of it, high suicide rates seem to temper optimistic estimations of the prevalence of gladness.

<sup>14</sup> Apart from saying that most recipients of Wealthy’s gold bullion are “delighted” (1999:127), Shiffrin also opines (contentiously, in my view) that “most children experience their imposed lives as miraculous benefits” (1999:141).

<sup>15</sup> A quick note on my usage of the words “deluded” and “delusional”. I use these words to be consistent with the style adopted by DeGrazia. He appears to use these words in a loose, non-technical sense, and so do I. Briefly, I take it that we both mean that judgements which are undeluded are not so adversely affected or motivated by non-rational psychological mechanisms—adaptation, etc.—as to render them dubious or inadmissible.

The friend of endorsement, as I will be representing him, says that though some acts of procreation are wrong—namely, where it is almost certain that children will be born into lives not worth living—many (if not most) acts of procreation lead to lives deemed to be worth living by their bearers. On this view, all Shiffrin does, at best, is provide reasons for why procreation might be considered a *pro tanto* wrong.<sup>16</sup> In other words, procreation, though normally wrong (to some degree), might be an act that can be rendered permissible due to other moral considerations. The friend of endorsement wants to say that the reasonable expectation of endorsement renders the *pro tanto* wrongness of procreation all-things-considered permissible. He claims that many people consider their lives to be worth living, are glad to have been born, and, crucially, are not deluded about their life assessments. And so, if a person truly is glad to have been born—such gladness signifying an endorsement of her creation—her parents surely could not be said to have acted wrongly in creating her. Thus, not all lives, contra anti-natalism, are wrong to start, for many people seem to have lives for which they are without delusion glad.

As I will be characterising him, the friend of endorsement wants endorsement to be sufficient to render procreation permissible. He concedes that procreation might be *pro tanto* wrong, but permissible if there are good reasons for assuming the (future) undeluded endorsement of the one acted upon. For instance, it might appear *pro tanto* wrong, albeit in a weaker sense than in the case of creation, to deceive someone, but nonetheless permissible in light of other considerations. Consider the following example of deception in order to promote what appears to be a pure benefit:

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<sup>16</sup> DeGrazia (2011:23-4, 27) also advances this reading of Shiffrin. I think that he is correct both in asserting that Shiffrin herself only intends to defend this claim, and that Shiffrin's arguments can easily be read as motivating the stronger claim that procreation is always wrong.

Surprise Party Case

Janet and Yoko are friends. Janet wants to throw Yoko a surprise party to celebrate Yoko's big promotion at work, and so she goes to some length to distract, misinform, mislead and generally lie to Yoko. On the day of the party, Janet even goes to the extent of preventing Yoko from fulfilling Yoko's own plans for the day, hiding her car keys and telling the sulking Yoko that she must come along to a friend's house "for a party". Janet goes to these lengths because she is sure that Yoko will be immensely glad that Janet managed to keep the party a surprise from her: Yoko loves surprises just as much as she loves parties.

Janet's actions appear permissible, because, for one thing, she is not trying to harm Yoko, and, further, she has good reasons for assuming that Yoko will endorse her actions. It can thus be suggested that the friend of endorsement is appealing to the following sort of principle:

The Friend of Endorsement's Principle of Permissible Harm (Principle C):

*It is permissible for one to knowingly harm unconsenting patient A to a non-trivial degree if, and only if, the following conditions are met: a) one has good reasons for presuming patient A's subsequent and undeluded endorsement of one's action; and b) though one foresees this harm, one does not intend it.*

It is usually thought that procreators often have good reasons for presuming that their offspring will be glad to have been born. Furthermore, (most) procreators do not intend to harm their offspring by conceiving them. Appealing to something like Principle C, the friend of endorsement puts forward an initially plausible case for the permissibility of procreation. But I believe that his view is mistaken and I show how it can be defeated.

### **3.2.1. Replies to the Endorsement Objection**

I have four replies to the friend of endorsement on behalf of the anti-natalist. I group these four replies under one of two levels. On the first level, I grant Principle C but show that it doesn't give the friend of endorsement what he needs to defend procreation. Here I argue (in 3.2.1.1) that what might be motivating Principle C is various confluences; none is equivalent to an endorsement of one's creation. I then (again) suggest (in 3.2.1.2) that the delusion criterion in Principle C is not satisfied in the case of procreation. On the second level, I cast doubt upon the principle itself and conclude that it lacks justification. Here, I first discuss (in 3.2.1.3) a counterexample to Principle C, and then argue (in 3.2.1.4) that the friend of endorsement ultimately does not put forward a legitimate moral argument in the sense that no prominent moral theory supports it.

#### ***3.2.1.1. Should Endorsement Be Equated with Gladness?***

When assessing the morality of procreation, the friend of endorsement may equate endorsement with an alleged undeluded gladness at being alive. But if this is indeed

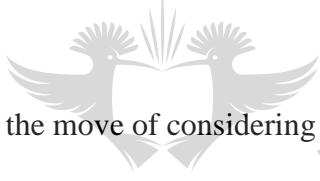
what he does, then it does not look like Principle C can motivate a defence of procreation. The friend of endorsement should want (undeluded) judgment and not gladness. The two are not equivalent. Consider this revealing but neglected distinction between two understandings of “an endorsement of one’s creation”:

*E1. Endorsement, emotional:*

“I am glad to have been born. Therefore (or, “in other words”), I endorse my creation.”

*E2. Endorsement, rational:*

“I think that my parents were all-things-considered justified in creating me. I therefore endorse my creation.”



I am doubtful of the move of considering endorsement primarily as an emotional phenomenon. It appears to me that the friend of endorsement, DeGrazia included, sees endorsement like this. On the friend of endorsement’s view, E1, to be *glad* that one was created is to *endorse* one’s creation. This picture of endorsement can be contrasted with another. On this alternative picture, E2, one examines one’s creation rationally, and deems one’s parents to have acted, all things considered, permissibly.

For me, the latter construal of endorsement—as more of a cognitive evaluation than a purely emotional appraisal—is the more appealing. After all, when it comes to judgments regarding matters of great importance—specifically those that impact upon others—we are not usually satisfied with conclusions that stem exclusively, or even primarily, from the emotions. For instance, we would prefer a society where people

carefully considered their options at election time, and not a society where people voted out of blind (that is, emotional) allegiance to particular political parties. Even if excellent reasons do in fact exist for adopting a certain position, holding that position entirely for emotive reasons surely isn't desirable or morally commendable. I assert that we ought to require rational, measured views, especially when we intend to rely on these views to make monumental decisions with far-ranging consequences.

Procreative acts are paradigm cases of such decisions.

The friend of endorsement could object that I propose too strict a standard for actual endorsement, in that I neglect the fact that we sometimes do seek type-E1 endorsements. For instance, I might decide to give my young niece a birthday gift. Suppose that I do not know her very well, and am thus unsure as to what gift to give her. I do some research into the sort of gifts she will most likely be glad to receive. I present her my gift, and, in order to confirm that I have made the right choice, I will look for an immediate emotional response—signs of “gladness”.

However, this gift-giving case backfires against the endorsement-as-gladness view. My niece might appear glad to have received my gift, but it would be strange for her to say, “I *endorse* your gift,” or, “I endorse your act of gift-giving.” This lends credence to my view that gladness and endorsement are not synonymous or co-referential.

It might seem that people typically E1-endorse their creation. To my mind, this may have something to do with the fact that most people avoid philosophical deliberation—especially about their creation. Adopting a revised view of procreative

endorsement like E2, or even understanding the need for it, seems to require considerable reflection to satisfy. If we accept my claim that endorsement as rational appraisal (E2) ought to be our standard, then we can see that, in addition to Benatar and DeGrazia, it is plausible to posit a third (Benatar-esque) explanation for the prevalence of gladness: most people are putatively glad to have been born due to a lack of philosophical reflection. And in the absence of such, they do not often “endorse” their creation in the relevant sense.

Furthermore, people do not even clearly endorse their creation if we adopt E1 as our standard. The reason is that people often confuse, for instance, gladness *at being alive* with gladness *at being born*—which are not equivalent.<sup>17</sup> The friend of endorsement is, I suspect, often conflating these two states. (To my mind, DeGrazia (2011) makes this conflation.) There are many components to being “glad to be alive”, and being “glad to be born” need not be one of them. For instance, near-death experiences often cause people to reassess the value of their lives and gain a new appreciation for being alive. Often, though, such experiences motivate these people to assess their lives in terms of their mortality—that is, death (the end of life) and not birth (the commencement of life).<sup>18</sup>

To be clear, for Principle C to justify procreation, we need endorsement of, which (for the sake of argument) might be gladness about, *the act that caused one to exist*, and not just *the contents or quality of one’s life*. To see the point, return to the case of my niece. Perhaps my niece is initially glad to receive my gift, but, after reflection,

<sup>17</sup> For my purposes, “being born” is synonymous with “being created”.

<sup>18</sup> On a related point, though a near-death event—such as a narrow escape from being murdered by one’s hostage takers, for instance—can perhaps make one monumentally glad to be alive, and though one indeed might recognise that this gladness would not have arisen without this event, one might nevertheless wish that one never had to endure the harm of this perspective-shifting event.

thinks that it was wrong of me to present it to her. Perhaps she suspects some ulterior motive on my part. Maybe I have presented her the gift partly, or entirely, to impress other people, to present myself in a more favourable light. Perhaps she is glad to have the gift (it brings her joy), but she might well not be glad that I gave it to her; she does not, that is to say, endorse my actions. By analogy, one might be glad to exist, but that does not mean that one is glad that one was created.

Consider the following two cases where the two come apart. First, think of a person who is glad for having had the experiences she's had in life, and is glad to be alive, but would still choose not to have had her life started, given certain intolerably harmful events, perhaps, she's had to endure.<sup>19</sup> Here, "glad to be alive" alone doesn't get us to "glad to have been born"—let alone to an endorsement of being born in the reflective sense I think is relevant. Second, there seems to me to be a difference between being glad for *the way one's life has gone* (it could have been *worse*, after all), and being glad that *one's life was started*. It seems eminently plausible to me that people could express an outlook that makes the latter distinction.

To summarise, there are two issues here. First, people often adopt the incorrect understanding of endorsement as gladness. If I am correct in asserting that E2 is instead the appropriate standard, then Principle C doesn't justify procreation, because endorsement then involves reflection of a kind in which people rarely engage.

Second, even if E1 is the correct conception of endorsement, pro-natalists regularly conflate different objects of gladness, and thus illegitimately presume endorsement of procreation. People make the leap from being glad to be alive, on the one hand,

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<sup>19</sup> This is a modification of an idea expressed by David Blumenfeld (2009). Blumenfeld claims that it is plausible to think that a person would refuse to live her life again, were it possible, due to certain harmful experiences she would once again have to endure.



which might well be frequent, to being glad about their creation (and creation in general), on the other, which perhaps is not. I have argued that, despite its commonness, this leap is without justification.

### ***3.2.1.2. Can Endorsement Arise without Delusion?***

For the sake of argument, grant the claim that gladness and endorsement are equivalent. Suppose that E1—endorsement as gladness—is an adequate standard. This still might not give the friend of endorsement what he needs. I am going to suggest that there are compelling reasons for believing that gladness at one's creation might rarely arise without delusion.

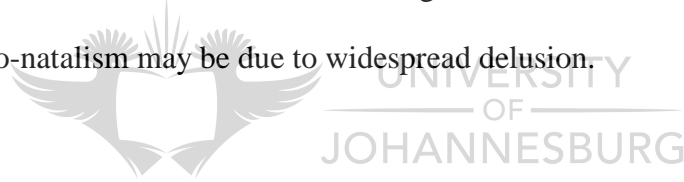
Adherents to endorsement, along with DeGrazia, should want to exclude “endorsement” that arises due to the adaptive mechanisms Benatar (2006:64-8) discusses. In other words, friends of endorsement should want to say that, despite the adaptive mechanisms we do in fact have, our (life-affirming) life assessments are nevertheless reliable. However, in support of a Benatarian claim, it strikes me that *coming into existence might be the ultimate test of our rationality in the face of our adaptive mechanisms*. I submit that there is much to impede the (for the sake of argument, deliberative) formation of anti-natal conclusions. Consider the fact that so many people, even those with seemingly terrible lives, find anti-natal ideas unintuitive—unspeakable, even. Many unhappy people try to find happiness in sexual activities—either for exclusively pleasurable or procreative ends. Think about the problem of overpopulation and hungry babies in poverty-stricken societies.

Closing off such avenues for finding fulfilment (or simply for escape) might understandably meet with considerable resistance.

Consider also how foreign the ideas of anti-natalism are: they seem to make a mockery of centuries of human evolution, struggle and endeavour, the search for meaning, the “natural goodness” of the family unit, the “purity” of the mother-child union, and so on. In this respect, I find similarities between anti-natalism and atheism. As with the idea that it is always wrong to procreate, many people find the idea that there is no god deeply unintuitive. This is at least in part because the idea goes against centuries of human tradition, and many atheists still face ridicule and/or persecution for their beliefs. Anti-natalism says that all people are wrongfully created, must endure serious harms they ought not to have been exposed to, and must face, and fall to, (arguably) the most serious of all harms: death. And this apparently absurd cycle of birth and death has been going on for millennia! But, similarly, the atheist is struck by the absurdity of religious persecution and violence—which has also been going on for millennia, and shows no signs of going extinct. Many people think that the removal of god means that life ceases to have any meaning and that all morality falls away. Atheism makes no sense to such people. To many atheists, on the other hand, atheism is the most, or perhaps *only* rational position, and it does not somehow destroy ethics or render life meaningless. In my view at least, atheism is with good reason the default position of the Academy; but it remains, revealingly, a minority view in wider society. It would be naïve to suggest that this is because most people (read: non-academics) have a better idea of what’s what. On the contrary. Most people, though, will continue to hold theistic views, for mostly untenable reasons. Similarly, anti-natalism might never gain widespread support, given the

conceptual challenges and courage required to make sense of such an uncommon and seemingly cheerless view.

Given these considerations regarding the unpalatability of, and steep intellectual challenge offered by, anti-natal views, I suggest that it is no wonder there is such resistance to these ideas. But there are *arguments* (in my view, good ones) for these “unintuitive” ideas. The same cannot be said for many of the other debunked positions to which masses of people cling. It is not enough to show, as the friend of endorsement tries to do, that a view held by many (namely endorsement as gladness) sufficiently justifies holding that view. To my mind, the preceding strongly suggests that pro-natal beliefs arise from, and thrive under, much the same circumstances as theistic beliefs. As such, there are, I assert, strong reasons to believe that the popularity of pro-natalism may be due to widespread delusion.



### ***3.2.1.3. Some Harms Remain Impermissible Despite Endorsement***

It is possible to grant that i) gladness can be equated with endorsement, and that ii) endorsement without delusion is possible, whilst denying that an appeal to endorsement is a sound moral strategy—that is, whilst rejecting Principle C. Apart from the degree of harm involved, some actions continue to appear impermissible despite apparently good reasons to assume that they will be endorsed.

For example, imagine that someone who is sexually assaulted comes to endorse the actions of her assailant. Perhaps she sees this as an expression of his affection for her—and she is glad to have his affection—or his actions result in her bearing

children she comes to love dearly. Assume her assailant, for whatever reason, does not judge his actions to involve any serious harm. Furthermore, assume that he is perhaps motivated to act in this harmful manner because he believes that his partner will be glad that he decided to so vigorously display his attraction to her. For most of human history, conceivably, many marriages contained (and unfortunately continue to contain) such scenarios.

The obvious reply on behalf of the friend of endorsement is that sexual assault remains wrong, because despite the assailant having an intention to benefit his partner, she is glad that he acted in this manner toward her due to faulty reasoning. What is more, he ought to know that her gladness arises in this deluded manner. The reply, to be clear, is that procreation is disanalogous with this example: procreators, though they foresee harm, do not intend this harm; rather, they intend to benefit their offspring, and their offspring are, without delusion, glad to have been created.

However, this reply assumes that sexual assault is wrong in a way that procreation is not. It assumes that sexual assault is perhaps always wrong, and that there is a *prima facie* case for believing that those who think otherwise do so due to deluded reasons, but that procreation is merely *pro tanto* wrong, with a *prima facie* case for believing that there are good reasons for assuming its permissibility. I think that it is possible to contest this reply. Apart from noting that anti-natalism challenges precisely the notion that there is a *prima facie* case for the permissibility of procreation, I must emphasise that many factors are taken into account when deciding whether something is “reasonable” not. One factor that could motivate the view that a judgement is reasonable is its consistency with received wisdom. It could be argued that both the

victim and perpetrator in the above example were not being unreasonable: it was not unreasonable for them to believe the things they did, because, traditionally, the sort of action they were reviewing was considered permissible. Similarly, would-be parents are not necessarily unreasonable, or deluded, to appeal to the traditional view of procreation as a morally innocent activity.

But the point I want to emphasise here is that there is a difference between a correct and a reasonable judgement—a distinction the friend of endorsement's view apparently neglects. It strikes me that something is amiss with his strategy. An action can be wrong even if (in the minds of most people) it is reasonable. Post-Benatar, we cannot, without controversy, presume a certain view of what's right in the case of procreation. To my mind, seeing as significant harm is at stake only if we do act, we ought to refrain from acting until we are sure not merely that it is reasonable to consider our actions permissible—anti-natalism, as with atheism or environmental ethics, turns received wisdom on its head!—but that they are all-things-considered correct. In other words, we have to concern ourselves with ascertaining what is right, as opposed to what is merely reasonable to believe will be endorsed. I therefore believe that the sexual assault counterexample to Principle C withstands criticism that the adherent to endorsement would proffer.

#### ***3.2.1.4. No Moral Theory Underwrites Endorsement***

In my view, what follows is the strongest way of objecting to the friend of endorsement's view. I argue that the friend of endorsement does not give good reasons for why either the consequentialist or the deontologist should care about his

claims. This is because an appeal to endorsement doesn't naturally fit into either of the two dominant moral theories. And thus, because we can't make sense of appeals to endorsement in light of our best moral theories, I conclude that we ought to reject this strategy—that is, we ought to favour Principle A over Principle C.

Moral theorists are often concerned with giving an account of what's right in general. When it comes to assessing the morality of actions—that is, whether an action is permissible or not—there are two dominant theories moral philosophers adopt. On one theory, an action is permissible, roughly, if that action promotes the good. This perspective, focusing on the outcomes or consequences of an action, is known as “consequentialism”. On the other moral theory, an action is permissible roughly if that action accords with some moral principle or norm. This perspective, “deontology”, denies that an action can be justified solely by its consequences. So, even if an action will in fact produce certain goods, this action, according to the deontologist, ought not to be performed if it violates certain moral principles or norms. Deontology thus defines the right independently of promoting the good.

An anti-natalist could either be a consequentialist or a deontologist: he could say either that procreation does not in fact ever promote the good, or that even though good might result, it is all-things-considered wrong to procreate. To be clear, the anti-natal deontologist claims that the act of procreation is (nearly) always wrong, and that this judgement does not rest solely upon any putative good produced by the act of procreation. Thus, whilst genuine (undeluded, cognitive) endorsement of creation by those who are in fact created would be (no more than) *nice*, this would not undo the wrong of creation. Put in other words, setting aside for now claims about adaptive

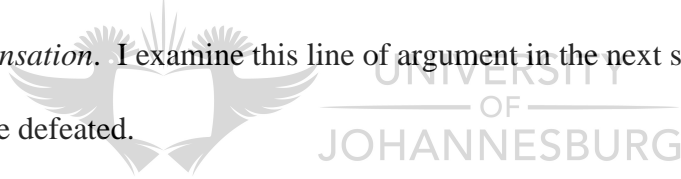
preferences and other varieties of delusion, the fact that a person comes into existence and truly experiences her life as a benefit ought not to matter to the deontologist, as the putative good of endorsement, which comes long after procreative action, is irrelevant to the question of wrongness. The deontologist, depending on her stance, cares about whether procreation is a violation of dignity or of rights (etc.); the post-creative feeling of gladness does not naturally fit into her moral view.

To the consequentialist, an action is right or wrong depending on whether it promotes intrinsic goods. The consequentialist need not, and invariably does not, care whether or not her actions are endorsed. What if it were argued, though, that the consequentialist ought to care—that genuine endorsement is good for its own sake, a value that we ought to promote because our actions would increase happiness were they to be endorsed? In reply, imagine two possible outcomes of some act  $x$ . On Outcome 1, act  $x$  successfully promotes the good, but this good is not endorsed by its intended beneficiaries. On outcome 2, the same act successfully promotes the same good, but this time the good *is* endorsed by its intended beneficiaries. Outcome 2 seems better, as there is more good (as happiness). But the fact that she can only hope for Outcome 1 does not give the consequentialist less cause to perform act  $x$ : if she deems that Outcome 1 is a good worth promoting, and that action  $x$  has an excellent chance of promoting it, it is permissible for her to promote Outcome 1. Her aim is to promote some definitive good via act  $x$ ; any additional ‘good’ would be a bonus. Of course, Outcome 2 would be preferable, but if the consequentialist considers Outcome 1 a satisfactory consequence worthy of promotion, this is all she needs. Moreover, though the lack of endorsement of her actions is regrettable, it is not a determining factor, on consequentialist grounds, for the permissibility of her actions.

### **3.2.2. Endorsement: Conclusion**

I have tried to present Principle C as the most plausible representation of the friend of endorsement's moral intuitions. I have argued that even if Principle C is tenable, it cannot be used to justify procreation. But I have argued further that Principle C in fact lacks justification. Contrary to the friend of endorsement's claims, and most peoples' (unexamined) intuitions, endorsement is not sufficient to render procreation permissible.

Beyond the endorsement objection, Shiffrin's anti-natalism can be tested against yet another: procreation might be all-things-considered permissible because it is permissible for parents to harm a child via creation if they subsequently offer her *adequate compensation*. I examine this line of argument in the next section and show how it too can be defeated.





### **3.3. The Compensation Objection**

In this section I provide, and criticise, the argument from “compensation” as a way to justify the harm of procreation. According to this argument, procreation is all-things-considered permissible because it is permissible for parents to harm a child via creation if they subsequently offer her *adequate compensation*. I will point out that this appears to be an argument Shiffrin is partial to, but which she herself offers no real defence of it. I introduce a principle, Principle D, which represents my attempt to state the most tenable case for the friend of compensation; I suggest that he has to appeal to a principle of this sort in order to plausibly challenge anti-natalism. Principle D is of course in opposition to the more restrictive Principle A. I conclude that the argument from compensation fails.

I have been exploring objections to Principle A, a principle which states that it is only permissible to harm an unconsenting patient if one thereby aims to prevent or alleviate greater harm to that patient. As I have discussed, this Shiffrin-esque principle seems to entail anti-natalism, in the sense that procreators—who harm by procreating, but do not thereby intend to prevent or alleviate harm—appear to be in violation of it. However, parents usually presume that they act permissibly when procreating—an intuition motivated, in no small part, by the fact that they intend to provide their children with adequate love and support. The intuition here is that it is permissible for one to harm unconsenting individuals if one subsequently offers *adequate compensation* for one’s actions.<sup>20</sup>

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<sup>20</sup> The best way to compensate is to give back precisely what was taken away (the easiest cases, perhaps, involve money). This, of course, is not always possible—especially in the case of procreation; but that does not mean that some agreement cannot be reached by the parties concerned.

On one reading, Shiffrin may be seen as a pro-natal friend of compensation. Recall that Benatar denies that coming into existence can be regarded a “benefit”, let alone a benefit “greater” than the harm of being created. Shiffrin, on the other hand, allows for the possibility that being created can both harm and benefit a person. What she does deny, though, is that the bestowal of a greater benefit is what renders permissible the harms of procreation; for her, the fact that a greater *harm* is alleviated is what usually does the justificatory work. However, she does allow for compensation to do some justificatory work in the case of procreation, specifically as it relates to the possibility that all children may, in theory, claim that their lives were wrongful lives. My aim in this section can thus be seen partly as an attempt to provide Shiffrin with more justification for her own tentatively pro-natal claim, namely that

[u]nconsented-to-mixed benefactions (i.e., bestowals of significant harms alongside benefits) are all-things-considered morally permissible as long as any incidental harm is acknowledged and remedied. (Shiffrin 1999:129)

Recall from my discussion on endorsement that though Shiffrin (1999:129) does not believe this sort of claim regarding compensation can render Wealthy’s actions permissible, she does however allow that such a claim can render the “special case” (Shiffrin 1999:139) of procreation permissible. According to Shiffrin, as long as parents offer adequate parental support—to her mind, “compensation”—children usually have no reason to seek further reparations; indeed, this would be damaging, Shiffrin opines, to otherwise healthy family relationships:

[A]dditional moral and psychological barriers would typically forestall suits by children. An interesting, prevalent moral barrier, often occurring between friends and family members, prevents people from demanding what may be owed to them by right. [Indeed] it would show a bad character and perhaps be wrong actually to make the claim [for what they are by right owed...]

Likewise, demanding damages from one's parents where one has even only a decent relationship with them may exhibit rudeness, pettiness, and ingratitude; it may threaten the relationship, even if the substance of one's demand itself has some reasonable basis. (Shiffrin 1999:142)

This seems like a reason for why it is *unlikely* that children will sue their parents, not a reason for why children ought not, or ought not to have a legal right, to sue their parents. It is indeed a reason of the former sort, and Shiffrin recognises it as such: “Does the argument [I have] waged so far imply that *all* children may have causes of action? *In theory*, the answer is yes” (Shiffrin 1999:141, her emphasis). She then however proceeds to present “four mitigating factors”, which she claims “make an explosion of suits unlikely, even were this more expansive form of liability officially recognized” (Shiffrin 1999:141).

(I discuss the other three so-called “mitigating factors” (Shiffrin 1999:141) in a footnote below.<sup>21</sup>) Even though Shiffrin herself does not claim to give a pro-

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<sup>21</sup> Recall that Shiffrin's overall aim is to argue for an extended liability in wrongful life cases. Perhaps to placate those fearful of the precedent that may be set were such an expanded liability officially recognised, Shiffrin (1999:141) proffers four “mitigating factors” for why it is unlikely that an “explosion” of suits would result. First, most children, she says, “experience their imposed lives as miraculous benefits” (Shiffrin 1999:142), which to her suggests that “few of those who have families that provide adequate support would want or need to sue” (Shiffrin 1999:142). Second, for most children, again, courts don't offer anything that could make pursuing wrongful life suits worthwhile, as most parents (she alleges) already adequately assist their children in dealing with the burdens of their imposed lives (Shiffrin 1999:142-3). Third: (see the claim examined in the main text regarding

compensation argument, with respect to withholding or offering compensation, Shiffrin states elsewhere that

[c]ausing another to exist may well be all-things-considered justified, but the conditions in which it may be justified seem different from those in which inflicting harm to prevent harm is justified. Specifically, this justification would yield a permission *only if the bestower is accountable for harm that results*. (Shiffrin 1999:134, her emphasis)


So Shiffrin (tentatively) allows that procreation may be justified if parents agree to be held accountable for the harms they impose. But how exactly would the fact of this commitment justify procreation? Might it be that if parents work to alleviate the burdens they impose upon their children—by providing, say, a loving and supportive environment—their children would not desire to seek damages via wrongful life suits? Compensation might indeed fulfil this placatory role, but what I have highlighted thus far is the fact that Shiffrin does not give an argument for why we ought to think that compensation (also) fulfils a justificatory role—that is, one which offers us plausible reasons for judging ordinary procreative decisions permissible. I will thus proffer the sort of pro-natal case for compensation Shiffrin neglects to provide.

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potential damage to otherwise healthy family relationships). Fourth and lastly, it is simply not pragmatic for courts to offer judicial relief for all moral claims (Shiffrin 1999:142), and they are therefore justified in limiting wrongful life suits to those children who endure “disproportionately great burdens” (Shiffrin 1999:142).

These reasons say nothing about whether parental care (that is, compensation) can render procreation permissible, which is my focus here. As with the third “mitigating factor” (discussed in the main text), one and two seem to provide reasons for why it is *unlikely* children will sue their parents, not whether they would be *justified* in doing so. (Shiffrin has at this point concluded that all children would be justified in seeking damages for the imposed harms of life, and is now providing reasons for why they *ought not* to.) The last “mitigating factor” is a reason for why it would be *impractical* for courts to provide judicial relief, and thus does not impact upon my discussion.

But note that the pro-natalist could object that Shiffrin's usage of "compensation" amounts to a mischaracterisation of parental care. One is begging the question, he could say, if one were to label parental care "compensation", as this makes parental care appear a reaction to *wrongful* harm. This is because, according to most peoples' intuitions, compensation is owed only in response to *wrongdoing*. The rescuer, recall, harms the rescuee, but *owes* no compensation, as he did not wrongfully impose these harms. Unlike Wealthy, "[t]he rescuer is blameless and does not *owe* an apology. It would, however, be appropriate and good of him to feel and express regret for the injuries he caused" (Shiffrin 1999:128, her emphasis). The friend of procreation could point to the fact that an adopter also owes her adopted child parental care, and argue that, were one to label parental care in *this* instance "compensation", then one may be accused of making the absurd claim that adoption amounts to wrongful harm.



But there is a critical difference between adoption and procreation that I think is of some moral relevance. To understand this, I think it is revealing to compare, as Shiffrin (1999:142-3) does, creating children to adopting children. The only means to *creating* children is through procreation. But this is not the only means to *having* children. To be sure, parents do not only expect to receive benefits, but burdens as well. But what is the moral status of these burdens? Those adopting also expect both burdens and benefits. But unlike procreators, adopters do not impose the burdens of existence upon their (adopted) children; they do, however, act to alleviate an existing burden upon these children. So, procreators aim to alleviate the burdens *they* impose, whilst adopters aim to alleviate the burdens *others* impose.<sup>22</sup>

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<sup>22</sup> "On the equivocal view, biological parents perform a morally mixed act by imposing the risks, burdens, and benefits of human existence on their children, whereas traditional adoptive parents do not impose the risks and burdens of existence on those children. In the main, they respond to existent

I would like to tentatively suggest, then, that parental care in the case of procreation may be considered a *special case* of compensation. For though compensation is thought to be owed in response only to wrongful harm, this need not always be the case. Consider the following scenario. I get married, taking a sincere vow to protect my wife from harm and to take care of her to the fullest of my abilities for the rest of our lives. One day I accidentally impose a disabling injury upon her. (Perhaps I accidentally drive into her whilst backing out the driveway, for instance.) Her injuries are so severe that she is entirely reliant upon me for her wellbeing. My subsequent care-giving actions may be termed “compensatory”, and they are indeed in response to harm I have caused; but it doesn’t ring true to say that I have *wrongfully* harmed her. This is in part due to the fact that my actions were toward another end entirely (backing out the driveway), and injuring my wife was purely an accident.



To give another example, one where voluntary harmful actions are involved, think again of the rescue case. Even if it is denied that the rescuer can appeal to the intend/foresee distinction,<sup>23</sup> his actions appear permissible because in imposing harm he acted to avert a greater harm. Though the rescuer is not morally required to offer compensation to the rescuee for the harms he had to impose, it would be good of him to tend to these injuries—arguably a form of compensation—by administering first aid, at least. And so, for present purposes, calling (biological) parental care “compensation” need not imply that parents wrongfully harmed their offspring, only that it may be considered permissible for them to have acted in the harmful manner in which they did, due in part to their intention to provide, and their subsequent

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children’s need but do not engage in the morally mixed activity of creation toward them” (Shiffrin 1999:143-4).

<sup>23</sup> I will discuss this distinction between doing and foreseeing harm in great detail later in this dissertation.

provision of, compensation for these harms. Furthermore, because procreation is usually intended and not accidental, nor is it toward the end of averting greater harms, pro-natalism may benefit from the argument from compensation—if it proves tenable.

I thus suggest that, despite his legitimate concerns regarding the term “compensation”, the pro-natalist ought to embrace the argument from compensation. And so, the pro-natal friend of compensation may concede that procreation is *pro tanto* wrong, but nevertheless assert that it is permissible if it accords with the following principle:

The Friend of Compensation’s Principle of Permissible Harm (Principle D):

*It is permissible for one to knowingly harm unconsenting patient A to a non-trivial degree if the following conditions are met: a) the harm must be within reasonable limits; b) there must be an expected benefit, and it must be greater than the harm(s) imposed by the action; c) patient A must be the primary beneficiary of this greater benefit; d) one must not intend to harm patient A; and e) one must intend to offer, prior to imposing the burden, adequate compensation to patient A for this harm.*

Note that I do not intend to give an exhaustive theory of compensation; I have listed only what I take to be the most salient necessary, but perhaps not sufficient, conditions for compensation to render harm permissible. I will now examine each of these clauses in turn.

*a) The harm must be within reasonable limits*

This clause is important because many harmful actions—even those that do in fact secure great benefits—might seem excessively violent to the point of being gratuitous. For example, it would seem wrong for my plastic surgeon spouse to foist cosmetic surgery upon me—binding me to our bed whilst I am asleep, rendering me unconscious via a blow to my temple with a frying pan, and operating upon me without anaesthetics—even if this would indeed, once my wounds have healed, immeasurably increase my self-esteem and overall happiness. In such cases, one might say that, given the excessive harm(s) one has to impose upon a patient to secure him some intended benefit, the harmful act ought not to be performed. Though it is in a sense precisely the sort of assumption being questioned here, I will grant that it is reasonable (NB: not thereby equal to *permissible*) to impose the harm of creation thinking that it is within the limits of permissibility.



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*b) There must be an expected benefit, and it must be greater than the harm(s) imposed by the action*

Here I bracket Benatarian concerns regarding the “net harm” of being created. The greater benefit stipulation is vital because, first, unless a harmful act is toward the end of securing a greater benefit, it makes little sense to say that it is permissible. To allow for permissibility here would be to permit acts of pure evil, because a harmful act which is not toward some good end is, I take it, a reasonable definition of evil. Second, allowing for a harmful act to be deemed permissible *merely* because it is done with an intention to compensate leads to counter-intuitive results. An evil act with an intention to compensate still ought to be deemed impermissible. To my mind, compensation in such cases seems insincere—disturbing, even. For example, it seems



impermissible for an agent to torture a patient out of boredom or curiosity, even if this agent truly intends to offer compensation for the harm she causes. We would rightly be afraid of such agents, and be inclined to label them psychopathic. And I suspect that such reactions are best explained by the fact that (procreation aside?) we expect those who impose serious harms to be motivated by the desire to prevent or alleviate greater harms. Were we to learn that a surgeon operated upon an individual out of pure curiosity and not because this individual was in need of such an operation, we would justly be horrified.

What is more, in general, excessive harms can be completely overwhelming, spoiling any potentially beneficial experiences. Pain, especially extreme pain, often tends to dominate one's sensory experience. For example, I am not going to enjoy the ice-cream you've promised me as compensation if the harms you impose upon me leave me with a terrible toothache.

Another thing to consider is that in the case of (the most) wrongful lives—assuming that not all lives are wrongful ones—clause (b) cannot plausibly be expected to obtain. Arguably, what makes the performance of *these* procreative acts wrongful is the fact that caregivers ought to have known that the risks they took on behalf of their children were far too high, and would almost certainly not have resulted in greater benefits to these children.

*c) Patient A must be the primary beneficiary of this greater benefit*

I focus on benefiting third parties as a potential way to justify procreation in the next section. My present aim is to examine the merits of the argument from compensation; as such, I must insist here that the friend of *pure* compensation needs to adopt something like clause (c). Now it may indeed be possible to make the case for i) compensation and ii) expected benefits to third parties being jointly sufficient to render procreation permissible, but as I have not yet determined the plausibility of either route to procreative permissibility, I will for now leave aside the exploration of this possibility. And so my current discussion requires that the primary recipient of the greater benefit must be the one harmed, not the one imposing the harms (or others). To be clear, the action must be *for the sake of bestowing these greater benefits to the patient*.

This is not to say, however, that it would be wrong for the individual performing the action to expect to gain, and in fact gain, some benefit. I do not believe that it is straightforwardly wrong for parents to want to benefit from procreation. Seeking meaningful relationships with others is not itself obviously in violation of any moral principle. Surely some benefits can be expected by parents without raising eyebrows. Having said that, earlier I drew attention to an important (to my mind) moral distinction between the burdens and benefits expected by biological parents, on the one hand, and adoptive parents, on the other. This distinction might be of some use to those defending the view that, due to the large number of orphans in the world, choosing procreation over adoption is morally problematic and perhaps impermissible. Though I am sympathetic to this potentially anti-natal view stemming from the needs of orphans, it lies outside the scope of my discussion, and so I will say no more about it or the distinction (partially) motivating it.

*d) One must not intend to harm patient A*

In order to offer plausible support for her case, the friend of compensation must disallow clearly unethical appeals to compensation. One way of doing this is to stipulate that the agent harming another may *foresee* this harm but not *intend* it. For my purposes, this distinction between intending and foreseeing harm can be equated with the doctrine of double effect (DDE).<sup>24</sup> Note that there are differences in interpretation of the DDE. I take the DDE to be the notion that it is sometimes permissible to bring about a harm as a *foreseen but unintended side-effect*, though it would have been impermissible to aim at that same harm as a *means or as an end*, all else being equal (FitzPatrick 2006:586). What is more, an act *can* be considered permissible in that it *may* promote a *sufficiently worthy end*, and so this worthy end *may* be pursued as long as nothing *illicit* is intended as a means to this end (FitzPatrick 2003:320). Consider the following summary of the DDE:

The principle of double effect is directed at well-intentioned agents who ask whether they may cause a serious harm in order to bring about a good end of overriding moral importance when it is impossible to bring about the good end without the harm. (McIntyre 2009:¶3)

This (much discussed) distinction in moral philosophy between foreseeing and intending harm can be illustrated by looking at the following case: A terror bomber aims to kill civilians in order to lower the morale of the enemy. He drops bombs with the intention of killing civilians. A tactical bomber, on the other hand, aims to destroy

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<sup>24</sup> To be clear, I will be using the terms “intend/foresee distinction” and “DDE” interchangeably.

military targets, though he is indeed aware that civilians will be killed in the process (“collateral damage”). To be clear, he drops bombs foreseeing that civilian deaths will result as a consequence of his actions, but he does not intend this as a means to his end. According to the most dominant interpretation of their actions, even if both bombers will cause the same number of civilian deaths, the terror bomber acts impermissibly, whilst the tactical bomber acts permissibly (McIntyre 2009:¶2).

The actions of the terror bomber are impermissible, for though his ultimate end—to bring about an end to a war in his favour—is arguably justifiable, there is perhaps no justification for him to use killing innocent civilians as an intended means to achieve this end (and he arguably does this<sup>25</sup>). And though the tactical bomber aims at the same end—winning the war—he does not intend for the collateral damage his actions cause to promote this worthy end, and his actions are arguably permissible in a way the terror bomber’s actions aren’t. As Kaufman (2003:[no page number]) remarks, “[t]he bad effects must not be the means to the good effect”. Though the tactical bomber foresees that civilian deaths—a side effect of his means (bombing military targets)—might have some positive influence on his desired end, he does not intend for these deaths to serve as a means toward this end.

Traditionally, then, the DDE makes a *comparative judgment*: it asserts that “a harm that might permissibly be brought about as a *side effect* in promoting a good end could not permissibly be brought about as a *means* to the same good end” (McIntyre 2009:¶3, my emphasis). I suggest that the friend of compensation take into account

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<sup>25</sup> He could defend his actions by saying that his intended end was to lower the enemy’s morale, and that killing civilians was not really his means to this end at all. For all he need aim at is making civilians *appear* dead, but the only means available to him to achieve this end is to drop bombs, which, it just so happens, kill civilians. Many commentators have rightly asserted that this is sophistic.

these various aspects of the DDE, for though there is not, by anyone's reckoning, a universally accepted definition for the doctrine, it is generally thought to be intuitively appealing and important. The friend of compensation, in my view, cannot allow obviously impermissible—that is, illicit—acts either as a means or an end. It would arguably be impermissible for one to knowingly harm innocents either as one's end, or as a means toward one's end; at the very least, it would be morally problematic in a way that I doubt subsequent compensation could render permissible.

But the DDE is yet more elaborate; there is a further distinction that I find most relevant to procreation. Note that procreators profess a desire to promote the benefits of existence—and not the harms—by procreating. But procreators always knowingly expose their offspring to the harms of existence. Pro-natalists thus face the difficulty of accounting for the claim that procreators aim at promoting benefits, on the one hand, but not at imposing harms, on the other. Consider this difficulty in light of a now familiar case. I will discuss a potentially crucial distinction within the DDE by applying (d) to the Wealthy/Unlucky case. Wealthy's actions may initially appear permissible. Wealthy's intends to share his wealth, but his only means to doing this is one which is potentially harmful to others. By dropping heavy objects from a great height upon populated areas, Wealthy is undoubtedly placing persons in harm's way in the fulfillment of his end. (The value of the objects he drops is irrelevant to the fact that he exposes others to significant risk of nontrivial harm.) Wealthy can say that he does not intend to harm anyone, that harm is a foreseen (and regretted) side effect of his means, but can he really say this without sounding sophistic? I don't believe he can. Compare the Wealthy/Unlucky case with a slight modification of another case famously used to illustrate the intend/foresee distinction:

*The Fat Man and the Impending Doom Case* (Grassian 1981).<sup>26</sup>

*A number of persons are trapped in a cave at the coast which is slowly filling up with seawater due to the onset of high tide. Their only way out is currently blocked by a very large man (“Fat Man”). Their only means to unblock the exit and escape is to blow the fat man to bits with a stick of dynamite they happen to have.*

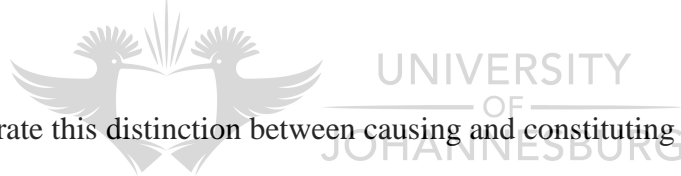
The persons in the cave might say that the Fat Man’s death was merely a foreseen but unintended side effect of their means (namely, blowing him to bits), but the problem with this appraisal, according to FitzPatrick (2006:593), is that “the relation between what is admittedly aimed at as a means, on one hand, and the harm or death, on the other hand, is “too close” to allow for talk of aiming at the former without aiming at the latter” (FitzPatrick 2006:593). One seems to run into this problem of “excessive closeness” (FitzPatrick 2006:587) when one claims, with respect to one’s intended means, that one *did* aim at, for example, i) blowing someone to bits, but *not* at ii) killing this person; for it is doubtful whether one can plausibly claim to have aimed at the former but not the latter. I find the following principle of sorts to be most useful:

The relation between the intended means and the harm in question is “too close” to allow for application of the intend/foresee distinction when the relation between the relevant *states of affairs* is a *constitutive* one rather than a *merely causal* one. (FitzPatrick 2006:593, his emphasis)

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<sup>26</sup> In the original, the Fat Man is a tour guide who leads the poor folk into the cave and inadvertently traps them there. This fact leads to complications not relevant to my present purposes. This case ought not to be confused with the Fat Man trolley case, where one has to decide whether it is permissible to stop a runaway trolley headed toward several persons by pushing a large individual into its path.

It is worth exploring this constitutive/causal distinction, because it may turn out to be essential to justifying the imposed harms of creation. To better understand his claim regarding “constitutive” and “merely causal” states of affairs, FitzPatrick (2006:594) asks us to consider the most basic version of the trolley case. A runaway trolley is headed toward five people. One can pull a lever in order to divert the trolley and thereby save these people, but in doing so one will divert the trolley onto a side track where it will strike an innocent individual. FitzPatrick (2006:594-5) argues that one’s action of diverting the trolley *causes* the death of the innocent individual, but is not *constitutive* of it: one’s act of diverting the trolley is a separate event from it striking and killing the individual. The detonation of the dynamite, on the other hand, “is the cause of the man’s being blown to bits and of his being killed, but *his being blown up is constitutive of his being killed*” (FitzPatrick 2006:595).



To further illustrate this distinction between causing and constituting events using an example FitzPatrick does not give, suppose that in order to stop a runaway trolley from killing several people I decide to push an innocent bystander into the trolley’s path.<sup>27</sup> I know for sure that this individual’s rather large body will stop the trolley, but I know also that he will be crushed and killed in the process. I cannot say that I aim at—as a means to stopping the trolley—i) having this person crushed by the trolley but not ii) killing her. This is because her being crushed is constitutive of her being killed. They are not two separate states of affairs. Compare this with area bombing, where a bomber who, he claims, aims at destroying military targets, employs means which he knows will destroy an entire area also containing innocent civilians (FitzPatrick 2006:599). Of course, unlike in the case of area bombing,

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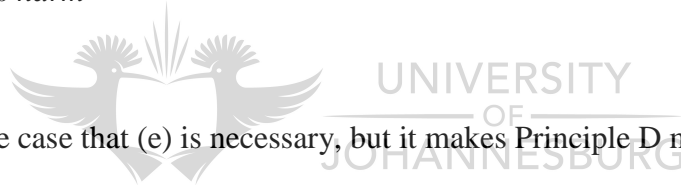
<sup>27</sup> This is the “Fat Man” trolley case mentioned in the preceding footnote, also known as the “Bystander” trolley case (Kamm 2007:92-3).

Wealthy is motivated by beneficence toward those whom his action is directed. But still, he places many individuals—perhaps we can say *all* of them—in harm’s way in order to fulfil his end of securing (some of) them nonessential benefits. His instrument is no less blunt, his means no less indiscriminate, than the area bomber’s.

The main thing to take from this discussion is that when assessing the permissibility of harmful actions, the intend/foresee distinction is of utmost moral relevance.

Indeed, it appears to me that pro-natalists need to appeal to this distinction, given the tricky moral territory procreators must navigate.<sup>28</sup>

*e) One must intend to offer, prior to imposing the burden, adequate compensation to patient A for this harm*



It may not be the case that (e) is necessary, but it makes Principle D most forceful if included. The friend of compensation wants to say that an intention to compensate must be present prior to imposing the burden. Though one may foresee that harm is a side effect of one’s actions toward a justifiable end, and one does not intend this harmful side effect, one must, in addition, intend to compensate for this harm. To the friend of compensation, an intention to provide compensation for harm, in addition to clauses (a) to (d), may be jointly sufficient to render one’s actions permissible.

Crucially, compensation is the deal-breaker. I set aside the question of whether

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<sup>28</sup> But I am not entirely convinced that procreators can rely on the intend/foresee distinction to justify their actions. Briefly, my hunch is that whilst (conscientious) procreators may believe that their actions are (at in part) justified by the intend/foresee distinction, this may not be the case, due to the “closeness” of creation to the actual harms of existence. In my view, it is morally problematic for parents to claim that they intend, on the one hand, to bestow the benefits of creation, but not, on the other hand, impose the harms of creation. To my mind, the two come together as a parcel—which is to say, procreation *may* be *constitutive* of harm, as opposed to merely *causing* harm. (See Chapter 4, “Conclusion” for more of my thoughts on this.) However, I admit to not yet being able to satisfactorily defend this intuition, and, since I believe that procreators may require the intend/foresee distinction, I (therefore) grant it to them in this dissertation.



procreators can in fact adequately compensate for the harms of creation; I grant, for the sake of argument, that they can.

I am however unconvinced that adequate compensation plays the justificatory role the friend of compensation thinks it does. In the next section, I show how the argument from compensation, despite Shiffrin's own hopes for it to deliver her from anti-natalism, fail to challenge the anti-natal implications of her view.

### **3.3.1. Replies to the Compensation Objection**

I have two replies to the friend of compensation. First (in 3.3.1.1.), I argue that it is not clear either that Principle D is true, or that, if it is, procreators can appeal to it. This is because, to my mind, some harms remain impermissible despite compensation. Second (in 3.3.1.2.), I argue that the argument from compensation ought to be rejected, pointing out that, as with the argument from endorsement, this argument cannot be grounded in either deontological or consequentialist moral theories.

#### ***3.3.1.1. Some Harms Remain Impermissible Despite Compensation***

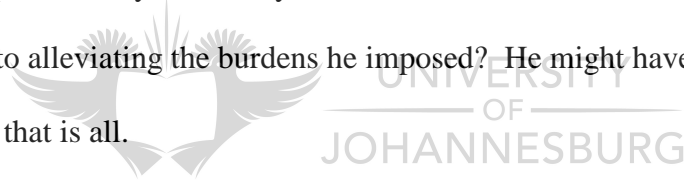
My concerns here are of the same character as those expressed with regard to endorsement in 3.2.1.3. (“Some Harms Remain Impermissible Despite Endorsement”) above. I am suspicious of the claim that it may be permissible for one to harm someone if one intends to provide her, and subsequently does provide her, with adequate compensation for this harm. I am, in other words, doubtful of the justificatory role assigned to compensation. Specifically, it seems to me that there is a

difference between i) *making up* for a harm (that is, offering to compensate for that harm) and ii) rendering that harm permissible. If I harm someone but offer compensation afterward, how does that render the initial act of harming permissible? It may *relieve the burdens I've imposed*, yes, but it does not wipe the slate clean; it does not permit such burdens to have been imposed in the first place. It's *good of me* to offer compensation—perhaps it's morally required—but I am unsure as to how this can be said to (retroactively?) render the harm I imposed permissible. If I assault someone but attempt to tend to their injuries, perhaps even drive them to hospital and pay for their treatment it was still wrong (that is, impermissible) for me to assault that person. On the other hand, if I assault someone with good reasons (in order to defend myself or others), then this act of aggression, though *pro tanto* wrong, may nevertheless be permissible. *These* reasons for it (may help) render it permissible, *not* my subsequent actions. My subsequent actions are either a positive or poor reflection on my character, and with them I may make up for harm I have caused; but they do not characterise my original harmful act as permissible or not; they are silent on that issue.

Thus, in my view, other considerations determine whether harm is permissible or not. For instance, compensation may be morally relevant, and even morally required, in cases where one must unavoidably harm a person in order to prevent greater harm to her. But this sort of justification is not available to procreators. Procreators harm nonconsenting individuals in order to bestow upon them nonessential benefits.

Consider the following. What if Wealthy offered, and had indeed always intended to offer, ongoing support for any harm caused by his initial gold-dropping actions?

What difference would this make to our assessment of his original act? Suppose that after dropping the gold bullion, he immediately drops individual rolls of bandages and other medical supplies (too light to do anything but negligible damage if they struck anyone). Perhaps he also drops detailed instructions on how to care for different sorts of medical conditions: treatment of fractures, bruises, concussions, etc. Suppose he continues to drop medical supplies in the days, weeks, months and years following. Further, what if he and his neighbours were eventually, due entirely to his actions thus far, able to meet? Suppose the money he dropped allows them to somehow develop (their skills, knowledge, infrastructure, etc.) to the point where they are able to build a bridge to Wealthy's island. What if Wealthy then continually visits the islanders and imparts invaluable life skills upon them (assume Wealthy is excellent at such things), and listens compassionately when they voice their troubles? Indeed, what if Wealthy devotes his life to alleviating the burdens he imposed? He might have earned *forgiveness*, but that is all.



Consider also another complication: his actions may have had collateral damage, so to speak—consequences he could not have foreseen. And so, for instance, some families might have lost their primary breadwinner due to a fatal blow from one of Wealthy's gold bars, or a vicious attack by a crazed islander seeking to grab as much gold as possible. Others might have had to struggle to care for family members with mental challenges (due to head injuries sustained by the falling gold bars), or increased crime due to the influx of money. In my view, the islanders would still be justified in deeming his original actions not just wrong but impermissibly so—though perhaps only some of them, possibly due to a confused understanding of gratitude, might be able to see why this ought to be the judgement they arrive at. Wealthy's

actions were wrong because he exposed nonconsenting individuals to serious harms without sufficiently good reasons. Furthermore, he could not plausibly justify his actions by appealing to the DDE, because his actions were arguably in violation of the constitutive/causal distinction.

### ***3.3.1.2. No Moral Theory Underwrites Compensation***

This objection stems from the same sorts of concerns outlined in 3.2.1.4. (“No Moral Theory Underwrites Endorsement”) above. It strikes me that, like the friend of endorsement, the friend of compensation cannot appeal either to consequentialist or deontological moral theories, as neither theory provides support for the notion that compensation after the fact can make harm permissible to impose. Recall that the deontologist cares about whether procreation is a violation of dignity or rights, etc., and that, to the consequentialist, an action is right or wrong depending on whether it promotes intrinsic goods. Neither sort of moral theory can be appealed to by the friend of compensation.

Again, in general it would be good of us to intend to make up for harms we impose, just as it would be good of us to subsequently offer compensation even if we did not intend to do so prior to acting. But if a harmful act is permissible it is not because of intended and/or subsequent compensation. To say that compensation could serve this justificatory role is to make a claim with no consequentialist or deontological backing. To understand why this is the case, consider the following. If I, out of irritation, assault someone but attempt to tend to his injuries—perhaps I even drive him to hospital and pay for his treatment—it would in principle remain wrong, by

deontological lights, for me to have harmed another individual (by violating her dignity or rights) without good reason. On the other hand, if I *do* assault someone with good cause (self- or other-defence,<sup>29</sup> perhaps—where no alternatives to assault were immediately available), then though assault is still *pro tanto* wrong (because it represents a violation of dignity, say), in this particular instance the deontologist may consider it permissible. But the deontologist has no need to appeal to my willingness to provide compensation to arrive at this judgement, as this speaks of my character but says nothing about the permissibility of the act from whence arose the call for compensation.

By consequentialist lights, if my act harms another but represents an attempt to bring about an overall worthy end, then it is permissible for me to perform this act. Despite the fact that more good would result if I *also* provided compensation for harms resulting from my action, it is significant that these goods would arise *in response to* my harmful act. It would be sophistic (to say the least) for me to give as a reason for so acting that it would allow me to promote more good by compensating for the harms resulting from my action! Imagine some mad surgeon claiming something like the following: “It is permissible for me to cut open the skulls of unconsenting patients because I do so intending to subsequently compensate them by increasing their IQs.”

Though both the consequentialist and the deontologist might think that providing subsequent compensation for any resultant harm would be good of me, in light of their theories the justification for my action would obtain independent of my prior intention to provide, and my subsequent provision of, compensation. I therefore

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<sup>29</sup> Whilst I violate the dignity of an assailant by in turn assaulting him, in the case of self-defence, *my* dignity (and in the case of other-defence, *their* dignity) is being violated—unjustly so—if I do not act against his imposition of harm.

conclude that clause (e) is implausible. And as the friend of compensation's case for Principle D rides upon clause (e), I thus conclude that we ought to reject Principle D as a possible pro-natal principle.

### **3.3.2. Compensation: Conclusion**

Having constructed Principle D with the aim of forwarding the strongest possible defence of the friend of compensation's position—Shiffrin's preferred route out of her anti-natal dilemma—I have shown that the argument from compensation in fact lacks justification. There is no reason to believe that harmful acts—procreation included—can be rendered permissible due to compensation after the fact. This is because, first, whilst compensation can *make up* for harm, that is not the same as being able to *permit* harm; second, the argument from compensation doesn't appear to be backed by either deontology or consequentialism, and thus ought to be abandoned. To be clear, whilst compensation can *help* permit certain harmful acts, it is not, I have argued, sufficient to render them permissible.

Principle A considers the question of whether harming an unconsenting patient is permissible in terms of the patient only; it apparently ignores the issue of whether or not it is permissible to harm a patient for the sake of *others*. In the next section I examine this latter plausibility. I will conclude that procreation cannot be justified in this manner.

### **3.4. The Benefits to Third Parties Objection**

By now it will have become clear that procreation is an act which has a number of morally problematic features. Specifically, procreation is an act where:

- a) *non-negligible harm* will result,
- b) to an *unconsenting* patient,
- c) harm which cannot be escaped without great costs, and where
- d) no harm will result if the action is *not* performed.

I have thus far argued that some intuitively appealing objections to Shiffrin's route to anti-natalism fail to display procreation in a morally tenable light. With an eye to (d), however, what if one asserts that harm *will* result if people do not procreate, and that procreation is indeed permissible if it is done with the goal of preventing this harm to others? Note that Principle A only focuses on whether harming an unconsenting patient is permissible *in so far as it affects the patient*; it is silent on the issue of whether or not it is permissible to harm unconsenting patients for the sake of *others*. But it is indeed sometimes considered permissible to harm unconsenting individuals in order to *prevent harm* to others. For instance, many consider it permissible to divert a trolley headed toward five people onto a side track, even though this will unfortunately kill an innocent person who happens to be on that track. Furthermore, it is sometimes viewed as permissible to harm unconsenting individuals in order to *benefit* others. And so, many consider it permissible to tax the wealthy in order to benefit the poor—by funding urban improvement projects in low-income neighbourhoods, for instance. Such improvements may only be cosmetic—which is

to say, they may not be removals or preventions of harm but “pure benefits”—but they may nevertheless be seen as justified ends.

This section examines the objection to Principle A that it is sometimes permissible for one to harm unconsenting individuals if one thereby intends to benefit or prevent harm to others. I introduce a new principle, Principle E, that appears to support this, all things considered, pro-natal view.<sup>30</sup> I offer a couple of replies on behalf of the Shiffrin-esque anti-natalist, demonstrating first how pro-natalism is not in fact justified by Principle E, and, second, how Principle E itself can be refuted. Note that Benatar tends to view the rationale for procreation as selfish. In this section, I am adding to the natal debate by addressing situations in which procreation is not selfish—situations in which one procreates for one’s partner as opposed to (merely) for oneself.




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<sup>30</sup> This view is most obviously pro-natal in terms of benefitting others (as opposed to preventing harm to them). In terms of preventing harm, many might say that continued procreation staves off the “harm” of extinction. Indeed, many consider anti-natalism to represent a *reduction ad absurdum*. For example, many observers (for example, J.J.C. Smart 1973:29; R. N. Smart 1958:542-543; Griffin 1979:48) have taken the perceived world-ending consequences of negative utilitarianism—the view that we ought to adopt as our highest moral principle, not the maximisation of happiness, but the minimisation of unnecessary suffering—to be fatal to this position. Even Shiffrin, I have said, apparently wants to avoid an anti-natal conclusion. Pro-natalists—as with opponents of negative utilitarianism—could argue that anti-natalism must be false because it leads to the “absurd” conclusion that it would be better if we went extinct. Pro-natalists could thus assert that theirs is the only tenable moral outlook, as it avoids this problem.

I will not be exploring this argument from extinction, as it were, in the main text, as it does not fit the focus of my discussion; but, suffice it to say, I don’t consider this objection a forceful one. I am not convinced that pro-natalism avoids these or other serious problems at all. It seems to me that if he is serious about preventing suffering to existing individuals (namely, the suffering experienced by the last generation of humans in a voluntary extinction), allowing almost anyone the opportunity to bring new individuals into a harm-filled existence would be a strange strategy for the pro-natalist to adopt. This just seems to prolong the problem. Of course, his objection may stem from reasons other than a concern for the welfare of persons; he may, for instance, be primarily concerned with the dignity of persons, and argue against the alleged consequences (read: extinction) of anti-natalism from such a perspective. I have my suspicions, too, about the argument from dignity (see Chapter 4, “Conclusion”).



To my mind, those seeking to defend procreation for the sake of benefiting and/or avoid harm to others are to appealing to a principle of the following sort:

*The Principle of Permissible Harm of the Friend of Benefits to Others (Principle E):*

*It is permissible for one to knowingly nonnegligibly harm an unconsenting person if one thereby intends to greatly benefit others and/or prevent a greater harm befalling these other persons.*

Note that this principle seems to be supported both by consequentialism and several kinds of deontology, for e.g., John Rawls's (1971), or W.D. Ross's (1930). But despite its initial plausibility, such a principle is in practice wrought with difficulties; below, I put it to the test.



### **3.4.1. Replies to the Benefits to Third Parties Argument**

On behalf of the Shiffrin-esque anti-natalist, I argue that procreation cannot be justified by Principle E. I do this in two ways. First, I argue (in 3.4.1.1.) that even if Principle E is plausible, pro-natalists cannot rely on it, as their view is contentious for a number of reasons they are not adequately aware of. Second, with the aim of showing why Principle E is in fact implausible, I provide (in 3.4.1.2.) a couple of counter-examples to it. Crucially, these counter-examples are analogies to procreation.

### ***3.4.1.1. The Claim that Procreation Permissibly Benefits or Prevents Harm to Others is Unjustified***

Competing moral claims need to be weighed up against each other. We may accept that procreation is *pro tanto* wrong but that other moral claims can render its performance permissible. What should we make of the claim that it is permissible to procreate if one thereby intends to benefit one's partner? Setting aside the well-documented possibility that having children may in fact tend to make people less happy overall (Harrison & Tanner 2011), having a child is often viewed as a tremendously beneficial experience for couples. It is in fact not uncommon for a gift metaphor to be used: both parties give each other the "gift" of a child. Are financially secure persons in loving and committed relationships, living in stable countries (I'm setting the stage here as well as I can in favour of pro-natalism) justified in creating children in order to benefit each other? If they are justified, it is unclear what principle underwrites this justification, because procreation cannot straightforwardly be assumed to benefit or prevent harm to others.

To my mind, procreation is far more complicated than is traditionally realised, and, in keeping with the spirit of Shiffrin's "equivocal view" of procreation, I examine just a few of these under-explored (or otherwise un-acknowledged) complications below. My aim, to be clear, is to show that even if we grant Principle E, it is not clear that procreation can be justified according to it. This is because there are more issues than pro-natalists have realised, and this, on the face of it, causes serious problems for their view. To sum it all up, it is not clear that procreation benefits or prevents harm to others; it is thus not clear that the argument from "third party beneficence", as it were,

works as a *pro-natal* argument: Principle E might plausibly justify harm, but not the harm of *procreation*.

It may seem that one can grant that procreation is *sometimes* permissible without having to deny that not all acts of procreation are permissible—even those that don't result in wrongful lives, in the traditional sense. But it is unclear what sorts of standards one would have to appeal to here to make this distinction. To be clear, I see a dilemma. If everyone does *x*, this may lead to an overall harm, as opposed to a benefit, to others. For instance, to take a small scale example, imagine a village community that is already struggling to feed its members. Introducing another child into this community will place an even greater strain on its resources. As a member of *this* community, I thus cannot claim that my procreative acts will benefit society, for I will be placing a further strain on my community's already strained resources. Indeed, I may have to forgo procreating (at least until the situation improves) *for the sake of existing individuals*.

It may be objected, though, that my child might benefit my community in the sense that she may bring them joy and perhaps serve as a source of hope. But, to my mind, these seem like very weak benefits in comparison to the (harmful) strain I place upon my community. Furthermore, can I sincerely claim that I aimed to bring joy and hope into my community as my reason for creating a child? To be sure, even in severely poverty-stricken societies, children are often welcomed with joy. But, as I suggested earlier when objecting to the argument from endorsement, this strikes me as absurd; at least in *such* societies, then, we ought not to consider this expected (and arguably irrational) response to newborns as a plausible justification for procreation.

Furthermore, in terms of the global village, as it were, whichever moral principle or rule we adopt with regard to pro-natal procreative actions, it arguably cannot take the form of “everyone ought to *x*”. Apart from the fact that many people are in no position to provide their children with lives of an acceptable standard (how to determine this standard!), choosing to procreate further depletes humanity’s resources (and the resources of other life forms). All we can say is that “*some may x*”. We must then answer the thorny question of *who may procreate*, and run into danger of being accused of entertaining thoughts of a Nazi-style eugenics experiment. For who indeed is included? Who is excluded? What criteria do we use to decide this? Only those who would make “good parents” may procreate? (Most childless persons I have spoken to believe that they would make good parents, though I beg to differ with their self-appraisals.) How do we implement what does indeed appear to amount to a eugenics project?<sup>31</sup>



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My claim, to summarise, is that pro-natalism is not the simple ethical stance it is often assumed to be. On the contrary, affirming Shiffrin’s “equivocal view”, procreation appears to be inherently morally problematic. Crucially, essential ethical questions often go unasked, let alone answered. One such question is that of *who* ought to procreate. For it is generally not the case that all persons need procreate in order for a society to function optimally. Indeed, as I have suggested, there may in fact be an

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<sup>31</sup> To my mind, ethical anti-natalism avoids these complications. It might be argued that anti-natalism accepted *en masse* would lead to extinction, and perhaps, as a consequence, terrible suffering. But it appears to me that our current strategies are leading us to extinction as well. Further, how likely is it that anti-natalism will become a universally accepted doctrine? Taking claims seriously means honestly weighing up their plausibility. In my view, it is implausible to assume that anti-natalism will ever amount to more than a minority position. And thus, I cannot take seriously pro-natal objections that claim to be justified by fears of voluntary human extinction.

increasingly strong case for regulating population size, which may mean that some would-be procreators may have to forgo their wishes to procreate.<sup>32</sup>

#### ***3.4.1.2. Benefitting Third Parties is not Sufficient for Permissibility***

Principle E seems to suggest that it is generally permissible to harm some in order to benefit or prevent harm to others. But things are of course not this simple. For instance, despite the fact that one's intervention in the classic version of the trolley case is harmful, what does the justificatory work here is not simply that one acts to avert an arguably greater harm, but that the harm resulting from so acting is, roughly, foreseen but not intended.

Pushing an innocent bystander onto the tracks—a variant of the classic case—is however not taken to be permissible, because though one acts to avert the same harm (death to several people due to a runaway trolley), one's act here violates the intend/foresee distinction. The Principle E, though, seems to imply that harm in both cases is permissible, which can't be right. I therefore argue that Principle E is implausible.

Consider the following variations of the trolley case, both of which are roughly analogous with procreation, and which serve as counter-examples to Principle E:

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<sup>32</sup> Note that some countries, most notably China, India and Iran, have adopted (what may be termed) anti-natal policies in order to curb undesirable population growths. What I am suggesting, though, is that it is plausible to think of a situation sometime in the future where even adopting a policy like "one family, one child" is not enough to curb overpopulation (and its attendant harms).

Teleportation Case (Singh 2009:33-4)<sup>33</sup>

*A runaway trolley is hurtling toward a group of five people. Pulling a lever will divert this trolley onto a sidetrack and thus away from the five persons, saving them from terrible and fatal harm. However, pulling this lever not only diverts the trolley but teleports a new person (fully realised from out the ether) into existence and onto the sidetrack, and thus into harm's way.*

The question posed by Teleportation is whether it is permissible for me to *introduce* a new person (or any new morally relevant element) into a harmful situation—a situation he or she had no prior interests in—in order to alleviate harm to persons already in that situation. Unlike in the classic instantiation of this case, in which I would have no control over the number or placement of morally relevant entities, in the above version *my* action determines the very fact of the teleported individual's existence. I cannot distance myself from the harm that befalls the teleported individual in the same way that I may be able to do in the classic version. To my mind, teleporting this individual into harm's way has more in common with pushing an innocent bystander onto the tracks (which most people think is impermissible) than diverting the runaway trolley onto a sidetrack where an innocent individual just happens to be (which most people think is permissible).

The above suggests not just that Principle E is false, but specifically that bringing new persons into existence to benefit or prevent harm to other existing individuals appears morally problematic at best. The following case refines the analogy to procreation:

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<sup>33</sup> I first proposed this case in *The Aporia of Creation: Anti-natalism and the Harm of Existence* (unpublished Honours research essay, University of Johannesburg, 2009).

Multiplication Case

*A runaway trolley is hurtling toward a group of five people. These people are either unaware of the danger they are in or unable to save themselves. It is possible to divert the trolley onto an adjoining track, but this will send it hurtling toward an innocent bystander. Despite the fact that this innocent bystander will be killed, most people think that it is permissible, and perhaps even morally required, to divert the trolley. Would it still be permissible for one to divert the trolley, though, if by doing so one thereby causes two similar moral dilemmas to appear elsewhere in the world? (And in each of these cases, each diverted trolley causes two more trolley dilemmas elsewhere in the world). That is to say, would it still be permissible for one to divert the trolley if one knew that one was “solving” an existing moral dilemma of a certain sort by multiplying moral dilemmas of the same sort (perhaps outside of one’s field of vision or reach)?*

To be sure, the moral dilemma one faces here may very well motivate one into acting in favour of the wellbeing of the group of existers: the presence of immediate danger to the five might serve as sufficient motivation (but not obvious justification!).

However, ordinary, everyday procreative decisions are not like this. Procreation is not done with the aim of preventing an *immediate* harm from occurring: bringing children into existence is not like drafting new soldiers into a war—fully-grown, healthy and self-sufficient.<sup>34</sup> However, analogous with Multiplication, what procreation does do is increase the number of morally considerable entities in

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<sup>34</sup> A war we can’t win, and in which every “soldier” dies on the battlefield.

existence. In other words, even if procreation truly can be said to resolve existing moral dilemmas, it is an activity of such a nature that it invariably brings with it more moral dilemmas—of the same sort it is claimed to resolve! What Principle E neglects is that the *means* to promoting benefits and/or preventing harm is of great moral relevance. Procreation seems a strange way to resolve moral dilemmas: each birth changes the moral landscape (Singh 2009:34).

The above counterexamples suggest that it's often wrong to harm some in order to prevent harm to others. The following counterexamples suggest that it's wrong to harm some in order to *benefit* others. Consider the likes of Apartheid, slavery, and (other) forms of exploitation (sweat shops, for instance), which seek to provide some—perhaps even the majority of—persons with benefits, harming others in the process. To my mind, we ought to be morally cognisant of the amount of harm some have to undergo in order to benefit others; indeed, there is something disturbing about individuals who lack such concerns. I might desire to benefit my partner by buying her diamond jewellery, but we both ought to care about whether or not we are supporting the so-called “blood diamond” trade, and, furthermore, my actions—and her desires and expectations—ought to be guided by these ethical concerns. If she does not share my ethical concerns—specifically requesting, for instance, diamonds of dubious origin—instead of trying to benefit her according to her questionable desires, perhaps I ought to find another partner! To an individual with anti-natal intuitions, it seems untenable for parents to seek to benefit themselves (or each other) by creating children, given the serious risks involved, and the availability of an alternative course of action—namely adoption. And so Principle E on its own seems untenable.



### **3.4.2. Benefits to Third Parties: Conclusion**

I have argued that even if Principle E is plausible, pro-natalists cannot rely on it, as their position is riddled with problems. In addition, I have argued that Principle E is in fact implausible, as the ethics of benefitting and harming—generally underexplored in pro-natal contexts—is more complex than the friend of third party beneficence appreciates.

In the next chapter I offer some concluding remarks on the issues I have been examining. I will also suggest additional ways of objecting to Shiffrin, and propose further issues worthy of consideration by philosophers interested in anti-natalism.



## **Chapter Four: Conclusion**

Many people—but certainly not all—believe procreation to be a morally innocent activity. Philosophers like David Benatar and Seana Shiffrin provide forceful arguments against this received view, as it were, of procreation. My dissertation has focussed on Shiffrin’s argument, and I hope that I have demonstrated, at the very least, that the received view of procreation warrants a second thought. To my mind, individuals who care about doing what is right and about justifying their actions ought to accept that procreation is, at best, morally problematic. What is more, they ought to, I assert, play it safe and refrain from procreating—at least until such time that they arrive at a plausible pro-natal defence.<sup>35</sup>

I have examined four powerful objections to Shiffrin’s route to anti-natalism, and have shown how they can all be defeated. I think that there are further ways to challenge Shiffrin. In addition, I can think of at least a couple of issues affecting the natal debate that warrant further consideration. I divide this concluding chapter into two sections. In the first section (4.1), I sketch two pro-natal objections to Shiffrin that do not appeal to rival accounts of harm. First, I suggest (in 4.1.1) that Shiffrin may equivocate between two senses of the word “person”, which causes *prima facie* complications for her view. Second, I suggest (in 4.1.2) that Shiffrin’s characterisation of “pure benefits” may be too limiting, committing her to a potentially harmful ascetic view of life.

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<sup>35</sup> Individuals who act according to such motivations are not in the majority. This is unfortunate, but it does have a fortunate side effect for the anti-natalist, in that she need not take too seriously the danger of great harm due to a *voluntary* mass extinction. Such an event will almost certainly not occur. What many environmental activists fear, however, is that damaging, irresponsible human activities may eventually lead us *involuntarily* to our extinction. And if there is indeed a real danger of this occurring, then the anti-natalist could claim that we ought to care about whether or not we expose our children or (more likely) their descendants to such a harmful event.

In the second section (4.2), I suggest and briefly discuss a couple of further issues affecting anti-natalism in general, issues which I think deserve exploration in future work. First, I put forward (in 4.2.1) another, alternative way of assessing the morality of procreation—namely one proceeding from the view that life has an inherent dignity. The suggestion here is that, in perhaps neglecting the issue of dignity, both Benatar and Shiffrin run afoul of one of the inviolable tenets of deontological ethics. Second, I suggest (in 4.2.2) a possible way to challenge pro-natalism. This challenge arises from the possibility that procreation violates the intend/foresee distinction. Note that I don't think that, if this is indeed the case, procreators "intend" to harm their offspring, or that the violating the intend/foresee distinction renders procreation impermissible; I only intend to suggest that procreation may be even more morally problematic than I have argued it is!



#### **4.1. Objections to Shiffrin: Further Suggestions**

##### ***4.1.1. Are Children "Persons"?***

I would like to suggest that one could object to Shiffrin's view by arguing that she equivocates between two understandings of "person", and that children do not possess "personhood" in the sense relevant to her argument. Shiffrin refers to both adults and children as "persons", but a person in the morally relevant sense—which is the sense she appeals to—is, at the very least, an adult.

To better understand why this is a potential problem for Shiffrin, recall that her argument appeals to a very specific understanding of the ethical role of consent: her

claim is that it is impermissible to impose non-trivial harms upon unconsenting persons, because this is “in tension with the foundational liberal, anti-paternalist principle that forbids the imposition of significant burdens and risks upon a person without the person’s consent” (Shiffrin 1999:137). But children (as well as persons with mental challenges) are arguably not included in this “foundational liberal, anti-paternalist principle”, as this principle assumes that persons possess the ability to know what is in their best interests. We generally assume that children do not possess this ability.

From a deontological perspective, to respect the autonomy of adults is to respect their inherent dignity as persons. And so it is generally assumed that those seeking to interfere with the autonomy of an adult person—even those seeking to prevent this person from harming herself—have to provide good reasons for why this autonomy limiting intervention is permissible. On the other hand, such (paternalistic) interventions are generally considered permissible when it comes to adults interfering in the (developing) “autonomy” of children. Adults, it is thought, have come to fully possess (we usually give them the benefit of the doubt) custodianship over their destinies, so to speak. It therefore appears uncontroversial to claim that we don’t have the same duties toward adults than we do toward children: children do not possess the ability to fully realise what is best for them; their autonomy has yet to be fully realised and we, as adults, are justified in assuming (at least partial) custodianship over *them*.

It can thus be argued that Shiffrin’s consent-based argument against imposing the harms of existence ought to be rejected, because these harms are imposed upon children—and we do not owe children the same consent rights as we do adults.

Furthermore, it may therefore be argued that it is permissible to impose the harms of existence upon children.

I suggest that the friend of Shiffrin could reply to this objection in the following manner. Whilst it is true that by procreating one brings into existence children, these children will one day grow into adults. A case can thus be made for the claim that the consent rights of *these* persons—namely the adult versions of children—are violated by procreation. In support of this reply, consider the following passage—which also poses a challenge to the view that nonexistent “people” cannot be said to have “rights”:

One might deny that nonexistent people could have rights, because they do not exist, while also objecting that they must have rights for it to be possible for our contemporary actions to violate their rights. But as Joel Feinberg has pointed out, hiding a nondefusable bomb attached to a nontamperable time clock of seven years in a kindergarten would be clearly wrong. In part, it would be wrong because it violates the rights to life of the children who will die, even though they do not now exist and do not yet possess rights to life. One’s action sets into motion a chain of events that will lead to the violation of the rights that will come to be held. (Shiffrin 1999:137)

The time clock example is interesting, but as an analogy to procreation (I assume, at least in this context), it has a weakness: to plant this time clock is obviously to intend to harm. It is universally assumed that (most) parents do not intend to harm their offspring by creating them. To give a related example, one without this weakness,

suppose I implant a device in the brain of my new-born daughter, and set it to go off on her eighteenth birthday—when, that is, she is an adult. (Assume that this device will not affect the development of her brain.) I intend for this device to, when it kicks in, benefit her by increasing her IQ by twenty points, but I am aware of the possibility that it might instead cause significant impairment to her mental faculties, such that she will have tremendous difficulties directing her thoughts and thus exercising her autonomy.

Though she is a child when I decide to implant this device—and is thus not yet in possession of the same consent rights as an adult—it appears wrong for me to take this gamble (on her behalf) even though she is not yet a fully autonomous moral agent. This is (partly) because my action will have a distinct, and possibly harmful, effect when she is an adult—when, in other words, she *is* a person in the relevant moral sense.<sup>36</sup> Furthermore, I *impose* this potential harm, which is to say, I act on behalf of her future adult self, but do not give her the opportunity to consent to my action when she is an adult—which, to be clear, is when my unconsented-to action will ultimately affect her.<sup>37</sup>

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<sup>36</sup> It also appears to me that, even if I am certain that no harm will result to my daughter directly from the activation of the device itself, there is the very real possibility that my daughter may be more receptive to other sorts of “harms” because of her increased IQ. She may, for instance, become more cognisant of the plight of orphans, the seemingly insurmountable problem of poverty, the egregious suffering of animals, the melting of the ice caps, etc. She may, in other words, come to have a richer but more emotionally draining mental life, painfully aware of the various moral dilemmas an intelligent, conscientious moral agent must face. Perhaps she will even become self-critical and resent herself, or lose her comforting faith in a higher power. Who knows? Less smart people often don’t care about these things, and seem to have less stressful (but not morally better) lives as a result. The point here is that I assume I will be benefitting her by increasing her IQ, when I may very well assume that I will be causing her harm.

<sup>37</sup> I am also unsure as to whether autonomy plays the role it is thought to play in interventions on behalf of children. To my mind, it would also appear wrong for me to risk harming my daughter by increasing her IQ *when she is still a child*. If my aim is to secure “pure” benefits, what is the difference between operating to on an unconscious *adult* patient and an unconscious *minor*? (Assume both patients are my offspring.) In my view, I would be wrong to do either. Shiffrin would explain my intuition by pointing to the apparent “special badness” (Shiffrin 1999:129) of harm. I think that she is correct in asserting that “[h]arm is objectively bad in such a way that it is morally problematic to inflict

There is probably more to this issue, of course. But as I intend only to provide a sketch of the sort of arguments that could be advanced with regard to this “persons-based” objection, I will leave things at that.

#### **4.1.2. A *Prima Facie* Case for Promoting “Pure Benefits”?**

A second way of objecting to Shiffrin could be derived from her characterisation of “pure benefits”, which, recall, are “those benefits that are just goods and which are not also removals from or preventions of harm” (Shiffrin 1999:124):

The central cases of *pure* benefits involve the enhancement of one’s situation or condition, or the fulfilment of nonessential, but perhaps important, interests. Such enhancement and fulfilment go beyond merely securing the minima that make one’s life more than tolerable and susceptible to active identification. (Shiffrin 1999:124-5, her emphasis)

It strikes me that going “beyond merely securing the minima that make one’s life more than tolerable” might be what makes life worth living, and that there might be a *prima facie* case for promoting so-called “pure benefits” like “material enhancement, sensual pleasure, goal-fulfilment, nonessential knowledge, competitive advantage”

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(unsolicited) a significant level of it on another for the sake of conferring a benefit” (Shiffrin 1999:130), even though an individual herself “may reasonably decide to undergo the same level of harm to retain the same level of benefit” (Shiffrin 1999:130).

But harm has a “special badness” in another sense. Harm may be bad in the sense that there is in general a *prima facie* case against upon imposing it. I do not intend to argue for this view here, and, further, I am uncertain as to whether Shiffrin herself holds this view. Suffice it to say, though, I think that such a view helps explain why many think it is *prima facie* wrong to cause undue harm to animals and other sentient forms of life, harm which Shiffrin’s will-based account of harm struggles somewhat to account for: “[...] because they have fewer capacities, animals may not be subject to certain harms (e.g., the frustration of long-term projects). Possibly, their harms are less morally significant than the harms suffered by beings with more sophisticated wills” (Shiffrin 1999:124).

(Shiffrin 1999:125) and the like. At the very least, a case can be made for the view that a life without these kinds of benefits *would* in a sense be harmful, namely in the sense that such a life would be characterised by boredom and, possibly, meaninglessness.

But I am unsure as to how such an objection could be used to refute the claims Shiffrin (cautiously) makes regarding procreation. Whilst there may be a more plausible case for promoting pure benefits than Shiffrin realises, my hunch is that this case is restricted to *existing persons*. In my view, it does not seem plausible to suggest that we have a “duty” to promote benefits (regardless of whether we regard them as “pure” benefits or not) across the creation barrier, as it were. By this I mean that it seems strange to me to suggest that we have a duty to promote the benefits of existence by bringing new individuals into existence. For there is, most philosophers acknowledge, a morally relevant difference between making *people* happy, on the one hand, and making *happy people*, on the other (Benatar 2012:143). Furthermore, as I have discussed, in general it appears morally problematic to promote benefits in the absence of consent.

## **4.2. The Natal Debate: The Way Forward**

### ***4.2.1. The Argument from Dignity***

A powerful way to object to anti-natalism in general is to assert that anti-natalism violates the notion that there is an *inherent dignity* to human life. Saul Smilansky (1995) and David Spurrett (2011) have advanced pro-natal arguments stemming from



premises of this sort.<sup>38</sup> With its claim that all potential lives ought not to be realised, anti-natalism seems to disregard, the friend of dignity could suggest, the dignity of human life itself. Note that, very often, arguments against euthanasia take a similar form: opponents of euthanasia often assert that life has inherent value or dignity to be considered over and above the harms and benefits experienced by individual existers, and that proponents of euthanasia are in fact arguing for a view that disrespects this inviolable dignity.

The friend of Shiffrin could reply in the following manner. She could assert that there is a morally relevant distinction between two understandings of “dignity”. She could assert, that is, that there is a distinction to be made between *the dignity of life* and *the dignity of a person*; it is only through an understanding of the latter idea, she could argue, that any meaningful sense can be made of the concept of dignity—something her opponent fails to recognise. Furthermore, she could claim that it does not necessarily follow that one has a duty to promote this latter sort of dignity by creating more persons with this inherent dignity.<sup>39</sup>

I have in fact thought about this distinction for some time. To my mind, there is something to be said about the view that an individual possesses dignity only in so far as she possesses autonomy. To further understand this distinction, consider the following case:

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<sup>38</sup> As have I: this discussion of the argument from dignity borrows heavily from my *The Aporia of Creation: Anti-natalism and the Harm of Existence* (unpublished Honours research essay, University of Johannesburg, 2009).

<sup>39</sup> This dignity-based pro-natal claim is reasonable, though, and deserves further consideration in future work. A world with more beings with dignity is, in a sense, a better world. But there is a distinction to be made, in my view, between what makes the world objectively better, and what makes the world subjectively better—that is to say, better for individual inhabitants of that world. A world with more beings with dignity is also a more morally problematic—and often more harmful—world. For instance, an overpopulated world would not be subjectively better, all else being equal, than a lesser populated one. I touch on these themes in the main text.

*Flower Case* (Singh 2009:43-4)<sup>40</sup>

*A trolley is headed towards one of two, shall we call them, targets. One of these targets is a person, the other is a flower. From our vantage point, we cannot tell which target it is going to be struck down, but we are sure that one, and only one, will be struck down. We are however able to choose the final destination of the trolley by pushing one of two buttons—one labelled “flower”, the other labelled “person”. Which one ought we to push?*

The above case would probably strike most people as silly. It seems most intuitive to choose to direct the trolley so that it will run over the flower and not the person. But what would be our reasons for doing this? The friend of dignity might suggest that something—namely the dignity of human life—is degraded by the (intentional or complicit) killing of another person.<sup>41</sup> We choose to direct the trolley towards the flower, he might say, because we recognise in human life a value no other being possesses, a superlative value which we do not have the right to degrade but, on the contrary, have a duty to protect and cherish.

But I would like to offer an alternate explanation: we choose to save the person not because of any dignity inherent to human life, but because we recognise that a *person* is living this life, directing it, creating it via her autonomous capacity to pursue her desired ends. I submit that it is respect for the dignity of this capacity she possesses—and which defines her as the unique person she is—that compels us to preserve her

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<sup>40</sup> This case is inspired by one presented by Thaddeus Metz (2006:227). Instead of a flower he uses a squirrel, but not driving over the person is still, he asserts, the intuitively obvious decision.

<sup>41</sup> As another person's life is in danger in the Flower case, and it would be easy for us to save them, if we choose *not* to intervene it would be reasonable for others to demand an explanation from us for our non-intervention.

life. But there is no dignity simply in being alive if this life is one where the dignity of autonomy has forever been lost.

Consider again those who argue against euthanasia, claiming something like “intentional killing violates the dignity of life”. Even if they were to say that intentional killing violates the dignity of *persons*, such claims, to my mind, only gain significance insofar as a person possesses autonomy—which is to say, a person’s life becomes something worthy of protection *because* this person has the capacity for autonomous judgement and action. Once this capacity has forever (as opposed to temporarily) been lost, the “person” is, in a manner of speaking, *no longer there*. It makes no sense to me to assert that the preservation of *such* a life continues to be a “duty”.<sup>42</sup> This is especially clear when viewed in the light of limited life-support facilities: patients with a good chance of recovery (which is to say, recovery of their personhood or autonomy) should, we intuit, be given preferential support over those patients in whom the capacity for autonomy has forever been lost. To draw this discussion closer to procreation, I don’t see much sense to the claim that anti-natalism fails to respect the dignity of (potential) persons, as this dignity, so far as I can tell, can only be respected or violated via interactions with existing persons.

There is yet another neglected distinction at play here. This is the distinction between restoring or supporting autonomy, on the one hand, and bestowing autonomy, on the other. Autonomy is not straightforwardly a blessing. It is of course viewed as inviolable—something a person possesses which ought to be respected, and which characterises her as a creature with dignity. Persons may thus be benefitted by having

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<sup>42</sup> Though I think it would be good—and perhaps morally required—of us to respect the memory of the person who once lived that life by not, for example, treating their bodily remains in “degrading” manner.

their autonomy restored, as when slaves or hostages are freed, or supported, as when a competent professional gives us firm advice on which diet to follow or how to divide our finances. But this does not make *bestowing* autonomy upon a person (by creating her) without question a benefit; for with autonomy comes great responsibility. The pessimist might claim that one foists the weight of the world upon another by giving her autonomy. (It would be useful to imagine the Sartrean existentialist at this point.) To be sure, *once she is the subject of a life*, a person can decide for herself which harms she wants to expose herself to, and it is in some sense good that she has this choice, but she can nevertheless view her autonomy as a curse:

By being caused to exist as persons, children [and adults] are forced to assume moral agency, to face various demanding and sometimes wrenching moral questions, and to discharge taxing moral duties. (Shiffrin 1999:137)

But this line of argumentation might beg the question against the pro-natal friend of dignity, who could reply that the argument from dignity is an *alternative* to experiential-based ones, such as Benatar's. His claim here is that there is more to an evaluation of the morality of procreation than an experiential evaluation of life—that is, one focussing perhaps entirely on harms and benefits: specifically, procreation may be considered permissible via appeals to dignity. But my hunch is that the reply I sketched above—as a friend of Shiffrin, suggesting a distinction between the dignity of life and the dignity of persons—may do enough to defeat this claim.

But it is still possible for the pro-natal friend of dignity to challenge me in the following manner. He could say that regardless of whether one considers dignity to

be intrinsic to human life or to individual persons, this dignity has a superlative value. He could argue that even if only a person (and not human life itself) has dignity, one could reasonably assert that one has some moral reason to procreate, to create this person with dignity, because if something would be superlatively valuable, this appears to be some *pro tanto* reason for one to create it:

To bring a child into the world, irrespective of the number of other children currently alive, is to give life, to create someone who is of value in herself, and a great potential appreciator of value. This cannot be easily dismissed.

(Smilansky 1995:48)

This is a plausible challenge to the pro-anti-natal work I have claimed my persons/life distinction does. But I am doubtful of this line of argument. Apart from noting, again, that there is a morally relevant distinction between making persons happy and making happy persons, I submit that, to my mind, something (else) is amiss with this claim regarding superlative value when applied to individual human lives (as opposed to beautiful works of art, say). It seems to me that one could concede that there is some *pro tanto* moral reason to bring superlatively valuable entities into the world whilst denying that *persons* straightforwardly admit to this rule. This is because, *especially* in the case of creating persons, there are other value-based considerations of the utmost importance. Here are some of these considerations.

Increasing the number of persons in the world isn't like increasing the number of beautiful artworks in the world: artworks don't have the potential to harm and

annihilate things of value.<sup>43</sup> A human life may indeed be superlatively valuable, but the bearer of that life can be a pain in the neck, negatively affecting the wellbeing of those around her. Further, because she possesses autonomy, she may destroy things of value. Think here of the Taliban destroying, in 2001, the Buddhas of Bamiya, centuries-old cultural artefacts. Or consider the phenomenon of genocide, or the scientific fact that human activities are to blame for the current unprecedented rate of extinction of the world's species of flora and fauna (Harrison & Tanner 2011:115).<sup>44</sup> Creating new lives may thus have the potential to decrease the number of valuable entities in the world, a fact the friend of dignity ought not to overlook.

#### ***4.2.2. Procreators Might Violate the DDE***

I would now like to tentatively suggest a possible challenge to pro-natalism. Recall clause (d) of Principle D, which says that though procreators may see that their actions will result in harm, they may not permissibly intend this harm as anything more than side effects to their means. My concern is that procreation *may* violate this principle, and may thus run afoul of one of the central tenets of deontological ethics—namely that one may not treat another purely as a means to an end.

To my mind, if it is at all permissible to impose the harm of creation, this may *not* be due to procreation according with the intend/foresee distinction. I have this concern because procreation may not merely *cause* harm to another individual: it may be

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<sup>43</sup> Though the friend of censorship would deny this!

<sup>44</sup> Harrison & Tanner (2011:115)—tongue in cheek?—have this to say: “If one thinks that species in themselves have value, and if one is serious about preserving species, then the demise of the human species looks as if it should be welcomed”.

*constitutive* of the harm this individual undergoes. Consider again the relation between causing and constituting harm:

The claim, then, is that if the relation between two states of affairs is known to the agent, natural, and constitutive rather than merely causal, then we cannot properly speak of an agent's intending the one while merely foreseeing but not intending the other. (Fitzpatrick 2006:603)

Though it might be unconvincing to suggest that (most) procreators *intend to harm* their children, I am not entirely convinced that parents can rely on the intend/foresee distinction to justify the harm of creation. To be clear, I am not claiming that procreators do intend harm, and I am not suggesting that procreators are in fact in violation of the intend/foresee distinction. What I *am* suggesting is that this is a serious issue which warrants further consideration. Shiffrin may indeed agree with me. Consider the first part of the following quotation:

[By] being the direct cause of a person's being in a situation that intrinsically delivers harm, one harms that person; [it is sufficient to assume, though] that if one is the direct cause of a person's being in a situation that intrinsically delivers harm, then one is responsible for that person's suffering harm, even if one does not *harm* her. (Shiffrin 1999:119, her emphasis)

Think about the fact that any harm our offspring will encounter would not have been possible *without* procreation. When we procreate we bring into existence sentient beings with the capacity to experience harm; furthermore, we expose them to an

intrinsically harmful—in the sense that it is harm-*filled*—world. As I implied in an earlier section (namely 3.4.1.2), procreation is thus less like the classic version of the trolley case and more like pushing an innocent bystander into harm’s way (or my Teleportation and Multiplication cases).

To better understand my view here, consider first the assumptions behind an opposing view. DeGrazia (2011:28) opines (thanks to a suggestion, he admits, from Frances Kamm), that

[s]ometimes the exposure to harm is inextricably connected to the creation of opportunities for substantial benefits. In this light, bringing a child into the world where the child has good prospects in life and is not expected to have some major disability or hardship<sup>45</sup> is not much like dropping gold cubes where they can land on someone. It’s more like dropping gold cubes in the knowledge that passersby will pick them up and, simply by becoming wealthier, face an increased likelihood of being robbed and the emotional anguish of deciding which family members and/or charities to give to.

(DeGrazia 2011:28)

(Recall that I think Wealthy’s actions, like those of the area bomber, arguably violate the intend/foresee distinction.) This seems like far too innocent a view of procreation to me, one which begs the question against Shiffrin and her “equivocal view”. As I read her, Shiffrin does not intend for the analogy between the islanders and children to be perfect; her aim is to focus on the *imposition* (her term) of the pure benefit (of

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<sup>45</sup> How can we know this? Consider the prevalence of unruly teens, drug abuse, unwanted pregnancies, cancer, etc. I submit that it is all too easy for a child with “good prospects” to fall off the rails.



creation). Referring to children as “passerby” is, to my mind, a relic of pre-modern (let alone pre-Benatarian) procreative views. Children do not “pass by”: they are voluntarily, intentionally created by us—and we can just as well choose not to create them. Again, procreators do not merely impose harms or bestow benefits—they do not, in other words, simply create the possibility for this to occur—they create moral entities who will either be able to suffer the harms of existence or to enjoy its benefits. There are no “passerby” here. Children do not fall from the sky, nor are they already in existence somewhere, someplace, prior to us miraculously receiving them as “gifts” from some beneficent deity of procreation. And they are not ready and waiting for us to generously leave them treasure in time for their (supposedly) inexorable arrival.

To be charitable, perhaps DeGrazia means that life may be viewed metaphorically as a treasure chest of potential benefits, or perhaps a treasure-hunting *adventure*. I am not sure how many people experience life in this way. (I certainly don’t, nor do most of the people I’ve come to know best.) Consider, though, if the act of procreation didn’t bring sentient beings into the world but non-sentient bodies, for example, that we later decided to bestow, through whatever means, sentience upon. In *this* case, procreation would look more like the morally innocent activity it has traditionally been presumed to be, especially if it were very difficult, but preferably impossible, for anyone but us as parents to subsequently grant sentience upon these bodies.

I think that these are *prima facie* complications for the view that procreators can rely on the intend/foresee distinction. I am of the view that being aware of these complications opens the way for a fascinating debate, one touching on a diverse range of issues within moral philosophy.

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