**Why Procreative Preferences May be Moral – And Why it may not Matter if they aren’t**

Some bioethicists, notably Julian Savulescu, think that, where we have control over procreation, we have a moral duty to select ‘better’ children.[[1]](#footnote-1) Others, like Michael Sandel, think such selection is wrong because it manifests attitudes of mastery that are inconsistent with proper parental virtues such as unconditional love.[[2]](#footnote-2) Both sides of this debate assume that procreative selection is a moral issue. Rebecca Bennett has recently challenged this assumption.[[3]](#footnote-3) Bennett argues that failure to select better children *cannot* be morally wrong, since no one is harmed (provided that any children lead worthwhile lives). Parallel reasoning, however, suggests that selection is not (usually) wrong either. On Bennett’s view, our reproductive choices are merely preferences and not proper subjects for moral assessment unless they cause harm.[[4]](#footnote-4)

Bennett appears to hold that: (P1) a preference for non-disabled children would be problematic only if it was a moral preference, but (P2) it cannot be a genuine moral preference, because no one is harmed, so (C) it is not problematic. This article disputes both premises of this argument. I begin with the second. While one possible conclusion to draw from Parfit’s Non-Identity Problem (NIP) is that certain intuitively wrong acts are not in fact wrong, this is not the only way to resolve the problem; we should not dismiss the notion of harmless wrongdoing. I then challenge the first premise, suggesting that, even if Bennett is right that selection is not a moral matter, this does not make it a ‘mere’ personal preference. There are other judgements that share something of the categorical force of morality, and may therefore be similarly troubling. If the pro-selection arguments of Harris and Savulescu do place less value on the disabled, then we should indeed find them troubling, even if they are not moral judgements.

**Three Non-Identity Arguments**

Bennett has, in a series of articles, argued that there can be no moral obligation to choose better children, because no one is harmed when parents do otherwise. She has employed this line of criticism against Harris’s view that parents have an obligation to select against disability.[[5]](#footnote-5) She has also extended the same argument to enhancement, targeting Savulescu and Harris.[[6]](#footnote-6) In each case, she argues not only that there *is* no such obligation but that there *cannot* be such an obligation or, at least, that we have no reason to take such a possibility seriously until proponents of such obligations provide “a definite account of the theoretical foundations for their positions.”[[7]](#footnote-7) To provide such theoretical underpinning, Bennett argues, advocates of selection need to identify what Derek Parfit calls ‘Theory X’, i.e. a moral theory that solves the Non-Identity Problem (NIP).[[8]](#footnote-8)

The NIP concerns the moral evaluation of actions that determine who gets brought into existence. Suppose a young mother might conceive a child now, who will have a worthwhile life, but, if she waits and conceives later, she will have a different child, who will enjoy a higher quality of life.[[9]](#footnote-9) Parfit argues that it is not clear what could make her conceiving now wrong; she does not harm the child that she conceives for, had she waited, this child would never have been. In another example (henceforth ‘risky policy’), a community chooses a risky nuclear energy policy, knowing that leaking radioactive waste will have catastrophic effects on future people.[[10]](#footnote-10) Again, if these future people are different people than those who would otherwise have been born, they cannot be harmed by the adoption of this policy. Had it not been for the risky policy, they would not be alive at all!

Since no one has yet identified a plausible Theory X, Bennett suggests, we should not rely on it in advancing controversial moral principles, such as Savulescu’s Principle of Procreative Beneficence (PPB).[[11]](#footnote-11) Yet, she claims, “Both Harris and Savulescu use Parfitian Non-Identity Problem examples as their main instruments to *justify* their positions” which is unsustainable because, “far from providing the theoretical foundations of PPB, the Non-Identity Problem provides a clear refutation of PPB.”[[12]](#footnote-12) If Bennett is right, this undermines the basis of PPB and thereby delivers a fatal blow both to PPB and other related supposed duties. However, Bennett misunderstands the connection that Savulescu draws between PPB and the NIP. Savulescu’s appeal to NIP cases is not his primary argument for PPB, but merely intended to pre-empt the criticism that harmless acts cannot be wrong.

The NIP neither supports nor refutes PPB, for it is not an argument. The ‘problem’ is that there is a contradiction in simultaneously affirming the following three intuitive claims:

1) An action cannot be wrong unless it does harm.[[13]](#footnote-13) [If W, then H]

2) The risky policy does no harm. [¬H]

3) The risky policy is wrong. [W]

As shown below, an argument can be given from any two of these propositions to a denial of the third. Since each of these claims, considered in isolation, is at least *prima facie* plausible, we have a trilemma.[[14]](#footnote-14) Parfit, so far as I am aware, takes no final stand on which claim we should jettison, presenting the NIP simply as a problem.

Bennett acknowledges that the NIP is not an argument.[[15]](#footnote-15) However, she goes on to suggest that, unless we find a credible Theory X, “the Non-Identity Problem becomes the Non-Identity Argument”, forcing us to accept its conclusion.[[16]](#footnote-16) Though she does not explicitly state what argument she derives from the problem, presumably it goes something like this:

*Argument One*

1P1) An action cannot be wrong unless it does harm.[[17]](#footnote-17) [If W, then H]

1P2) Implementing the risky policy does no harm. [¬H]

Therefore,

1C) Implementing the risky policy is not wrong. [¬W]

This argument is valid (*modus tollens*). However, this is only one way to resolve the NIP; any *modus tollens* can be converted to *modus ponens*, which is also valid:

*Argument Two*

2P1) An action cannot be wrong unless it does harm. [If W, then H]

2P2) Implementing the risky policy is wrong. [W]

Therefore,

2C) Implementing the risky policy does harm. [H]

Arguments One and Two are both valid. All we can infer so far is that, given the truth of the person-affecting claim (= 1P1 = 2P1), W and H must stand or fall together: we cannot affirm one without committing ourselves to the other. To adjudicate between these two possible arguments, we must ask whether we are more confident that the risky policy is harmless than we are that it is wrong. If we are not, then we might conclude that perhaps it is harmful after all.

Bennett devotes much effort to criticizing the claim that the risky policy does ‘impersonal harm’.[[18]](#footnote-18) These arguments, it seems, are intended to drive us to accept Argument One, rather than Argument Two. However, the risky policy might be harmful in other ways, for instance we might adopt a non-comparative account of personal harm.[[19]](#footnote-19) Moreover, it is possible to defend W without H, by rejecting the person-affecting claim:

*Argument Three*

3P1) Implementing the risky policy is wrong. [W]

3P2) Implementing the risky policy does no harm. [¬H]

Therefore,

3C) It is not the case that an action cannot be wrong unless it does harm. [¬(If W, then H)]

Bennett suggests that the NIP leads us to 1C, but we now see there are two alternative arguments – with corresponding conclusions (2C and 3C) – that we might accept instead. It is, therefore, misleading to claim that “the Non-Identity Problem provides a clear refutation of PPB.”[[20]](#footnote-20) Bennett thinks the best response to the NIP is to embrace Argument One, but others have preferred to embrace either Argument Two (holding that the risky policy is in fact harmful) or Argument Three (denying the person-affecting claim). While Bennett does criticise the notions of impersonal harm and non-comparative harm, thereby rejecting Argument Two, she does not argue against the possibility of harmless wrongdoing, which leaves Argument Three a live possibility.[[21]](#footnote-21) Ironically, her preference for Argument One, rather than Argument Three, seems to rest on little more the intuition that harmless acts cannot be morally wrong.[[22]](#footnote-22)

**Responses to the Non-Identity Problem**

The NIP shows that we cannot simultaneously maintain three attractive claims. Once we affirm any two of these claims, an argument can be constructed to show that we must deny the third. Bennett accepts Argument One, conceding that risky policy cannot be wrong because no one is harmed. This seems counterintuitive, but *any* escape from the trilemma involves accepting something otherwise unpalatable. This choice is an embarrassment only if it is less plausible than accepting one of the alternative conclusions, *viz*. that risky policy is harmful or that actions can be wrong though harmless. The question is how to choose between these three options.

Here, we must appeal to intuition. It might be thought that this is exactly what Bennett rejects, since she criticises Savulescu and Harris for rejecting what she takes to be the conclusion of the NIP (i.e. Argument One) “on the basis of intuition rather than reason.”[[23]](#footnote-23) However, it is impossible to avoid *any* appeal to intuition; indeed, Bennett also appeals to intuitions, when she writes that “the very intuitions that attract us *to* this possible explanation [*sc*. impersonal harm as an explanation for the wrongness of risky policy] also repel us *from* this explanation. Intuitively we find it difficult to understand how something can be wrong when it doesn’t affect the welfare of individuals.”[[24]](#footnote-24) It seems that what Bennett objects to is ‘mere’ appeal to intuition, unsupported by argument. Her charge, against Harris and Savulescu, is that they fail to provide such supporting argument; PPB is “supported by *little more* than intuition”.[[25]](#footnote-25)

Bennett is right that intuitions alone are of limited use in moral theorising. However, it would be surprising if Savulescu relied on intuitions alone to support PPB. First, because PPB is clearly *not* a widely accepted or intuitive principle, as shown by its many critics.[[26]](#footnote-26) I suspect that most people’s intuitions support either absolute parental liberty or, at least, parental liberty above some fairly minimal threshold ensuring that the child has a ‘worthwhile life’.[[27]](#footnote-27) Second, because Savulescu and Harris both work within a broadly consequentialist framework which is often dismissive of pre-theoretical intuitions.[[28]](#footnote-28)

Of course, Bennett does not claim that Savulescu offers *no* arguments in support of PPB, only that his arguments lack theoretical foundations. Let me briefly recap Savulescu’s arguments. First, Savulescu invites his reader to consider a choice between two boxes with random sums of money, knowing only that $100 may have been removed from box B. This example is intended to show that we “should use all the available information and choose the option most likely to bring about the best outcome” even where the information we have is very little.[[29]](#footnote-29) Next, Savulescu offers a supposedly analogous case, where parents must choosing between two embryos, knowing only that embryo B may have asthma.[[30]](#footnote-30) Again, Savulescu contends, one should choose A rather than B, because, given what little information is available, there is something favouring this choice and nothing against it. Savulescu then asserts that the best explanation for this judgement it is not that we have reason to prefer ‘normal human functioning’ to disability, but that asthma would lower the child’s quality of life.[[31]](#footnote-31) Thus, parents have much the same reason to prefer A to B where A is above normal and B ‘merely’ normal as they do where A is normal and B sub-normal.

It is only after these analogical arguments that Savulescu introduces his Parfitian cases, including risky policy (which he terms ‘Nuclear Accident’). The purpose of these cases is *not* to support PPB directly but rather to pre-empt Bennett’s criticism. The lesson that Savulescu draws from these cases is that “If we object to the [risky policy] (which most of us would), then we must appeal to some form of harmless wrong-doing. That is, we must claim that a wrong was done, but no one was harmed. We must appeal to something like the Principle of Procreative Beneficence.”[[32]](#footnote-32) I take it that ‘something like’ PPB in the last sentence cannot be referring to the particular content of PPB, which has no bearing on the risky policy. Rather, Savulescu’s point seems to be that our commonly-held moral judgements in other cases already presuppose the possibility of harmless wrong, so it cannot be an objection to PPB in particular that it does so. Note that Savulescu’s point is conditional; one may deny that risky policy is wrong but, if it is, then we seem committed to the possibility of harmless wrongs. While the person-affecting claim appears intuitively plausible, so too are the claims that risky policy is both harmless and wrong, as Bennett acknowledges.[[33]](#footnote-33) The question, then, is which intuition to drop.

**Against Argument One**

The argument that risky policy is not wrong, Argument One, requires as its premises the person-affecting claim (1P1) and the claim that risky policy does not harm anyone (1P2). Volumes could be written on each of these, but I believe that each premise, in isolation, is plausible. The difficulty, I suggest, lies in finding an account of harm such that both are plausible at once; Argument One’s apparent soundness may rest upon equivocation over ‘harm’.[[34]](#footnote-34)

Reconceptualising Harm

Let us consider, first, the person-affecting claim. If one’s understanding of harm is broad enough, then the claim that all wrongs involve harm may become a truism. For instance, some, including Plato, have held that we always harm ourselves by acting immorally.[[35]](#footnote-35) If so, then no action can be wrong without some harm being caused, because the wrongdoer is always harmed. But, while this justifies 1P1, it offers little support for the conclusion, because it undermines 1P2: if risky policy is wrong, those implementing it harm themselves. Similarly, a ‘moralised’ notion of harm makes 1P1 plausible, but only by counting something as harmful because it is wrong, again undermining 1P2.[[36]](#footnote-36) Thus, one way of maintaining the person-affecting claim would be to adopt a broader conception of harm.

This is Harris’s approach: “to be harmed is to be put in a condition that is harmful… [that is] one in which the individual is disabled or suffering”.[[37]](#footnote-37) Harris holds that certain conditions, such as suffering, are intrinsically harmful. That is, he proposes a non-comparative account of harm, according to which the judgement that one is harmed does not rest on any comparison to how well-off one might have been.[[38]](#footnote-38) Whether or not this is defensible, it is importantly different from invoking impersonal harm; on Harris’s view, the deaf child is harmed (this is person-affecting), even though she could not have been born in any other condition.

Bennett recognises that “Harris is claiming that a disability, such as deafness, is a harm in itself”.[[39]](#footnote-39) Nonetheless, she goes on to say that “We should not act to make people worse off than they could have been”.[[40]](#footnote-40) This appeal to a comparative notion of harm seems either irrelevant (if it merely supplements Harris’s claim) or question-begging (if it is assumed that *only* comparative harms matter morally). However, some of Bennett’s other remarks suggest that she may also be committed to the existence of non-comparative harms. She suggests it would be morally wrong to bring a child into existence if their life was filled with unbearable suffering. Thus, she holds that selection is only morally indifferent when it is between worthwhile lives: “So long as we expect the lives to be created to be worthwhile (i.e. not dominated by pain and suffering) then it is a matter of moral indifference which lives we choose to bring to birth”[[41]](#footnote-41) and “As long as we are choosing between fetuses that are expected to have worthwhile lives, whichever one we choose, no individual has been harmed”.[[42]](#footnote-42) However, it is not clear what justifies restricting her moral indifference claim to choice between worthwhile lives, unless it is the thought that a life not worth living represents a non-comparative harm.

On a comparative account of harm, even the child in unbearable suffering is not harmed, because they are not worse-off than they would have been (there is nothing to compare to). One might reply that non-existent people have zero wellbeing, so people are harmed (in a comparative sense) if they are brought into existence with negative wellbeing.[[43]](#footnote-43) However, it seems mistaken to attribute zero wellbeing to non-existent people.[[44]](#footnote-44) Moreover, if one takes this view, then one *can* judge risky policy to be wrong, if it leads anyone to have a life not worth living. Bennett does not say anything that commits her to this view.

If it would be wrong to create a child who will have a life of unbearable suffering, and something can only be wrong if it causes harm, then creating a child who will have a life of unbearable suffering must cause harm. If this harm cannot be an impersonal harm, or a personal comparative harm, then it must be a personal non-comparative harm. Thus, it seems that Bennett is committed to this notion by her judgement that creating such children would be wrong (along with her rejection of both impersonal harm and harmless wrongdoing). If this is so, then the difference between her and Harris is simply that he considers more conditions to be intrinsically harmful than Bennett does. But, once we accept that certain conditions, such as unbearable suffering, are intrinsically harmful, why not accept that lesser degrees of suffering or disability are also intrinsically harmful, albeit less harmful? Bennett could dismiss Harris’s position if she were to reject the notion of non-comparative harm altogether but, since she seems committed to it herself, I do not see how she can criticise Harris for this. The difference between Bennett and Harris appears to be one of degree, not kind.

This applies only to Bennett’s criticism of Harris. Savulescu defends a more radical obligation to select children with the best life possible. It is implausible to suggest that a child with a very good life is in an ‘intrinsically harmed’ position (and all the more so to claim that the truth of this depends on whether the parents had an even better child available). Bennett’s criticisms still have force against Savulescu, so let us consider the other premise of Argument One.

Harmless Wrongs

Suppose we adopt a definition of harm on which it is clear that risky policy does *not* cause harm – for instance, we assume that all harm must be personal and comparative. With these assumptions, 1P1 (the person-affecting claim) is less plausible, precisely because it precludes us from judging risky policy and similar acts wrong. Consider what we may say about the following examples:

*Drunk-Driving*: Someone drives along the public highway after excessive alcohol consumption, thereby endangering other road-users. Fortunately, they do not hit anyone.

*Trespass*: Someone breaks in to your house and takes a nap in your bed. They do not damage anything and you never find out.[[45]](#footnote-45)

*Deathbed Promise*: You promise your dying mother that you will perform an easy task that is of great importance to her, but you do not do so.

*Scrooge*: A wealthy individual gives nothing to charity, though they could benefit the needy at no real cost to themselves.

All these cases, I submit, are intuitively wrong. Indeed, it seems much clearer that they are wrong than that they are harmful. One might reply that these actions are tokens of types that are often harmful. Perhaps we should blame the drunk-driver or the trespasser because their actions *could* have caused harm. But that would not justify us in thinking that *all* drink-driving is wrong, only that all risk doing wrong (and perhaps should be punished).

A more sophisticated objection might be that our intuitive responses are not fine-grained enough to distinguish wrongful and non-wrongful acts, and thus we mistakenly assume that all such acts are wrongful, though in truth only harmful cases are. This is a possibility but, while I do not think intuitions are sacrosanct, I think we need to be given reasons to abandon them.[[46]](#footnote-46) Simply asserting the person-affecting principle is not, in my estimation, sufficient grounds to overturn our intuitions, because this principle is far less obvious than the intuitions it seeks to overturn.

If we are wedded to the person-affecting principle, then we might be able to find some possible harm in each case, to vindicate our judgement of wrongness. For instance, we might say that to break a promise to someone harms them, even if they never find out, because we have an interest in having promises made to us kept. But this puts the cart before the horse, gerrymandering the concept of harm to preserve a prior theoretical commitment to the person-affecting claim. I have no principled objection to such an approach but, as shown in the previous sub-section, preserving 1P1 by adopting a broader notion of harm threatens to undermine 1P2: it is no longer obvious that risky policy does no harm. However, as such examples multiply, it seems far simpler to jettison the person-affecting claim. Just as we can harm people without doing wrong (e.g. self-defence), so we can wrong them without doing harm (e.g. trespass).

Thus, we can preserve the intuition 1P2 that risky policy is harmless, and the intuition that it is wrong (1C), by rejecting 1P1. That is, we can take the NIP as leading us to Argument Three. To be sure, this does not show that PPB is a genuine moral obligation (I am not convinced that it is[[47]](#footnote-47)), but we cannot exclude the possibility *a priori*, simply because it is harmless. This seems to be Savulescu’s position, when he invokes harmless wrongdoing.

**Is Morality the Issue?**

Bennett might respond that this is still no more than unsupported intuition; while we might *hope* to uncover a Theory X that vindicates these intuitions, we cannot simply assume that there is such a theory and ought not to rely on it in the meantime. This is a matter of moral methodology. I am inclined to think that we have more certainty about our particular moral judgements than about any theory that supposedly underlies them, but these larger questions cannot be settled here. Nonetheless, Bennett might reply that I am simply begging the question by supposing that we do indeed have *moral* obligations in these cases. Perhaps we *prefer* to keep deathbed promises, rather than break them, but why assume that this preference is in any way moral?[[48]](#footnote-48)

At this point, we need some account of the difference between moral judgements and mere preferences, and of why it matters.[[49]](#footnote-49) Bennett says relatively little about this, so some reconstruction is necessary, but if I understand correctly her view is as follows. What Bennett calls (mere) preferences are matters of personal taste; I might prefer tea to coffee, while you prefer coffee to tea, but ordinarily neither of us need feel any inclination to regard the other’s taste on such matters as mistaken, defective, or something that should be changed. *De gustibus non est disputandum*, as they say.

Matters are different when it comes to moral preferences.[[50]](#footnote-50) If I say that X is morally preferable to (or better than) Y, then I am not simply expressing my personal tastes, but making some kind of ‘objective’ value judgement that I expect others to agree with. If you disagree, then I must regard you as in some sense mistaken. Thus, Harris’s claim that a world without disability is *morally* preferable to one with disability suggests that all of us – if we reason correctly – should share this preference. This, I think, captures a central part of moral phenomenology.[[51]](#footnote-51) Moreover, I think this explains why Bennett holds that a mere personal preference for one’s children to be non-disabled is untroubling, but the claim that this is a *moral* obligation is worrying.[[52]](#footnote-52)

However, if this correctly diagnoses Bennett’s worry, then I think she is wrong to focus on whether PPB is a moral issue, since some non-moral claims exhibit a similarly ‘categorical’ structure. Consider claims like ‘Mozart is a better composer than Salieri’ or ‘Robert Burns is a better poet than William McGonagall’.[[53]](#footnote-53) Such claims do not simply express my personal tastes (indeed I might say this even though I personally prefer Salieri); rather, they purport to describe truths about what we have reason to value. I expect others to agree and think them mistaken if they do not.[[54]](#footnote-54) Let us call these ‘categorical preferences,’ the hallmark of which is that they purport to track some objective value and therefore command universal assent. Such preferences, though not necessarily moral, are not simply matters of personal taste.

Whether or not all moral judgements are categorical, it seems that not all categorical preferences are moral; as the aforementioned examples illustrate, many aesthetic judgements share this categorical structure. If this is so, Bennett draws a false dichotomy between matters of morality and merely personal (i.e. non-categorical) preferences. We cannot assume that any non-moral choice is a mere personal preference, for it might be something else (like a categorical aesthetic judgement). Of course, one might term any non-moral choice a ‘preference’, but we cannot then assume that these preferences are purely subjective and not categorical.

Bennett worries that, if we accept Harris and Savulescu’s claims, then we are committed to thinking that the lives of disabled people are less morally valuable.[[55]](#footnote-55) I think reason to worry is that it is not merely a personal preference but a categorical one, that others should share. If this is so, whether it is moral is unimportant; is it not similarly worrying to claim that the lives of disabled people are less *aesthetically* valuable? One might reply that it is *less* worrying, since moral value always trumps aesthetic value. But, even if moral value does trump aesthetic value this would still seem to imply that the lives of disabled people are less valuable all things considered, since non-disabled lives will have the sam­­e moral value and more aesthetic value. Further, even if this view is *less* worrying, I think it is still worrying and for much the same reasons. It is one thing to say that one’s own preference would be for a non-disabled child, if one had the choice, but another thing entirely to say that this is the choice that anyone else should make if they reason correctly, and they are somehow mistaken if they do not share this preference.

If what is troubling about Harris and Savulescu’s pro-selection claims is that they assert *categorical* reasons for this preference, then they need not be moral in order to be troubling. Thus, even if we accept Bennett’s argument that PPB is not a moral obligation, it may still be troubling, for her argument does not show PPB to be a ‘mere’ (i.e. non-categorical) preference, rather than a non-moral categorical preference. Showing that our preference cannot be moral fails to show that it is non-categorical or unproblematic.

**Conclusion**

Bennett claims that we have no reason to accept purported moral duties to select ‘better’ children, because we lack a moral theory that could provide foundations for such duties. She appears to hold that (P1) a preference for non-disabled children would be problematic only if it was a moral preference, but (P2) it cannot be a moral preference, so (C) it is not problematic. I think that she is wrong about both these premises.

I have argued that she is too quick to dismiss the notions of non-comparative harm and harmless wrongs, since these enjoy much the same intuitive support as the person-affecting principle. Thus, I suggest that PPB *could* be a moral duty (without claiming that it is in fact such a duty).[[56]](#footnote-56) However, even if I am wrong about this, showing that PPB is not a moral duty does not show that it is a mere personal preference (and therefore unproblematic). It might nonetheless be a non-moral categorical preference and thus still supposedly have the problematic implication that disabled lives are less valuable than non-disabled lives. If Bennett’s worry is well-founded, her arguments against PPB are of little comfort.

**Acknowledgements** The first draft of this piece was written during a period of research leave from the University of Stirling. I thank my former colleagues, particularly Antony Duff, Brian Ho, Simon Hope, and Sandra Marshall, and two anonymous reviewers, for comments on that earlier version.

1. J. Savulescu. Procreative Beneficence: Why We Should Select the Best Children. *Bioethics* 2001; 15: 413-426. [↑](#footnote-ref-1)
2. M. Sandel. 2009. *The Case against Perfection: Ethics in the Age of Genetic Engineering* (Cambridge, MA: Belknap Press of Harvard University Press). [↑](#footnote-ref-2)
3. R. Bennett. The Fallacy of the Principle of Procreative Beneficence. *Bioethics* 2009; 23: 265-73. This argument is criticised in P. Herissone-Kelly. Wrongs, Preferences, and the Selection of Children: A Critique of Rebecca Bennett’s Argument against the Principle of Procreative Beneficence. *Bioethics* 2012; 26: 447-54, though Bennett has since developed her position further (see notes 5 and 6). [↑](#footnote-ref-3)
4. This means we may need to focus on how such choices affect existing others, rather than on the life of the child selected. For such principles, see J. Elster. Procreative Beneficence – Cui Bono? *Bioethics* 2011; 25: 482-8 and T. Douglas and K. Devolder. Procreative Altruism: Beyond Individualism in Reproductive Selection. *Journal of Medicine and Philosophy* 2013; 38: 400-419. [↑](#footnote-ref-4)
5. R. Bennett. There Can Be No Moral Obligation to Eradicate All Disability. *Cambridge Quarterly of Healthcare Ethics* 2014; 23: 30-40. [↑](#footnote-ref-5)
6. R. Bennett. When Intuition is Not Enough. Why the Principle of Procreative Beneficence must Work much Harder to Justify its Eugenic Vision. *Bioethics* [forthcoming]. [↑](#footnote-ref-6)
7. Bennett, *op. cit.* note 6, m/s p. 2. See also Bennett, *op. cit.* note 5, p. 39. [↑](#footnote-ref-7)
8. D. Parfit. 1984. *Reasons and Persons* (Oxford: Oxford University Press), p. 370. [↑](#footnote-ref-8)
9. Parfit, *op. cit.* note 8, pp. 357-9. [↑](#footnote-ref-9)
10. Savulescu, *op. cit.* note 1, pp. 417-8; drawing on Parfit, *op. cit.* note 8, pp. 371-2. [↑](#footnote-ref-10)
11. Savulescu, *op. cit.* note 1. [↑](#footnote-ref-11)
12. Bennett, *op. cit.* note 6, m/s, p. 2. [↑](#footnote-ref-12)
13. What Bennett, *op. cit.* note 6, m/s, p. 2, calls the person-affecting claim, following Parfit *op. cit.* note 8, p. 370, 393-4. Note that ‘person’ here might cover any being of moral significance including, perhaps, non-human animals or groups. [↑](#footnote-ref-13)
14. This analysis is inspired by G. A. Cohen. *On the Currency of Egalitarian Justice, and Other Essays* (Cambridge, MA: Harvard University Press, 2013), p. 232. Melinda Roberts gives a similar analysis of the NIP in her Stanford Ecyclopedia entry, <http://plato.stanford.edu/archives/fall2013/entries/nonidentity-problem/>. [↑](#footnote-ref-14)
15. Bennett, *op. cit.* note 6, m/s, p. 3. [↑](#footnote-ref-15)
16. Bennett, *op. cit.* note 6, m/s, p. 3. [↑](#footnote-ref-16)
17. Note that ‘harm’ is intended as a placeholder to be filled out by one’s preferred account of harm. I will go on to argue, below, that there is no account of harm such that 1P1 and 1P2 are both plausible. If we understand ‘harm’ broadly, 1P1 is plausible, but 1P2 is no longer obvious. On a narrower understanding of ‘harm’, 1P2 is plausible, but 1P1 is no longer obvious. [↑](#footnote-ref-17)
18. Bennett, *op. cit.* note 3, pp. 267-70 and *op. cit.* note 6, m/s, pp. 5-6. [↑](#footnote-ref-18)
19. Bennett, *op. cit.* note 6, m/s, p. 8 appears to consider this a form of impersonal harm. [↑](#footnote-ref-19)
20. Bennett, *op. cit.* note 6, m/s, p. 2. [↑](#footnote-ref-20)
21. According to Roberts, *op. cit.* note 14, this is actually the most common response. [↑](#footnote-ref-21)
22. Albeit an intuition at a different level. See D.O. Brink. Principles and Intuitions in Ethics: Historical and Contemporary Perspectives. *Ethics* 2014; 124: 665-94, at p. 670. [↑](#footnote-ref-22)
23. Bennett, *op. cit.* note 6, m/s, p. 4. [↑](#footnote-ref-23)
24. Bennett, *op. cit.* note 6, m/s, p. 6. See also Bennett, *op. cit.* note 5, p. 36. [↑](#footnote-ref-24)
25. Bennett, *op. cit.* note 6, m/s, p. 2 (emphasis added). See also Bennett, *op. cit.* note 5, p. 37. [↑](#footnote-ref-25)
26. For example, I. de Melo-Martín. On our Obligation to Select the Best Children: A Reply to Savulescu. *Bioethics* 2004; 18: 72-83; P. Herissone-Kelly. Procreative Beneficence and the Prospective Parent. *Journal of Medical Ethics* 2006; 32: 166-9; S.E. Stoller. Why we are Not Morally Required to Select the Best Children: A Response to Savulescu. *Bioethics* 2008; 22: 364-9; R. Sparrow. A Not-So-New Eugenics. *Hastings Center Report* 2011; 41: 32-42. [↑](#footnote-ref-26)
27. E.g. M. Parker. The Best Possible Child. *Journal of Medical Ethics* 2007; 33: 279-83. [↑](#footnote-ref-27)
28. E.g. P. Singer. Ethics and Intuitions. *Journal of Ethics* 2005; 9: 331-52. [↑](#footnote-ref-28)
29. Savulescu, *op. cit.* note 1, p. 414. [↑](#footnote-ref-29)
30. Savulescu, *op. cit.* note 1, p. 416. [↑](#footnote-ref-30)
31. Savulescu, *op. cit.* note 1, p. 417; see also J. Savulescu and G. Kahane. The Moral Obligation to Create Children with the Best Chance of the Best Life. *Bioethics*, 2009; 23: 274-90, pp. 284-9. [↑](#footnote-ref-31)
32. Savulescu, *op. cit.* note 1, p. 418, quoted by Bennett, *op. cit.* note 6, m/s, p. 4. Note that, *pace*-Bennett, Savulescu appeals to harmless wrong-doing (denying the person-affecting claim), rather than impersonal harm. [↑](#footnote-ref-32)
33. Bennett, *op. cit.* note 6, m/s, pp. 3-4 and 6. [↑](#footnote-ref-33)
34. Bennett appears to assume that ‘personal’ harm is unproblematic, but see B. Bradley. Doing Away with Harm. *Philosophy and Phenomenological Research* 2012; 85: 390-412. [↑](#footnote-ref-34)
35. E.g. Plato. 1992. *Republic*, trans. G.M.A. Grube and C.D.C. Reeve (Indianapolis: Hackett), 589d. [↑](#footnote-ref-35)
36. Bradley, *op. cit.* note 34, p. 410. [↑](#footnote-ref-36)
37. J. Harris. 1998. *Clones, Genes, and Immortality* (Oxford: Oxford University Press), p. 109. Quoted by Bennett, *op. cit.* note 5, p. 32. [↑](#footnote-ref-37)
38. For another example of such an account, see E. Harman. Harming as Causing Harm. In: M. Roberts and D. Wasserman, eds. *Harming Future Persons: Ethics, Genetics and the Nonidentity Problem* (Dordrecht: Springer, 2009), pp. 137-54. [↑](#footnote-ref-38)
39. Bennett, *op. cit*. note 5, p. 33. [↑](#footnote-ref-39)
40. Bennett, *op. cit.* note 5, p. 34. [↑](#footnote-ref-40)
41. Bennett, *op. cit.* note 3, p. 269. [↑](#footnote-ref-41)
42. Bennett, *op. cit.* note 5, p. 38. [↑](#footnote-ref-42)
43. E.g. J. Feinberg. Wrongful Life and the Counterfactual Element in Harming. *Social Philosophy & Policy* 1986; 4: 145-78 at pp. 158-9. [↑](#footnote-ref-43)
44. O.J. Herstein. Why ‘Nonexistent People’ Do Not Have Zero Wellbeing but No Wellbeing at All. *Journal of Applied Philosophy* 2013; 30: 136-45. [↑](#footnote-ref-44)
45. A. Ripstein. Beyond the Harm Principle. *Philosophy & Public Affairs* 2006; 34: 215-45. [↑](#footnote-ref-45)
46. This often coming through ‘reflective equilibrium.’ See Brink, *op. cit.* note 22, pp. 676-80. [↑](#footnote-ref-46)
47. B. Saunders. Is Procreative Beneficence Obligatory? *Journal of Medical Ethics* forthcoming doi:10.1136/medethics-2013-101711. [↑](#footnote-ref-47)
48. Bennett, *op. cit.* note 3, p. 271. [↑](#footnote-ref-48)
49. Though note that Savulescu does not distinguish moral and non-moral reasons. His failure to do so is criticised by R. Sparrow. Procreative Beneficence, Obligation, and Eugenics. *Genomics, Society and Policy* 2007; 3: 43-59 at pp. 46-7 and A. Hotke. The Principle of Procreative Beneficence: Old Arguments and a New Challenge. *Bioethics* 2014; 28: 255-62 at p. 261. [↑](#footnote-ref-49)
50. It might be suggested that morality is a matter of judgement, rather than preference. I follow Bennett (e.g. *op. cit.* note 5, p. 38) in talking of ‘moral preferences’ (and more generally of categorical preferences), but this is purely terminological. [↑](#footnote-ref-50)
51. Even some who deny that moral claims are truth-apt recognise their claims to universal assent; see R. M. Hare. 1952. *The Language of Morals* (Oxford: Oxford University Press). [↑](#footnote-ref-51)
52. See Bennett, *op. cit.* note 4, pp. 270-2 and note 5, pp. 37-8. [↑](#footnote-ref-52)
53. I thank Adam Booth, Peter Milne, and Mark Thakkar for these examples. [↑](#footnote-ref-53)
54. Compare D. Hume. Of the Standard of Taste. In: E.F. Miller, ed. 1985. *Essays: Moral, Political and Literary.* (Indianapolis: Liberty Fund), pp. 226-49. [↑](#footnote-ref-54)
55. Bennett, *op. cit.* note 3, pp. 270-1, and note 5, pp. 37-8. I am not entirely convinced, but will accept this for sake of argument. For doubts about such claims, see J. Lindemann Nelson. Prenatal Diagnosis, Personal Identity, and Disability. *Kennedy Institute of Ethics Journal* 2000; 10: 213-28 and A. Buchanan. Choosing Who Will be Disabled: Genetic Intervention and the Morality of Inclusion. *Social Philosophy & Policy* 1996; 13: 18-46. [↑](#footnote-ref-55)
56. See Saunders, *op.* *cit.* note 47. [↑](#footnote-ref-56)