**First, Do No Harm: Generalised Procreative Non-Maleficence**

*Abstract:*

*New reproductive technologies allow parents some choice over their children. Various moral principles have been suggested to regulate such choices. This paper starts from a discussion of Julian Savulescu’s Principle of Procreative Beneficence (PPB), according to which parents ought to choose the child expected to have the best quality of life, before combining two previously separate lines of attack against this principle. First, it is suggested that the appropriate moral principles of guiding reproductive choices ought to focus on general wellbeing rather than prioritising that of the child and, second, that they ought to be non-maximising (e.g. seeking the ‘good enough’ or to avoid harm). Though neither of these suggestions is entirely novel, combining them results in a new, and arguably more plausible, principle to regulate procreative choices, which I call the Principle of Generalised Procreative Non-Maleficence (PGPNM). According to this principle, the primary obligation on parents is not to cause harm to other people through their reproductive choices.*

*Keywords:*

*Altruism; Beneficence; Enhancement; Procreation; Reproductive Choice; Savulescu; Selection.*

For much of human history, those who reproduce have had little or no control over their offspring. However, new reproductive technologies, such as In Vitro Fertilisation (IVF) and Pre-implantation Genetic Diagnosis (PGD), mean that reproducers can now exert some control over the children that they have. While this is currently limited, new technological breakthroughs might give prospective parents still greater choice over their children. This raises moral questions about procreative choices.[[1]](#endnote-1) My focus is on what moral principles might apply to the selection of children. Saying that some choices are morally superior to others does *not* entail that reproductive choices should be restricted, by the state or any other agent.[[2]](#endnote-2) A right to reproductive autonomy may prohibit such interference, even where the choices deserve moral condemnation.

I begin by considering one well-known proposal: the Principle of Procreative Beneficence (PPB).[[3]](#endnote-3) According to the PPB, reproducers ought to choose the children with the best expected quality of life. This principle has been criticised in various ways but, for present purposes, two particular lines of attack are relevant. First, some have rejected the PPB’s maximising focus, arguing that parents need only choose ‘good enough’ children. A second line of argument has it that parents should consider not only the wellbeing of the child, but also how the child created will affect others. I believe there is merit in both of these proposals but, so far, they have only been developed independently. I argue that these two insights should be combined.

The paper begins with a typology of reproductive principles. Procreative principles may be either individualistic (focusing only on the child) or generalised (focusing on others) and they may also be either maximising or satisficing. These two distinctions are cross-cutting, giving four possibilities: individualistic maximisation; generalised maximisation; individualistic satisficing; and generalised satisficing. The PPB is both individualistic and maximising, placing it in the top-left quadrant of Figure 1 (below). Critics of its individualistic focus generally propose principles in the top-right quadrant, which are still maximising but concerned with general benefit. Conversely, critics of its maximising have generally defended principles in the bottom-left quadrant, which still focus on the individual child. Consequently, little attention has been given to the bottom-right quadrant.

The first contribution of this paper is to draw attention to this conceptual space. Furthermore, I argue that a principle in this space is not merely a conceptual possibility, but one that we ought to take seriously. I propose such a principle, according to which reproductive choices ought not to harm others, and argue that this obligation is more weighty than the PPB. While this comparative argument does not, of course, establish that my proposed alternative is true, it shows that we should take it seriously.

**Figure 1. A typology of procreative principles:**

Maximising principles

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| 1. Procreative Beneficence (Savulescu) | 2. Procreative Altruism (Douglas and Devolder) or Generalised Beneficence (Elster)  Generalised principles |
| 3. Procreative Non-maleficence (Baldwin; Parker)  Individualistic principles | 4. Generalised Procreative Non-maleficence |

Satisficing principles

**Procreative Beneficence and its Alternatives**

According to the PPB, reproducers have a duty to select the child with the best expected quality of life. This has been criticised on various grounds, not all of which concern us here.[[4]](#endnote-4) However, it is instructive to consider two prominent alternatives to the PPB.

First, some object to the PPB’s focus on ‘the best’ child, suggesting that the principles governing reproductive choices take a satisficing, rather than maximising, form.[[5]](#endnote-5) On such views, reproducers need only ensure that their prospective children will lead ‘good enough’ lives. This adequacy threshold may be set at various levels. A weak satisficing principle may require only that the child have a worthwhile life, whereas a more demanding principle might require that the child have a good life, though not necessarily the best. What these proposals have in common is that they do not require reproducers to choose the best, even if it can be identified. Savulescu responds that it is irrational to choose a lesser good when a better option is available.[[6]](#endnote-6) This may be true as a principle of rationality, but it is not clear that we are *morally* *required* to choose the best; this choice might be supererogatory.[[7]](#endnote-7)

Other critics of the PPB object to its focus on the child, rather than the rest of society. The alternative proposed here is that reproducers should consider the effect their child will have on others. Elster terms this ‘General Procreative Beneficence’, while Douglas and Devolder refer to much the same idea as ‘Procreative Altruism’.[[8]](#endnote-8) While contributing to the good of others is not necessarily inconsistent with personal wellbeing, this may have different implications than the individualist PPB. For example, parents might have reason to choose a child with type O negative blood, making them a universal donor, though the child’s own interests would be better served if they have type AB positive blood, making them a universal recipient.[[9]](#endnote-9) Generalised benevolence, or procreative altruism, and the PPB are proposed as *pro tanto* principles.[[10]](#endnote-10) Thus, whereas the satisficing alternatives considered in the previous paragraph are intended to replace the PPB, these generalised alternatives are usually seen as supplements to it.

The proposal defended here draws upon both of these alternatives. I suggest that prospective parents should consider the interests of others, rather than only the child, but that they need only avoid harm to others, rather than being required to produce the greatest possible benefit. I refer to this as the Principle of Generalised Procreative Non-Maleficence (PGPNM), emphasising both the focus on avoiding harm (non-maleficence) and that principle is concerned with others, rather than the child created (generalised). This latter feature distinguishes this proposal from Thomas Baldwin’s requirement of procreative non-maleficence, which focuses on not making the chosen child’s life worse than the life of one who would have been born without intervention.[[11]](#endnote-11) However, some clarification is needed here.

Importantly, ‘do no harm’ is not to be interpreted too literally. We are ordinarily permitted to do many things that may setback others’ interests. For instance, driving one’s car, even exercising due care and attention, imposes some risk on others. These risks may be morally permissible for various reasons, such as because it promotes general utility for people to have these permissions, or because they can be universally willed, or because hypothetical contractors would agree to them (etc). So commonly accepted are these activities that we may not even regard them as harmful.[[12]](#endnote-12) More strictly, I mean we ought not to *wrongfully* worsen the situation of others. While this may sound tautologous, it is not my aim to offer a complete moral theory here; the PGPNM will need to be supplemented by other principles specifying what harms are and are not permissible. There is no reason to assume that these principles will take the status quo as enjoying any normative privilege. It may be permissible to make some worse off than they were, provided they do not fall below some threshold. Conversely, it may be required to improve the condition of others. Crucially, however, the appropriate concern for others takes a satisficing, rather than maximising, form.

I take it that the PGPNM enjoys intuitive plausibility, since it follows naturally from general moral injunctions against harming others. I argue that we should give the PGPNM more weight than the PPB. While this is compatible with rejecting both of them, I cannot consider all possible reproductive principles here. Showing that the PGPNM should be given more weight than the PPB, establishes that it should be taken seriously in reproductive ethics. Moreover, it suggests that, even if we accept both the PPB and PGPNM as *pro tanto* principles, the latter is more significant when they conflict. Thus, my argument largely consists in casting doubt on the PPB. The PGPNM emerges as a more credible alternative, since it accommodates the objections to the PPB.

**The PPB Lacks Moral Grounding**

I have already alluded to some alleged problems with the PPB. This section develops one particular problem: it is not clear what makes violations of the PPB wrong. I will argue that we should therefore give more weight, in our deliberations, to other considerations.

Suppose two prospective parents are undergoing IVF and choose to have PGD carried out on a selection of the embryos that they might implant. Assume, for simplicity, that most of the embryos have a high risk of some serious disease that rules them out of consideration. Only two embryos are clear of this risk. Either, if implanted, can be expected to lead a worthwhile life. However, while Embryo A appears healthy in all respects, Embryo B will suffer from a relatively minor condition, such as asthma.[[13]](#endnote-13) Though asthma will not make Embryo B’s life not worth living, all things considered, with this the only known difference between the two, the evidence suggests that Embryo B’s life is expected to be less good than Embryo A’s. What should think if the parents choose Embryo B? According to advocates of the PPB, choosing Embryo B is *prima facie* wrong, as it brings into existence a child whose expected quality of life is worse than that of some other child they could have been chosen. But *why* should this be wrong?

Certainly, its putative wrongness cannot be explained in terms of (personal) harm. The child that results from Embryo B is no worse off than he or she might otherwise have been, because the only alternative – had the parents chosen Embryo A – is that *this* child does not exist.[[14]](#endnote-14)

That no one is harmed leads Rebecca Bennett to assume that this cannot be a moral choice.[[15]](#endnote-15) This is not my claim. Bennett’s argument is a conceptual one; she thinks that an action *cannot* be wrong if it does not harm anyone. I disagree. Our common sense moral intuitions recognise many apparently harmless acts as wrong for various reasons.[[16]](#endnote-16) Thus, I do not think we can exclude the PPB’s claim to be a moral principle *a priori*. Rather, my worry is a substantive one. I think we can ordinarily explain, for any wrong action, *why* it is wrong. Though not all harmful actions are wrong, an action’s causing (non-consensual) harm is a good explanation of its wrongness. Unlike Bennett, I believe there are other wrong-making features, besides harm, which explain harmless wrongs. However, we still ought to be able to identify these wrong-making features. But I cannot identify any plausible wrong-making feature at play when parents choose Embryo B.

**Alternative Grounds of Wrongness**

One possible explanation for the wrongness of noncompliance with the PPB rests on the attitudes that parents thereby display. It might be suggested that parents should want what is best for their child(ren) and, therefore, that to choose a child likely to lead a worse life, rather than one expected to lead a better life, is to exhibit some deficiency as a parent. However, this is not obviously convincing as an explanation of the putative wrongness of choosing Embryo B. First, though we ordinarily accept that parents ought, other things equal, to want what is best for their children, this is a claim about what is best for *particular* children. It does not follow that parents ought to want the best children, which is the issue at hand. Indeed, one prominent criticism of the PPB is that parents who seek to select their offspring demonstrate deficiency as parents, because they ought to love their children unconditionally.[[17]](#endnote-17) Further, even if we accepted that parents ought to want the best child, this is not obviously explanatory, being rather too close to the duty that it is supposed to justify, without offering any deeper explanation for why a lack of such attitudes would be wrong.

Looking for other possible wrong-making characteristics of actions, besides harm, it is commonly held that an act is wrong if it takes unfair advantage of others, for instance by free riding on the benefits that others have contributed to.[[18]](#endnote-18) It might be assumed that this harms those people, by taking a benefit that they might otherwise have enjoyed, but this is not necessarily the case. When it comes to public goods, one person’s enjoying a benefit may not reduce what is available for others, while the costs of production have already been met. Moreover, if we consider sweatshops, workers are actually made better off than they would otherwise have been, though their conditions are still exploitative. Thus, taking unfair advantage of someone does not necessarily harm them, hence unfairness might be an independent wrong-making feature.

Could something like this explain what would be wrong about a failure to comply with the PPB? It does not seem promising. In the case of free riding, there are others who are taken advantage of or exploited, even if they are not harmed. These people might reasonably object to the way that they are treated. But it is not clear who could object to the conduct of parents who do not comply with the PPB. The child who is brought into existence cannot complain, since he or she would not otherwise exist. And the child who is not brought into existence cannot complain, because he or she does not exist. Nor does it seem that anyone else has standing to complain. Not only are third parties not harmed, but nor are they exploited or taken advantage of.

Perhaps the act is wrong without wronging any particular person. At this point, it may be helpful to distinguish between breaching a duty owed to no one in particular and breaching a directed duty, corresponding to someone’s right.[[19]](#endnote-19) Suppose I make a promise to you. Here, I do not simply have a duty to do whatever I promised to do; I *owe* this duty *to you*. My failure would not simply be wrong, it would also wrong you; you have a special complaint (and perhaps no one else has standing to complain at all).

Many have supposed that directed duties represent a particularly important ‘core’ of morality. Nonetheless, there may be a broader domain of morality, encompassing other duties that are not owed to other agents.[[20]](#endnote-20) Assuming we have some such duties, such as a duty not to torture animals for fun, it is not clear how these should be understood. One possibility is that the duty is owed to the animals, though they are not agents, but it is not clear whether non-agents can be wronged. Another possibility is that all of these duties are actually duties to ourselves, though the coherence of such duties is disputed.[[21]](#endnote-21) A third possibility is that these are non-directed duties, not owed to anyone or thing. To breach these duties may be wrong, but no one or thing in particular is wronged.

This may seem puzzling; how can an act be wrong, if no one is wronged?[[22]](#endnote-22) However, we pre-theoretically accept such cases. For instance, we may need to invoke something like this in order to explain a general duty to give to charity. Suppose, that each of us has a duty to give to charity, but no one has a right to receive charity. Thus, if I never donate to charity, I act wrongly, because I violate the general duty to do so. However, no particular individual is wronged, because no one was owed charity to begin with. Again, there are alternative explanations, such as that the duty to give to charity is really one that we owe to ourselves, rather than to the recipients of charity, or that we owe it to the needy to give to some charity, even if not to them. However, while such explanations may be consistent with pre-theoretical judgements about the *content* of our duties, I take it that they are radically revisionary about the *grounds* of those duties. Intuitively, the wrongness of my failure to give to charity is not grounded in it somehow wronging me, even if this notion is coherent.

Perhaps our moral intuitions are mistaken. There are certainly good reasons to be wary of relying on intuitions alone.[[23]](#endnote-23) Nonetheless, I believe that certain considered intuitions, such as the wrongness of torturing animals or not giving to charity, are reliable. If we are to explain these judgements, without being radically revisionary about their grounds, then we may need to invoke something like non-directed duties. While this is hardly a knockdown argument for the existence of such duties, I accept the *possibility* of such duties, unless given good reason to doubt it. Consequently, I accept the *possibility* that the PPB could be a genuine duty of this sort. But allowing that the PPB *could* be a moral duty is different from saying that it *is* a genuine moral duty. My claim here is that there is little reason for accepting the PPB, because it is unclear what might make noncompliance wrong.

**Intuitive Grounding**

Savulescu seeks to motivate the PPB by appeal to non-moral analogies, such as gambling on a Wheel of Fortune.[[24]](#endnote-24) He suggests that, if there is some reason to choose Embryo A over Embryo B, and no reason to prefer Embryo B, then it would be irrational and immoral to choose Embryo B. It is not universally accepted that this is true, even of rationality. David Hume famously remarked that it is not “contrary to reason to prefer even my own acknowledg’d lesser good to my greater”.[[25]](#endnote-25) I will grant, for the sake of argument, that *rationality* requires us to do what we have most reason to do. Still, it is not clear that *morality* requires us to do what we have most reason to do, as Savulescu suggests.[[26]](#endnote-26)

Suppose, for example, that I have some money languishing in a low interest savings account. Prudence may dictate that I move the money to another account, where it will earn more interest, but it hardly seems that I have a *moral* obligation to do this.[[27]](#endnote-27) Perhaps this misconstrues Savulescu’s intent. Maybe he meant that we have a moral obligation to do what we have most *moral* reason to do. But even this is contentious. Many think that it is possible to go beyond the call of duty. If this is so, then it may be that one has done all that is required, yet still true that what one has most moral reason to do is to do more.[[28]](#endnote-28) Thus, it may be that morality permits us to fall short of what is morally best.[[29]](#endnote-29) While some reject the possibility of supererogation, it is not uncontentious that we are always morally required to do what we have most moral reason to do.

So far, we have struggled to find any explanation of why noncompliance with the PPB might be wrong. It might be objected that it is a mistake to expect a justification, since the PPB is intended as a free-standing principle that ought to be accommodated within any plausible moral theory, rather than as itself the deliverance of one particular theory. Thus, it might be suggested, different theories may offer different justificatory grounds for the principle.

This highlights another respect in which my worries about the PPB differ from those of Bennett, who insists that we need a moral theory before we can endorse a principle such as the PPB.[[30]](#endnote-30) I accept that moral principles often enjoy an epistemological priority over general moral theories. We can ordinarily consider and endorse or reject principles, such as Singer’s principle of rescue, before we formulate an entirely general moral theory. Indeed, one test for the adequacy of a proposed theory will be whether it accommodates the principles that we pre-theoretically accept.

Principles are often proposed independently of any general theory. For instance, adherents of different theories might all accept a duty of easy rescue for various converging reasons. But, in these cases, there are many reasons to support the principle in question. My worry is that I do not see *any* promising way of grounding the PPB. Violations of the PPB lack obvious wrong-making features; for instance, they do not harm any individual or fail universalisation tests. Moreover, while these other principles are generally more certain that any particular theory, the PPB is obviously very controversial. I see little reason to accept that the PPB as a genuine moral duty and still less to regard it as weighty. Further, these considerations apply not only to the PPB, but to *any* individualistic procreative principle, focusing on the wellbeing of the child.

**Conflicting Principles**

Though I do not think we can exclude the possibility that the PPB is a genuine moral obligation, its status is at best uncertain. Moreover, since we have considered the main wrong-making possibilities, whatever makes noncompliance with the PPB wrong is unlikely to make it *seriously* wrong. Thus, if the PPB seems to conflict with other moral principles, which are both more certain and more important, the PPB should carry little weight.[[31]](#endnote-31) For instance, if the only way that two parents could comply with the PPB would be to steal the money needed to fund the necessary treatments, then I think they ought not to do so. Whether they must comply with the PPB is uncertain, but it is almost certainly wrong to steal (at least, in these circumstances). While moral uncertainty raises many thorny problems, it seems reasonable to think that, where there is a conflict between two putative moral obligations differing only in certainty, we ought to comply with the more certain one.[[32]](#endnote-32)

So far, I have argued that the PPB ought not to carry much, if any, weight in reproductive choices. These reasons also seem to extend to other individualistic principles. It remains to consider other principles that might conflict with the PPB. Of course, many principles may come in to contingent conflict with the PPB, such as duties not to lie or to steal, but these conflicts are only circumstantial. I will focus on other procreative principles.

We have already seen one alternative: the duty of generalised procreative beneficence (or procreative altruism). Recall that, according to this principle, parents should choose the child whose existence will make life better for other (already existing) people. This duty is easier to ground, since our procreative choices do affect, and potentially harm, particular others. Suppose, for example, that PGD revealed that one particular embryo was likely to do a great deal of harm to others. It seems that it would be wrong for the parents to choose this embryo, no matter how good its own life would be.

However, while principles of this general kind are plausible, it is still an open question how much is required of reproducers. If generalised procreative beneficence is, like the PPB, construed as a maximising principle, requiring parents to choose the child whose existence will be best for all others, then it is a very demanding principle. But we generally take our duties to others to be much more limited. In particular, it is ordinarily thought that we have stronger reasons to refrain from harming others than we do to benefit them.[[33]](#endnote-33) While I do not have any original argument against our being required to do more than we ordinarily think, I propose to accept the common intuition that our duties towards others are more limited. We are generally required not to harm others (subject to earlier caveats), but not necessarily to benefit them to the greatest extent possible. Absent any compelling reason to make an exception for reproductive choices, this seems to tell against any maximising form of benevolence, whether individualised or generalised.

I propose that parents have a *pro tanto* duty to choose a child that will not do harm (or will minimise harm[[34]](#endnote-34)) to other people. Suppose, for example, PGD revealed that Embryo B may suffer from asthma, but Embryo A will have psychopathic tendencies. Suppose that A’s life is expected to be better than B’s, but it would be better *for others* if Embryo B were chosen. Here, the PPB recommends choosing Embryo A (albeit that this *pro tanto* duty might be outweighed by other considerations), but the Principle of Generalised Procreative Non-Maleficence recommends choosing Embryo B.

While these two *pro tanto* duties are logically compatible, I have suggested that the latter is weightier, since to choose Embryo A would expose others to the risk of harm, whereas to choose Embryo B would not harm anyone. Thus, while the PPB *may* be a genuine moral principle, I suggest that it is easily outweighed. Parents should give much more weight to the interests of other people, not only because there are more of them, but also because other people may be exposed to personal harm, whereas the child chosen cannot be harmed. However, while we must avoid harming others, the generalised principle that I propose only demands non-maleficence, rather than positive acts of beneficence. Parents would not be required, for example, to choose a child with type O negative blood, even though it may be better for others if they did so.

What, exactly, parents must do to comply with the Principle of Generalised Procreative Non-Maleficence is not obvious. For example, it might be suggested that parents have an obligation not to choose a disabled child, since such a child may place additional costs on society.[[35]](#endnote-35) However, it might alternatively be argued that they should not to choose an able-bodied child over a disabled child, since doing so would send a signal that disabled lives are less valuable and this might harm other disabled people in the community. Clearly there are competing considerations here. What course of action avoids or minimises harm is an empirical question the answer to which can only be determined in particular circumstances. It is not my aim to draw practical implications from the Principle of Generalised Procreative Non-Maleficence. Rather, my contribution is to point to the neglected possibility of a principle that is both generalised *and* non-maximising. This principle is more promising than the PPB, because it is clear that we have obligations not to harm others.

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1. The present paper assumes, but does not argue for, this. It has been suggested that procreative choices are not subject to moral evaluation where they do not harm anyone; see Rebecca Bennett, ‘The fallacy of the principle of procreative beneficence’, *Bioethics* 23,5 (2009): 265-73. This is criticised by Peter Herissone-Kelly, ‘Wrongs, preferences, and the selection of children: a critique of Rebecca Bennett’s argument against the principle of procreative beneficence’, *Bioethics* 26,8 (2012): 447-54 and Ben Saunders, ‘Why procreative preferences may be moral – and why it may not matter if they aren’t’, *Bioethics* 29,7 (2015): 499-506. My argument here has certain similarities with Bennett’s, but also important differences. To anticipate, I allow that PPB *could* be a genuine moral obligation but, given the lack of obvious wrong-making features, doubt that it is actually is one. [↑](#endnote-ref-1)
2. On the role of the state, see Tim Fowler, ‘In defence of state directed enhancement’, *Journal of Applied Philosophy* 32,1 (2015): 67-81. It might be that state involvement is necessary to regulate collective action problems that would otherwise plague parental decision-making. On such problems, see Chris Gyngell and Thomas Douglas, ‘Stocking the genetic supermarket: reproductive genetic technologies and collective action problems’, *Bioethics* 29,4 (2015): 241-50 and Ben Saunders, ‘Procreative beneficence, intelligence, and the optimization problem’, *Journal of Medicine and Philosophy* 40,6 (2015): 653-68. I do not address the role of the state here. [↑](#endnote-ref-2)
3. The PPB was first proposed in Julian Savulescu, ‘Procreative beneficence: why we should select the best children’, *Bioethics* 15,5/6 (2001): 413-26 and further defended in Julian Savulescu and Guy Kahane, ‘The moral obligation to create children with the best chance of the best life’, *Bioethics* 23,5 (2009): 274-90. [↑](#endnote-ref-3)
4. Critics include Bennett op. cit. note 1; Inmaculada De Melo-Martín, ‘On our obligation to select the best children: A reply to Savulescu’, *Bioethics* 18,1 (2004): 72-83; Peter Herissone-Kelly, ‘Procreative beneficence and the prospective parent’, *Journal of Medical Ethics* 32,3 (2006): 166-69; Sarah E. Stoller, ‘Why we are not morally required to select the best children: A response to Savulescu’ *Bioethics* 22,7 (2008): 364-69; and Robert Sparrow, ‘A not-so-new eugenics: Harris and Savulescu on human enhancement’, *Hastings Center Report* 41,1 (2011): 32-42. [↑](#endnote-ref-4)
5. E.g. Michael Parker, ‘The best possible child’, *Journal of Medical Ethics* 33,5 (2007): 279-83. [↑](#endnote-ref-5)
6. Julian Savulescu, ‘In defence of procreative beneficence’, *Journal of Medical Ethics* 33,5 (2007): 284-88. [↑](#endnote-ref-6)
7. Savulescu is criticised for neglecting the distinction between moral and non-moral reasons in Andrew Hotke, ‘The principle of procreative beneficence: old arguments and a new challenge’, *Bioethics* 28,5 (2014): 255-62. That procreative beneficence may be supererogatory is suggested by Ben Saunders, ‘Is procreative beneficence obligatory?’, *Journal of Medical Ethics* 41,2 (2015): 175-78. [↑](#endnote-ref-7)
8. Jakob Elster, ‘Procreative beneficence – cui bono?’, *Bioethics* 25,9 (2011): 482-88 and Thomas Douglas and Katrien Devolder, ‘Procreative altruism: beyond individualism in reproductive selection’, *Journal of Medicine and Philosophy* 38,4 (2013): 400-419. [↑](#endnote-ref-8)
9. This example comes from Elster, op. cit. note 8 at p. 483. [↑](#endnote-ref-9)
10. This point is emphasised by Elster, op. cit. note 8 at p. 484, and Douglas and Devolder, op. cit. note 8 at p. 403. [↑](#endnote-ref-10)
11. See Thomas Baldwin ‘Choosing who: what is wrong with making better children?’ in John R. Spencer and Antje du Bois-Pedain, eds. *Freedom and Responsibility in Reproductive Choice* (Portland, OR: Hart Publishing, 2006), pp. 15-30, at p. 24. [↑](#endnote-ref-11)
12. Ben Bradley argues that our judgements of what is harmful are so infected by prior judgements of moral permissibility that harmfulness cannot itself serve as grounds for wrongness. See his ‘Doing away with harm’, *Philosophy and Phenomenological Research* 85,2 (2012): 390-412. [↑](#endnote-ref-12)
13. This example comes from Savulescu, op. cit. note 3, p. 416. [↑](#endnote-ref-13)
14. This is the ‘Non-Identity Problem’ first raised by Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), ch. 16. For a mere taste of the extensive literature on this topic, see Justin Patrick McBrayer, ‘Rights, indirect harms, and the Non-Identity Problem’, *Bioethics* 22,6 (2008): 299-306; Russell DiSilvestro, ‘Reproductive autonomy, the Non-Identity Problem, and the non-person problem’, *Bioethics* 23,1 (2009): 59-67; and Rivka Weinberg, ‘Existence: Who needs it? The Non-Identity Problem and merely possible people’, *Bioethics* 27,9 (2013): 471-484. [↑](#endnote-ref-14)
15. Bennett, op. cit. note 1. [↑](#endnote-ref-15)
16. It is difficult to show that any particular wrong is harmless, since someone committed to the notion that all wrongs are harmful could always invoke an alternative account of interests to show that the action in question is harmful after all. On the malleability of the notion of harm, see Bradley, op. cit. note 12. However, if we gerrymander the notion of ‘harm’ in this way, it will be difficult to sustain the position that an act cannot be wrongful because it is harmless. [↑](#endnote-ref-16)
17. See Michael J. Sandel, *The Case against Perfection* (Cambridge, MA: Harvard University Press, 2007), especially chapter 3. [↑](#endnote-ref-17)
18. On free riding, see James Griffin, ‘Some problems of fairness’, *Ethics* 96,1 (1985): 100-118 and Garrett Cullity, ‘Public goods and fairness’, *Australasian Journal of Philosophy* 86,1 (2008): 1-21. [↑](#endnote-ref-18)
19. On directed duties, see Gopal Sreenivasan, ‘Duties and their direction’, *Ethics* 120,3 (2010): 465-94; Rowan Cruft, ‘Why is it disrespectful to violate rights?’, *Proceedings of the Aristotelian Society* 113,2 (2013): 201-24; and Simon C. May, ‘Directed duties’, *Philosophy Compass* 10,8 (2015): 523-32. [↑](#endnote-ref-19)
20. For instance, T. M. Scanlon, *What we owe to each other* (Cambridge, MA: Harvard University Press, 1998) at 171-87. [↑](#endnote-ref-20)
21. Duties to oneself are criticised by Marcus G. Singer, ‘On duties to oneself’, *Ethics* 69,3 (1959): 202-05. [↑](#endnote-ref-21)
22. This issue goes back at least to G. Elizabeth Anscombe, ‘Who is wronged? Philippa Foot on Double Effect: One point’, *The Oxford Review* 5 (1967): 16—17. [↑](#endnote-ref-22)
23. See, for instance, Peter Singer, ‘Ethics and intuitions’, *Journal of Ethics* 9 (2005): 331-52 and Matthew S. Bedke, ‘Ethical intuitions: what they are, what they are not, and how they justify’, *American Philosophical Quarterly* 43,3 (2008): 253-70. [↑](#endnote-ref-23)
24. Savulescu, op. cit. note 3, at pp. 414-6. [↑](#endnote-ref-24)
25. David Hume *A Treatise of Human Nature*, ed. L. A. Selby-Bigge (London: Oxford University Press, 1886 [1739]) at p. 416 [Book II, Part 3, §3]. [↑](#endnote-ref-25)
26. Savulescu, op. cit. note 3, p. 415. [↑](#endnote-ref-26)
27. Cf. Hotke, op. cit. note 7. It might be argued that I have moral reason to move the money so that I can then give more to charity. However, the obligation here would be an obligation to move the money and then donate the interest earned to charity, not an obligation to move the money *simpliciter*. [↑](#endnote-ref-27)
28. Even Peter Singer, who defends stringent duties of aid to the needy, only argues that we have a duty to give until doing so would sacrifice something of comparable moral significance. See Peter Singer, ‘Famine, affluence, and morality’, *Philosophy and Public Affairs* 1,3 (1972): 229-43. If ‘comparable moral significance’ means ‘nearly as important’ then it may be that you have no obligation to give when doing so would require you to give up something almost – but not quite – as morally significant as the bad that you would prevent. In this case, you may still have more moral reason to give than not to, without being obligated to give. [↑](#endnote-ref-28)
29. For instance, we may have an agent-centred prerogative that permits non-maximisation. See Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Clarendon Press, 1982). [↑](#endnote-ref-29)
30. Rebecca Bennett, ‘When intuition is not enough: why the principle of procreative beneficence must work much harder to justify its eugenic vision’, *Bioethics* 28,9 (2014): 447-55. [↑](#endnote-ref-30)
31. This differs from another possible reason for favouring other obligations over the PPB. It is commonly assumed that directed duties (or perfect obligations) take priority over non-directed duties (or imperfect obligations). Thus, it may be thought that, since the PPB appears to be an example of the latter sort, it must give way whenever it conflicts with a directed duty owed to a specified person. But it would be a mistake to assume that *every* directed duty is stronger than every non-directed duty. A duty that I owe to you need not be very significant, e.g. I may owe it to you not to borrow your pen without asking, but my violation of this duty is only a very trivial wrong. (I thank Rowan Cruft for this example.) Conversely, a non-directed duty may nonetheless be very important. Hence, the non-directed nature of the PPB is not good reason to prioritise other obligations. [↑](#endnote-ref-31)
32. The ‘ceteris paribus’ clause here allows that we might have more reason to comply with putative duty A (which is uncertain but very important) than putative duty B (which is certain but of trivial importance). On moral uncertainty, see Ted Lockhard, *Moral Uncertainty and its Consequences* (Oxford: Oxford University Press, 2000); Andrew Sepielli, ‘Moral uncertainty and the principle of equity among moral theories’, *Philosophy and Phenomenological Research* 86,3 (2013): 580-89; and Christian Barry and Patrick Tomlin, ‘Moral uncertainty and permissibility: evaluating option sets’, *Canadian Journal of Philosophy* 46,6 (2016): 898-923. [↑](#endnote-ref-32)
33. Even consequentialists feel the force of these considerations, hence the development of various non-maximising consequentialist theories; see H. B. Action and J. W. N. Watkins, ‘Negative utilitarianism’, *Proceedings of the Aristotelian Society supplementary volume* 37,1 (1963): 83-114; Michael Slote, ‘Satisficing consequentialism’, *Aristotelian Society supplementary volume* 58,1 (1984): 139-76; and Alastair Norcross, ‘The scalar approach to utilitarianism’, in Henry West (ed.) *The Blackwell Companion to Mill’s Utilitarianism* (Wiley-Blackwell, 2006): 217-32. [↑](#endnote-ref-33)
34. This allows that parents still have a right to reproduce, even if doing so will inevitably cause harm. [↑](#endnote-ref-34)
35. Of course, any child will create some costs, at least in the short-term. How far these should be borne by society is a contested matter; see Serena Olsaretti, ‘Children as public goods?’, *Philosophy & Public Affairs* 41,3 (2013): 226-58 and Patrick Tomlin, ‘Should kids pay their own way?’, *Political Studies* 63,3 (2015): 663-78. It might be thought that the average healthy child will, over a lifetime, be a net contributor to society. For some doubts as to whether this will offset the costs of IVF, see Anna Smajdor, ‘State-funded IVF will make us rich… or will it?’, *Journal of Medical Ethics* 33,8 (2007): 468-69. I take no stance on the funding of IVF treatment here. If the parents are paying for this, producing a healthy child is unlikely to be a net drain on society’s resources. [↑](#endnote-ref-35)