

**WHY (EVEN) AN ANTI-NATALIST  
SHOULD ACCEPT A DUTY TO PROCREATE**

by

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# Abstract

Global anti-natalism is the position that all or almost all procreation is morally impermissible. Proponents of the position believe it follows from independently plausible person-affecting non-aggregating principles, including an asymmetry between the moral relevance of harms and benefits. I argue that the assumptions anti-natalists advert to equally plausibly recommend a duty to have children, when combined with intuitively plausible assumptions about collective duties to meet basic needs. I derive the duty to have children within a person-affecting non-aggregating framework and defend it against objections based on gender inequality, the duty not being legitimately enforceable and therefore being illegitimate itself, the collective duty being dischargeable by means other than procreation, and treating children as means.

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# Introduction

Some argue that it is possible to establish a duty to procreate given minimal and intuitively plausible assumptions about the sources of our duties. The greatest obstacle to establishing this is the difficulty one runs into when one attempts to demonstrate that there is even a *permission* to procreate, i.e., a right to have children. I call the position that procreation is always or almost always impermissible GLOBAL ANTI-NATALISM. Since aggregating consequentialism easily leads to the idea that creating more happy people is good, global anti-natalists as a rule either reject aggregation or at least do not rely on aggregating consequentialism. Rather, they invoke specific asymmetries in the values of, or the duty to, confer and avoid imposing, benefits and harms respectively. They claim that these asymmetries are independently plausible, but that they imply the highly unintuitive conclusion that all procreation is wrong.

I believe that the intuitively plausible asymmetries to which global anti-natalism appeals do not necessarily lead to an anti-natalist conclusion. In fact, even taking these asymmetries on board in a broadly Scanlonian framework that does not permit aggregation, I believe one can establish a duty to procreate. If so, normative asymmetries between harms and benefits have no bearing on whether there is a duty to procreate, a duty not to, or neither.

In the first chapter, SOME BACKGROUND, I provide some context for the discussion and explain why the assumptions the anti-natalist uses to derive her conclusions may initially seem appealing. In the second chapter, entitled ON THE RIGHT TO HAVE CHILDREN, I look at the best versions of the axiological and deontic arguments for global anti-natalism and reconstruct rebuttals built upon an asymmetry-accepting, anti-consequentialist framework. In the third chapter, ON THE DUTY TO HAVE CHILDREN, I look at arguments for having children couched in that same framework and show that they can be construed as an extension of the rebuttals of global anti-natalism presented in the second chapter. In the fourth chapter, ON THE BURDENS OF HAVING CHILDREN, I discuss

some objections to a duty to have children, including the potentially sexist implication of attributing the duty to women in particular, the potential lack of legitimate enforceability disqualifying the duty to procreate, the question of whether the underlying obligations can be fulfilled by means other than procreation, and the alleged treatment of children as means.

# Chapter 1:

## Some Background

Global anti-natalism initially seems quite implausible. It is difficult to see why, despite all appearances to the contrary, we are not morally permitted to have children. The seriousness of the anti-natalist challenge only becomes clear when the assumptions underpinning it are shown in their proper context, where they are introduced as intuitive solutions to worrying ethical puzzles.

### 1.1 The Non-Identity Problem

In his 1987 work *Reasons and Persons*, Derek Parfit introduces what he calls the NON-IDENTITY PROBLEM. The problem is meant to illustrate that three intuitively plausible ethical assumptions cannot be held together:

- (1) **The person-affecting view.** An act is wrong only if it wrongs a specific person (or persons).
  - (2) **Someone is only wronged if they are made worse off.** If an act is such that, had it not been performed, the person affected would not be worse off, then that act could not have wronged the person affected.
  - (3) **Intentionally and avoidably causing bad lives that are (still) worth living is wrong.**
- (Parfit 1987, 351–359)<sup>1</sup>

To illustrate the problem, let us consider Parfit's fourteen-year-old girl case. (Parfit 1987, 357–361) Parfit asks us to imagine a girl who is choosing to have a child at the age of fourteen, when she is too young to adequately care for it. We try to convince her not to have this child, since she will be

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<sup>1</sup> The non-identity problem in Parfit is actually meant to illustrate a more general problem with negatively affecting the lives of future people; (3) is a more procreative-focused formulation of the third piece of the puzzle he presents, but I modify it to make the anti-natalist implications clearer.



better suited to take care of her child when she is older. Still, the girl tells us that, since (1) an act cannot be wrong if no one is made worse off, then (2) so long as her child has a life worth living, it has not been made worse off. Crucially, plausibly any child she would have later *would not be this same child*. Therefore, the only relevant counterfactual is nonexistence, since if she chooses not to have this child now, she will not have it later; she will have a different child. But the fourteen-year-old girl's decision still seems wrong to us, because we hold (3).

One of (1)–(3) has to be rejected. Parfit for his part rejects (1) (Parfit 1987, 378). Rejecting (1), however, requires us to accept impersonal wrongness, something that many find deeply counter-intuitive and difficult to justify. What does it mean that an act is wrong if it wrongs no one? Biting the bullet and rejecting (3) is likewise a possibility, though it leads to the unpalatable conclusion that no child has a complaint against their parents unless they would prefer non-existence to their condition. A parent who has a child with the intention of using them for gruelling free labour, but nonetheless ensures them a life that is preferable to nonexistence seems to face no legitimate complaint from their child on this account. Rejecting (2) might just be the most intuitive option, permitting us to retain the person-affecting view of wrongness, while continuing to hold that cases of intentionally bringing about bad lives is wrong.

There have been attempts to salvage (1) and (3) by rejecting (2) going all the way back to the '80s. (Woodward 1986) These attempts, however, have to contend with possibly as unintuitive a consequence as impersonal wrongness: wronging without making (comparatively) worse off. But for many, that is a lesser bullet to bite than wronging without wronging anyone and the slave-child having no complaint against its parents. If one decides to take this route out of the non-identity problem, one gets the result that doing wrong always involves wronging *someone*, yet a child who has a bad life that is still worth living has a complaint against the persons who procreated them.

Most constructions of this kind, however, have other counterintuitive upshots. One way of cashing out what it means to wrong without making worse off in a plausible way involves a non-comparative understanding of harm and an asymmetry of some kind between harms and benefits that disallows, even in principle, the utilitarian calculus of adding and subtracting comparable positive and negative quantities associated with benefits and harms respectively. This approach has the advantage of dealing with a set of intuitively plausible asymmetries in a pleasing way. The child who is born because their parent wants to use them for free labour, for example, may be wronged because being used as a slave is simply a wrong, regardless of whether one is made worse or better off as compared to the relevant counterfactual. This is so because being used as a slave is a non-comparative harm, whatever the comparative benefits of being put into that position; this harm either axiologically weighs more strongly than benefits, counts for more in the assessment of whether one is made worse off, or there is simply a stronger duty not to impose such harms upon others. The child now has a justification for a complaint against its parents, a justification that does not require impersonal wrongness.

It has been argued that anti-natalism follows from this solution to the non-identity problem – as I will aim to show in more detail in the following chapter.

## 1.2 The Quasi-Contractualist Perspective

To treat the issue of anti-natalism on the anti-natalist's own terms, I limit the discussion in the following chapters to a certain perspective which I believe her to find broadly congenial: I adopt what I call a QUASI-CONTRACTUALIST PERSPECTIVE (QCP),<sup>2</sup> namely:

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<sup>2</sup> Both the name and the features of this perspective are modelled on Scanlon's contractualism, as presented e.g. in Scanlon (1998). Naturally, QCP is more extreme than contractualism, since aggregation is not permitted under any circumstances, while Scanlon famously adds a caveat permitting aggregation when individual harms are comparable. (Scanlon 1998, 229–241)

- (i) I limit myself to an ethical method that requires the weighing of individual complaints (i.e., I will reject all aggregation of harms and benefits),
  - (ii) I do not assume that a person can be benefitted by being brought into existence,
  - (iii) I do not assume that institutions, families, traditions, or even humanity as such have value beyond that given them by individuals that make use or are a part of them, i.e., I will not attribute impersonal value to them,
- and
- (iv) I take it for granted that there is some asymmetry between harms and benefits, or duties that attach to them, which makes the utilitarian calculus of adding and subtracting value and disvalue an impermissible procedure even on the intrapersonal level.

Furthermore, to be as charitable as possible to the anti-natalist, I treat grounds for bearing children that can be construed either as ethical requirements or prudential recommendations as the latter.

This restricted perspective importantly makes many arguments which I would otherwise find convincing entirely inadmissible: I do not consider whether life is broadly a good, a gift, and therefore a benefit to the child who is brought into existence. I concede to some anti-natalists that the value of life is, at best, neutral. Nor do I rely on arguments from the value of the family, or of continuing one's own line, or the like, unless these can be formulated as legitimate reasonable complaints on the part of the parent or procreator, complaints that may reasonably be thought to outweigh the strongest complaint of the child. And neither do I treat as admissible any prudential argument based on the value of parenting for the parent, at least unless it can plausibly be construed to be weightier than the child's strongest reasonable complaint.

QCP is not a position I know anyone to hold; it requires us to make highly counterintuitive judgments: For example, when an individual has a slightly stronger complaint than thousands of others,

we are required under QCP to decide in her favour. Still, almost any argument for a duty to procreate is made easier by the introduction of aggregation. I signal those rare instances where I think this not to be the case. Broadly, however, QCP is not meant to be an actual ethical position, but instead a caricature of one that shows that even taking out aggregation wholesale does not get the anti-natalist what she wants.

### 1.3 Procreators and Parents

In the debate on population and procreative ethics, many authors conflate the roles of PROCREATOR and PARENT. While those who create children by procreating are also those who rear the child in our current social arrangements, this need not be the case. This is particularly important because, in cases where the procreator and the parent are different people, they may have different duties; situations in which a procreator does not expect or even want to parent the child, for example, may involve only procreative duties, but no duties to rear for the procreator.

For my discussion of procreative duties below, I assume the following: Procreators are generally also parents, and, even when they are not, procreators at least have a duty to ensure that the child they bear is provided with good parenting. I assume that in the absence of good parenting the child incurs a non-comparative harm that grounds a complaint against the procreator. When I discuss standards that a procreator must meet vis-à-vis the care and resources expended upon the child as parent, I assume that the procreator must either fill this role themselves or find someone who can. Therefore, when I speak of procreators or parents having a duty to, say, ensure that the child is raised in a loving relationship with its parents, this is short for saying that the parents have a duty to have a loving relationship with the child, whereas the procreator has a (more modest?) duty of ensuring that the child is placed in such a relationship, regardless of whether they are the ones to rear the child. Likewise, when I say that a person has a duty to parent a child due to being

a better prospective parent, what I mean is that that person has a duty to rear, whereas any individual may procreate the child to be reared by the competent parent, so long as it can be ensured that the parent has a loving relationship with the child.

## Chapter 2: On the Right to Have Children

Global anti-natalism comes in three main forms:

- (i) **The Badness of Harm.** One argues that the harms of life contribute to a negative assessment of bringing someone into existence, and the benefits of life do not count at all as reasons in favour of procreating. Consequently, being brought into existence is always an overall harm, so one ought not to bring children into existence.
- (ii) **The Deontic Relevance of Harm.** One argues that, even if the benefits count in favour of bringing someone into existence, the harms matter in an overriding way, such that their presence makes parents unable to point to the benefits in order to justify procreation.
- (iii) **The Prevalence of Harm.** One argues that life involves non-comparative harms such that one is not permitted to expose the child to a substantial risk of its life going badly by bringing it into existence.

Let us consider each in turn.

### 2.1 The Argument from the Badness of Harm

In his 2006 book *Better Never to Have Been*, David Benatar attempts to construct a general form of an asymmetry between harms and benefits that can account for a set of four other intuitively plausible asymmetries. These are:

**Against the bad, but not for the good life.** We have a duty not to bring children into the world if they will lead a life of suffering. We do not similarly have a duty to bring into the world children that would live happy lives.

**For the sake of the child.** It makes sense to say that one will not bring a child into existence *for their sake*, because they would suffer. It does not make sense to say that one will bring a child into existence *for their sake*, because they would be happy.

**Regret.** Both bringing a child into existence and failing to bring a child into existence can be regretted, but only the former *for the sake* of the child.

**Distant suffering v. uninhabited regions.** We can feel sorry for distant peoples if they suffer. We do not feel sad for the non-existent happy people that could have existed on an uninhabited island. (Benatar, 2006, pp. 31–35)

Benatar argues that all four asymmetries can be explained by an underlying asymmetry between the axiological status of harms and benefits, in the following way:<sup>3</sup>

**Benatar-Style Asymmetry.** For  $x$ ,  $x$  suffering is bad, and  $x$  experiencing pleasure is good. The absence of pain, even if it is achieved by  $x$  not existing, is good for  $x$ .<sup>4</sup> The absence of pleasure, if it is due to  $x$  never existing to experience it, is not bad. Therefore, coming into existence, when there is even a single harm involved, is an overall harm: The harms contribute negatively. The benefits do not contribute at all.

Johann Frick shows this argument to commit a fallacy of division. To illustrate this, he considers the following analogy.<sup>5</sup>

**The Tennis Player Asymmetry.** Novax Djocovid, a professional tennis player, is considering whether to play a tennis match with an amateur for charity. Any point he loses to the amateur will tend towards his loss, which would bring him shame. Any point he wins will count for no better than had he not played the match at all; his victory is presumed and winning it gains him nothing. Therefore, he has no reason to play the match: The points he loses contribute negatively. The points he wins do not contribute at all.

In this example, it is intuitively clearer that Djocovid has a reason to play the match, namely charity.

The only thing the asymmetry in an example like this shows is that, *on its own*, the fact that points would be won gives Novax no reason to play the match, given that losing is undesirable, and winning does not advance his interests. But if he had an independent reason to play the match, say

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<sup>3</sup> Benatar in fact vacillates between the axiological and the deontic versions of this argument. Cf., e.g., Benatar and Wasserman (2015, 130) where he is clearly talking about the duty not to impose unconsented-to harms. For ease of exposition, I treat Benatar's argument as purely axiological, which he himself accepts in various places.

<sup>4</sup> To be clear, Benatar is not claiming that the absence of pain can be good for the non-existent in exactly the same way that the presence of pain can be bad for the existent. Still, he argues that we have an adequate intuitive grasp of what it means for non-existence to be good for someone in a more complex sense, namely in the way that makes it possible for us to regret someone's existence *for their sake*. Cf. Benatar (2013, 125–126)

<sup>5</sup> The formulation of the example, except for some minor stylistic differences, is identical to that presented in Frick (2014, 131–132).

charity or wanting to win (rather than only not to lose), Djocovid seems to be justified in doing so. (Frick 2014, 132)

Similar reasoning applies to bringing children into existence: Benatar's argument establishes only that a positive balance of harms and benefits gives us *no reason* to bring a child into existence, something both Frick and I would concede. Nonetheless, given an independent reason to bring a child into existence – of the kind which I examine in the next chapter – and given that their life would have a (sufficiently) positive balance of good and bad, we may be justified in bringing the child into the world. (Frick 2014, 133–135) To say that, because of the asymmetry, coming into existence is unavoidably a harm is like saying that, since points will be lost, the match Novax plays is already lost.

Benatar himself seems to be aware that appeal to the asymmetry on its own is not likely to convince readers that we have a duty to abstain from having children. Firstly, he argues that it matters a great deal whether coming into existence is a large or a small harm. (Benatar 2006, 61) I will return to this later in this chapter, when I discuss the argument from the prevalence of harm. Secondly, and perhaps more importantly, he argues that what his argument is meant to show is that there is no reason to have the child *for the child's sake*, so we are always harming a child by bringing them into existence only to get a benefit for ourselves. He paints this as callous and selfish. (Benatar 2006, 9) Still, the tennis player analogy indicates that what the asymmetry Benatar espouses shows is much too weak to justify such an indictment of our choice to have the child. If we are to make the choice *for* Novax, as his agent or guardian whether he ought to play for charity, it is a bit of a stretch to argue that we callously and selfishly expose him to the risk of losing for our own benefit. After all, he is likely to win, so his complaint, even under QCP, is much weaker than ours would be if he refused.



## 2.2 The Argument from the Deontic Relevance of Harm

Unlike Benatar's asymmetry, Seana Shiffrin's (1999) is not axiological, but deontic.<sup>6</sup> She argues:

**Shiffrin-Style Asymmetry.** There is a duty to avoid imposing harms without consent, but no duty to confer pure benefits. Pure benefits are those not necessary to avert even greater harms. Therefore, we are not permitted to risk imposing harms to ensure we confer pure benefits. Bringing someone into existence involves imposing the harms of existence upon them; therefore, since non-existence is not itself a harm which procreation averts, no benefits conferred by bringing someone into existence yield a permission to procreate.

Expressed this abstractly, it is difficult to see what Shiffrin is getting at. Luckily, she offers a colourful and oft-quoted example to elucidate the intuition. In the grand tradition of everyone who writes on anti-natalism, I shall quote the example in its entirety.

'Imagine a well-off character (Wealthy) who lives on an island. He is anxious for a project (whether because of boredom, self-interest, benevolence, or some combination of these). He decides to bestow some of his wealth upon his neighbors from an adjacent island. His neighbors are comfortably off, with more than an ample stock of resources. Still, they would be (purely) benefitted by an influx of monetary wealth. Unfortunately, due to historical tensions between the islands' governments, Wealthy and his agents are not permitted to visit the neighboring island. They are also precluded (either by law or by physical circumstances) from communicating with the island's people. To implement his project, then, he crafts a hundred cubes of gold bullion, each worth \$5 million. (The windy islands lack paper currency.) He flies his plane over the island and drops the cubes near passers-by. He takes care to avoid hitting people, but he knows there is an element of risk in his activity and that someone may get hurt. Everyone is a little stunned when this million-dollar manna lands at their feet. Most are delighted. One person (Unlucky), though, is hit by the falling cube. The impact breaks his arm. Had the cube missed him, it would have landed at someone else's feet.' (Shiffrin 1999, 127)

Shiffrin argues that, intuitively, regardless of how much we increase the worth of the bullion, Unlucky will always have a complaint against Wealthy. This is because Wealthy risked harming Unlucky without obtaining consent from him first. Since averting and avoiding harms always has

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<sup>6</sup> Shiffrin is not a global anti-natalist. She is merely arguing that the deontic asymmetry suggests that parents owe compensation for harms associated with existence to their children, even if the children have a life worth living and even if the parents took precautions to ensure that the harms are avoided. Still, her argument can easily be extended to justify a global anti-natalist position, which justifies the inclusion of its discussion in this thesis.

higher normative significance than conferring pure benefits, Unlucky is at the very least within his rights to ask for further compensation from Wealthy for his injuries. (Shiffrin 1999, 128ff)

Shiffrin's argument is compelling because the intuition she relies on seems more in line with widely held intuitions about harms and benefits, and hence more intimately connected to what we ought to do than Benatar's argument. Still, for this particular asymmetry to bear on the question of a duty to bear or not to bear children, two things must be jointly true: (i) the causal relationship between children being born and children being harmed must be direct enough to count as an imposition of harms, and (ii) consent must constrain what can be done even to those who are, in principle, unable to give consent.

Frick argues that (i) cannot possibly be true. There is a much closer causal relationship between, say, taking a child to school and risking them getting hit by a bus than there is between bringing a child into existence and almost any harm. Still, the former would hardly count as *imposing* the risk of getting hit by a bus upon a child; a more plausible characterization would be that the child is *exposed* to a risk of being hit by a bus for its own benefit. Exposure to harms, however, is governed by different and less strict moral restrictions than is imposition of harms, particularly in the case of children. (Frick 2014, 140–141)

Frick's argument is bolstered by the implausibility of a distant causal relationship between bringing someone into existence, and any harm suffered by them, being in any way the same relationship intuitions about which are tested in the bullion example. Still, Frick does not make precise how one is to distinguish between exposure to and imposition of harms. Furthermore, Frick ignores the fact that death, a necessary end to all life, is quite closely causally connected to being born: No one is to die unless they are born. All who are born die. I shall concede to the anti-natalist that

death may well be a harm<sup>7</sup> and one imposed upon the child in virtue of being born, making Frick's argument weaker than it first appears.

Rivka Weinberg (2015) offers a different and, to my mind, more convincing argument, that goes through regardless of whether death is a harm. She argues that (ii) is highly implausible since the relationship between a parent and their future child is perhaps most plausibly construed as a paternalistic relationship. In such relationships, if consent matters at all, then it is only the hypothetical or generic consent of the adult the child is likely to become. And if we are guided by such concerns, ensuring the child is likely to have a life most people would be happy with is adequate, since this would secure the consent of the grown-up. (Weinberg 2015, 137–143)

While it may initially seem implausible to extend the paternalistic relationship between the child and the parent to a period when the child is not yet existent, it helps to recognize that both the anti-natalist arguments and the rejoinders to them depart from our usual ways of thinking about normative matters, extending our existing conceptual framework to new cases. Speaking of consent not obtained from non-existent persons involves as much of a conceptual extension as speaking of the paternalistic relationship between parents and future children. More importantly, there is continuity between the relationship a parent has with their not-yet-existent child and their child once it is born, and it is not implausible to suggest that, since once the child is born one will have a paternalistic relationship with it, before the child is born one will similarly have a paternalistic relationship to it.

In summation, both (i) and (ii) are implausible, (ii) more so than (i). (i) asks us to consider quite distant and indirect causal connections between being brought into existence and being harmed as

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<sup>7</sup> In doing so, I stray from my own position that death as such is neither a harm nor a benefit but may be either depending on what it deprives and spares us of. There is, unfortunately, no space to discuss this and I believe the stance one takes on whether death is a harm is largely irrelevant for the rest of the discussion.

equivalent or answerable to the same normative standards that govern throwing gold on unsuspecting potential victims, which is unconvincing. (ii) requires us to be constrained by lack of consent from not-yet-existent children in situations where such lack of consent would be irrelevant for choices made for existent children, something that seems an implausible extension of our intuitions on consent constraining action towards another.

## 2.3 The Argument from the Prevalence of Harm

Going back to the axiological argument, it is important to note that the asymmetry-based argument is not the one Benatar holds to be his most convincing. He concedes that, even if being brought into existence is always a harm, the strength of his argument depends in no small part on how big of a harm it is. (Benatar 2006, 48-49) He spends all but the first chapter of *Better Never to Have Been* arguing that life is overall bad enough that the harm is not at all negligible. He argues that, on all three most popular theories of wellbeing, the hedonistic, the desire-fulfilment and the objective list theories, lives as a rule go pretty badly: We suffer more than we enjoy. Most of our desires are frustrated, even though we tend to compromise on what we desire and opt to pursue only that which is realistic; we do not even strive for what we would want if we did not think it impossible. Most people suffer objectively harmful bads and achieve few objective goods. (Benatar 2006, 69ff)

Furthermore, Benatar argues, there is a good evolutionary reason as to why, despite this being the case, most people do not think of their lives as going badly and do not regret having been born: Optimism, even unreasonable optimism, is selected for by evolution, to prevent suicide and encourage procreation. (Benatar 2006, 64–69) Benatar calls this tendency to overvalue our positive experiences and ignore or rationalize our negative experiences the Pollyanna Principle. (Benatar 2006, 64)

As Ema Sullivan-Bissett and Rafe McGregor (2012) argue, Benatar's argument has the upshot that it is rational for most people to kill themselves.<sup>8</sup> This implication is highly counterintuitive and suggests that Benatar's argument goes wrong somewhere, particularly because Benatar argues against the implausibility of his conclusion by appeal to the intuitiveness of his premises. If his premises lead us to something highly *un*intuitive, something even Benatar himself would reject, we may find it more plausible to reject the premises than to accept the conclusion.

Apart from how unpalatable the conclusion that life is objectively much worse than it seems to us may be, Rivka Weinberg (2015) argues that this sort of argument does not go through on its own terms. There is no perspective outside life from which we can judge whether people are globally mistaken about the quality of their life. The pessimist and the optimist are at best on equal footing, since they justify their conclusions about life's quality by appeal to intuitions they find convincing. (Weinberg 2015, 125) At worst, the pessimist is less likely to be correct, since most valuers take it that life *is* worth living, and no other, better, more objective perspective is available. Benatar may here advert to his evolutionary argument: He may claim that, while there seems to be no objective outside perspective, there actually is one, namely the scientific perspective on our psychological processes, which may explain what sort of distortion is likely to have been selected for. Since optimism was selected for reasons of increasing procreation and decreasing suicide, we have an explanation as to why the optimists are likely to be mistaken, that is, to overvalue their experiences. This argument, however, is unconvincing because, as Weinbeg shows, *pessimism is also selected for* in certain circumstances: Pessimists take fewer risks, which results in both them and their children surviving more often. In circumstances where excessive caution is likely to result in less death,

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<sup>8</sup> Benatar pre-empts this argument by claiming there is a difference in a value that makes a life worth starting and that which makes a life worth continuing. (Benatar 2006, 22ff) McGregor and Sullivan-Bissett convincingly show why this distinction is unlikely to hold up to scrutiny. (Sullivan-Bissett and McGregor 2012, 63–66)

circumstances which are presumably not that uncommon in our unforgiving natural environment, the happy-go-lucky may well go the way of the dodo. (Weinberg 2015, 128)

Weinberg nevertheless accepts that it is possible (and, at least to her, intuitively plausible) that life is in fact bad, in the sense of containing many instances of non-comparative harm.<sup>9</sup> (Weinberg 2015, 151–152) Michael Hauskeller (2022) goes one step further and, I believe, in the right direction. He argues for two things: (i) that Benatar misrepresents the studies that indicate people are ‘overly’ optimistic, because (ii) psychologists treat people being systematically mistaken about the value of their lives as a logical impossibility, because how one assesses the value of one’s life is taken to be an essential component of how valuable one’s life in fact is. The psychological studies Benatar quotes show that people’s circumstances do not much affect their happiness. Benatar takes this to show that psychological research has shown that we are overly optimistic, unrealistic in the assessment of our lives. However, the psychologists that perform these studies do not conclude that people should be unhappier but fail to be due to irrationality. Instead, they argue that *the value of people’s life is less affected by external factors than one would expect*. (Hauskeller 2022, 25–26) When he claims that people are irrational because not as miserable as they ought to be, what Benatar is doing is simply proclaiming *his* pessimistic perspective to be the objective one and privileging it above those of other people, but neither evolution nor psychology sanction this.

Benatar might instead be assuming that, if only people knew how badly lives generally go, they would be less optimistic. This kind of argument may go through; it is not incoherent to say that ideally informed agents would generally value their lives less than we do now, and that therefore Benatar is simply arguing that we are as a rule uninformed about how bad our lives are going. But this is not his argument. His argument is that we *deceive* ourselves, not that we lack information.

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<sup>9</sup> Weinberg is not entirely clear on what it would mean for life to be genuinely quite bad, but, given what she rejects, this seems to be the only plausible reading.

Furthermore, as Hauskeller points out, this argument is given the lie to by all the people who read Benatar, see his arguments and respond with a cheerily optimistic: ‘So what? That’s not what I care about!’

[I]t is difficult to see how one would derive an objective measure of one’s quality of life that can be contrasted with how one *feels* one’s life is going, other than by identifying some objective features that supposedly make a life go well or contribute to its going well. If it is then found that people whose lives lack some of those features seem to be just as happy as those whose lives possess them, then we can conclude that those whose lives lack those features overestimate the quality of their lives. The problem is, however, that we could just as well conclude from those findings that the features we thought are needed to make a life good are actually *not* needed and that the quality of a person’s life is in fact independent of those features. (...) If I need a big expensive car to be happy and you are just as happy with your old junker, then that doesn’t mean that you overestimate the quality of your life (or of your car). Similarly, if you need a young and fit body to be happy and I am just as happy old and flabby, then that doesn’t mean that objectively my life is worse than yours. There is simply no convincing way to measure the quality of someone’s life objectively, independent of how they feel about it. (Hauskeller 2022, 26)

## 2.4 The Weaknesses of Anti-Natalist Arguments

If the argument of this chapter succeeds, it should now be obvious that the asymmetry does not force us to accept the conclusion that it is always impermissible to have children, regardless of whether we embrace the axiological or the deontic claim about harm. The axiological argument suffers from a fallacy of division and needs stronger empirical support in the form of lives as a rule going very badly to go through. The deontic argument rests on an implausible conceptual extension of our notions of the impositions of unconsented-to harms and an equally implausible blocking of a similar extension of our concept of a paternalistic relationship.

Furthermore, the idea that harms are, unbeknownst to us, so prevalent in our lives that our lives as a rule go much worse than we think they do is dubious at best, since it seems difficult to establish an objective perspective from which how lives go can be assessed and which can be contrasted with how we think they do. Our assessment of our lives is an important component of how our lives go.

Broadly, the anti-natalist fails to establish that there is not even a permission to have children. It remains to be shown whether the same framework the anti-natalist took to convince us of the impermissibility of procreation can, in combination with plausible additional beliefs, generate a duty to procreate.



## Chapter 3: On the Duty to Have Children

The argument so far only suffices to establish a permission to have children in some circumstances, but it cannot ground a duty to have children. Still, I believe that it is possible to arrive at a duty to have children from very minimal assumptions that even QCP can accommodate easily. Following Saul Smilansky and Anca Gheaus, I will argue for this in the rest of the chapter. Both authors argue for a collective duty to produce enough people to ensure that the individuals in the collective discharge more basic duties. I follow them in this and specify that the collective duty then distributes according to ability to individual bearers. Those in the collective who benefit from the duty being discharged, but do not discharge it themselves due to lack of ability to parent well are required to compensate the individual duty bearers.

I first sketch out the positions espoused by Smilansky and Gheaus in the following two sections, after which I combine their conclusions to argue for a duty to procreate that is in line with the normative restrictions the anti-natalist may find congenial.

### 3.1 Sustaining Institutions

Saul Smilansky's (1995) article 'Is There a Moral Obligation to Have Children?' is probably the most famous attempt to defend the plausibility of a duty to procreate in recent analytic philosophy. Smilansky opts for presenting a barrage of arguments couched in different normative frameworks rather than arguing for the duty to procreate from any particular one. The eight broad arguments that he offers can be summarized as follows:

- (1) Having children adds impersonal value to the world.
- (2) Having children ensures loving and worthwhile relationships with them that would otherwise be absent.
- (3) Certain relationships (e.g., marriage) include a tacit legitimate promise to have children.

- (4) Others' expectations that one have children have moral weight.
- (5) Having children is necessary to preserve a (valuable) form of life.
- (6) Having children is necessary to preserve (valuable) familial traditions.
- (7) Having children is necessary to uphold (valuable) social and political institutions that require the reproduction of interested parties, i.e., citizens.
- (8) Not having children unjustly burdens future generations, that count on a sufficient number of persons being born to uphold social services and the economy. (Smilansky 1995, 46–48)

While Smilansky's arguments are interesting, and I find many of them convincing, most are unlikely to persuade an anti-natalist. It is helpful at this point to see which of (1)–(8) makes it through the sieve of QCP. (1) requires some form of aggregation of impersonal value, so it runs afoul of two restrictions, (i), because an anti-natalist that finds QCP congenial would not permit aggregation, and (iii), since more human life is meant to add impersonal value to the world. (2) can be construed either as an ethical duty towards oneself or as a prudential argument as to why one may have good reasons to have children. Since I have committed myself to interpreting such ambiguous grounds for duties in the anti-natalist's favour, I will reject (2) as providing merely prudential grounds for having children.<sup>10</sup> (5) and (6) rely on the impersonal value of certain community traditions, which runs afoul of (iii). Only (3), (4), (7) and (8) are *prima facie* admissible under QCP.

(3) and (4) may be construed as grounded in individual complaints: The promisee and the holder of expectations may have a complaint against the person choosing not to procreate on the grounds that a promise is broken, and the expectation unmet respectively. Still, (3) and (4) are highly unlikely to convince an anti-natalist. (3) is simply false: Not all relationships similar to marriage involve a promise, tacit or explicit, that the couple will have children. One may enter marriage with another while explicitly agreeing not to have children. Still, Smilansky may have a point in those cases where there is a tacit or explicit promise. I will return to this issue below. (4) can be grounds

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<sup>10</sup> Importantly, someone like Benatar may argue that this prudential argument is always defeated by the reasonable complaint the child may have against the parent for being brought into existence.

for a complaint, but it is difficult to see how this complaint can outweigh the loss of bodily autonomy, personal freedom, and risk for health and life involved in bringing a child to term and, potentially, rearing it. While both (3) and (4) may have some weight, they are unlikely to outweigh either the rational complaints of the prospective parents, provided they are expected to procreate to fulfil a duty and not out of a desire to, or any complaint that the child may have against being brought into existence.

(7) and (8), on the other hand, can be construed as legitimate reasonable individual complaints of citizens in general, and members of future generations, in case insufficient new individuals were brought into existence. While they may initially seem to involve impermissible aggregation, it is important to notice that the interested parties in social, political, and economic institutions need not aggregate their claims to have a strong complaint against those who choose not to procreate to sustain these institutions. For the complaint to go through, it is enough that any one individual be so impacted by the failure of an institution to legitimately complain that she is being made worse off by its failure to persevere more than the prospective parents are by a requirement that they procreate or the child by being procreated. Unlike in the case of (3) and (4), where a promise and an expectation are unlikely to outweigh the myriad reasons individuals may have to oppose having children being required of them, these kinds of considerations can perhaps tip the scales.

Unfortunately, instead of developing the argument for this kind of grounding of a duty to procreate, Smilansky moves into extreme scenarios to tease out the intuition that procreation may be required in spite of what he takes to be serious objections. His examples include the world ending, and the survivors of the Holocaust expecting their families to continue in order to achieve a moral victory over the Nazis. (Smilansky 1995, 48–50) Earlier in the article, Smilansky considers reasons to think there cannot be a duty to have children, and the three types of argument he takes to be potentially weighty enough to disqualify such a duty are enlightening:

- (i) Having children is a personal, intimate thing that ought not to involve duties to third parties.
- (ii) Having children interferes with personal development (particularly for women) to such an extreme degree that it ought to be rejectable.
- (iii) Parenting is a very difficult and long-term commitment, that no duty can impose on the unwilling. (Smilansky 1995, 42, 45)

All three arguments either point out conflicts with liberalism's central commitment to personal autonomy or invoke issues of gender justice, both of which are likely to seem decisive reasons for rejecting the very duty Smilansky aims to defend.<sup>11</sup> His extreme examples seem to be purposefully built to test the intuitions of his most liberal readers, who wrote off even a minimal duty to procreate once (i)–(iii) came up. Unfortunately, this means that Smilansky's conclusion is extremely modest: He shows that there may be a duty to procreate in extreme circumstances, when not doing so would cause great harm or involve a substantial moral failure of similar gravity, and that such a duty would likely involve only a requirement that one have at least one child.

I believe that arguments (7) and (8) are on the right track, however, and that developing them while using a minimal account of a moral duty to provide for the basic needs of others, rejectable only for the most hardened libertarians, may permit us to establish a duty to procreate in more quotidian circumstances. Gheaus offers just such an account.

## 3.2 Sharing Burdens

In her article 'Could There Ever Be a Duty to Have Children?', Anca Gheaus examines what may ground the duty to have children, primarily to determine how the costs of childbearing and childrearing ought to be distributed.

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<sup>11</sup> Smilansky is ambiguous on whether these arguments are meant to establish that there is no duty to procreate or that, even if there is such a duty, it cannot be legitimately enforced. Since he does not clearly distinguish between the two, I will not attempt to interpret him as unequivocally arguing for either.

To explore this, Gheaus asks us to consider the WELL-DIGGER EXAMPLE.

Consider the following story: the inhabitants of a certain state have always depended on a complex system of welling for water; everybody has a well in their garden, and a system of cleaning the water to make it drinkable is maintained through some form of spontaneous social cooperation. A number of individuals voluntarily work in well digging and water well maintenance, support the costs of providing everyone with clean water and are fairly rewarded for their work. But at some point in time no new people are interested in working as well diggers or in water well maintenance. Unless collective action is taken, the reserves of clean water will start to dry out. Without enough people being trained and convinced to maintain the supply, there will be increasing shortages of clean water and, in twenty years' time, everybody will die of thirst. Suppose that some of the people who will suffer are, at the present moment, still children. (Gheaus 2015, 91–92)

Gheaus concludes that it seems intuitively plausible that members of the community would have the duty to enrol some into digging wells. By analogy, Gheaus argues that members of the community may similarly have a duty to have children in order to supply the community with a suitable number of people in the next generation in order to avoid the people in the last generation having basic needs unmet. This duty can be argued for as a means to a more primitive duty to help meet the basic needs of one's compatriots.

While the well-digger example may at first glance seem structurally similar to Smilansky's Armageddon scenario, there are some key differences. Firstly, unlike Smilansky, Gheaus grounds the duty to have children in pre-existing duties towards other community members, the type of duty that is likely to be accepted by almost anyone other than a committed libertarian. Secondly, while Gheaus's scenario involves much death, it is concerned with a more everyday and less unlikely threat, one we ourselves may face if we come to lack food producers or, more generally, the provision of services aimed at meeting basic needs.

Gheaus admits that the duty to procreate may be suspect for many different reasons. For one thing, she sidesteps the issue of anti-natalism completely; she argues for a *pro tanto* duty to have children based on the interests of those already in existence. (Gheaus 2015, 87) By doing this,

Gheaus takes no stance on the issue dearest to the anti-natalist, namely what is owed to the child itself.

Despite the *prima facie* plausibility that Gheaus grants a duty to procreate, she considers three possible defeaters and contends that all three would make a duty to procreate unenforceable by legitimate means under the present circumstances, due to a combination of a substantial number of people discharging the duty spontaneously and any means of enforcing the duty coming up against other, more weighty consideration of justice. She separately considers (i) the interests of parents that weigh against a duty to procreate, (ii) the interests of parents that weigh against a duty to rear, and (iii) the interests of children that weigh against a duty to either procreate or rear. (Gheaus 2015, 95ff) I will treat each in turn.

Firstly, regarding the parents' interests that speak against a duty to procreate, Gheaus argues that the medical risks and the loss of autonomy associated with pregnancy weigh against a duty to procreate if this involves a duty to bring a pregnancy to term. She argues that, only if technology advances so that children may be born without a mother having to commit herself to a nine-month-long carrying of the child involving hormonal changes and risks to her health, e.g., by developing machines which can act as replacement for a womb for the entire duration of the pregnancy, is the requirement to bear children plausibly legitimate because in this case it would not violate bodily autonomy. (Gheaus 2015, 96–68) I strongly disagree with Gheaus and think Smilansky is right to point out that, assuming many pregnancies do not involve substantial risks of death and serious harm, it is feasible to claim that, when such risks are involved, the prospective mother is free of a duty to bear a child, much as a man of age with a permanent disability is free of conscription. Normal pregnancies, on the other hand, are arguably negatively autonomy-affecting in a way that can easily be outweighed by the very concern for the basic needs of one's compatriots Gheaus invokes to argue for a duty to procreate. (Smilansky 1995, 43) It is hard to see how a desire not to undergo discomfort for nine months can outweigh the interest in not dying of thirst. I will,

however, treat this issue in more depth in the following chapter, when I address counterarguments to a duty to procreate based on concerns about gender injustice.

As for (ii), Gheaus argues that a duty to rear would be excessively negatively autonomy-affecting and involve a level of sacrifice which cannot be required of people; a duty to rear would essentially involve a duty to pass up on personal development that is at odds with the liberal conception of personal autonomy and pursuing one's own vision of the good. If childrearing were more socialized, however, the individual burden on couples would be reduced and the duty to rear rendered more plausible. (Gheaus 2015, 98–99) I agree with Gheaus that a duty to rear would be generally more plausible if childrearing were more socialized and I would welcome such a development. Still, I believe that, like in the case of enduring pregnancy, even under QCP, the basic needs of one's compatriots outweigh the pursuit of one's happiness and the development of one's talents. The bar may be set higher as the sacrifice involved in childrearing increases, but the sacrifice involved would be small enough for some to be captured by the duty even under current childrearing arrangements, if enough people were not engaging in childrearing spontaneously.

Regarding (iii), i.e., the children's interest against a duty to procreate or rear, Gheaus argues that children born in order to fulfil one's duty towards one's society may be or at least feel unloved as a result. Since parental love is necessary for healthy development and something the child plausibly has a claim to, the children would have a strong claim that outweighs the duty to procreate. (Gheaus 2015, 99–100) It is, of course, an empirical question, and an unsettled one at that, as to whether children whose procreation is motivated exclusively by duty are loved less or inadequately by their parents. I would not be surprised if people generally come to love their children regardless of the reason they have them, so long as they choose to have them, something Gheaus herself admits to be a possibility. (Gheaus 2015, 100) Still, the weight of countervailing basic needs will likely outweigh the weaker versions of this complaint. Even if a child will be somewhat less well-off for not having loving parents, but not so much as to be worse off than whoever will have their

basic needs unmet due to the child's absence, even under QCP, the interests of the starving prevail. As with (ii), as the weight of the child's complaint increases, it will at some point cross a bar and give the child a legitimate complaint against its parents. Still, under the assumption that many children will be loved enough, even if their parents have them out of duty, the child is unlikely to be able to have the weighing of complaints decided in its favour.

### 3.3 Basic Needs via Institutions via Children

The most convincing part of Smilansky's argument, i.e., points (7) and (8), can be combined with Gheaus's account to produce a convincing case for a duty to procreate that is compatible with QCP and follows from it in combination with a plausible and minimal requirement that the basic needs of others be met, and an additional empirical assumption which I believe to likewise be uncontroversial.

To remind ourselves, Smilansky's points (7) and (8) are:

- (7) Having children is necessary to uphold social and political institutions that require the reproduction of interested parties, i.e., citizens.
- (8) Not having children burdens future generations, that count on a sufficient number of persons being born to uphold social services and the economy. (Smilansky 1995, 47–48)

While Smilansky merely states these reasons without defending them, I believe that a more convincing argument relying on even less controversial intuitions can be made with the help of Gheaus's account. Presumably, discharging our duties to meet the basic needs of our fellow human beings involves upholding the economic, political and social institutions that are presently a part of the fabric of our society and have proven to be useful means to meeting said needs. So, presumably, (7) and (8) can be treated not as basic intuitions derived from the inherent value of our economic, social or political systems, nor an expression of an intuition that we have a basic duty to provide for the sustaining of such institutions, but instead as a consequence of the fact that (i) we plausibly ought to provide for the basic needs of our compatriots, and (ii) the existing social,



political and economic arrangements, merely in virtue of serving their function with enough success to continue existing, are presumably at least adequate in ensuring this. Naturally, if we are able to create better institutions which better provide for the basic needs of our fellows, we ought to do so. Still, and this is all that matters for the argument against the anti-natalist, *any set of institutions* which will ensure the continued economic, social and political existence of a society which can provide for the basic needs of most or many of its members will require us to procreate and rear new members that can act as economic, social and political units.

Of course, this does not prove that QCP combined with a duty to provide for basic needs generates a basic level duty to procreate; any duty to procreate would in an important sense be contingent on procreating being a legitimate means to sustaining important institutions, and the sustaining of these institutions being a legitimate means to meeting the basic needs of our fellows. One way to see this is that a duty to procreate derived in this framework is really little more than a special case of a general duty to avert disaster, or, in terms someone apt to prefer QCP would likely find more acceptable, a general duty to respond to extremely heavy legitimate complaints by individuals negatively affected by our failure to act.<sup>12</sup>

To wit, this particular form of a duty to avoid disaster does not involve the impermissible aggregation that a proponent of QCP or a similar system would find so objectionable. A reduction in the number of new people born in part to fulfil roles in our economic, social and political institutions would impact the wellbeing of individuals. And these *individuals* would then have a harder time meeting their basic needs, which would give them grounds for *individual complaints*, quite weighty ones in fact. These individual complaints would be unlikely to be outweighed by concerns of personal autonomy or even the most plausible complaint a child can have against it being born.

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<sup>12</sup> I owe this point to Swithin Thomas.

The fact that the duty to bear children within this framework is parasitic on there being a metaphysically contingent but as a matter of fact necessary relation between bearing children and meeting the basic needs of our fellows means that if the opponent of such a duty can demonstrate that the bond between procreation and meeting these basic needs can be broken, say by automating production, accepting immigrants, or the like, she can reject the duty while accepting all of the normative commitments I rely on to reach it. This is an important point, because I believe the normative commitments, i.e., a duty to meet our fellows' basic needs and QCP, are so minimal and so antithetical to positions most people who argue for a duty to procreate are likely to hold, that I do not believe rejecting these normative commitments to be a plausible or fruitful way of rejecting my argument. Pointing to ways to break the empirically justified, but by no means metaphysically necessary connection between procreation and the discharging of these very minimal duties is likely to be a better strategy to resist the duty, one that I will address in the next chapter when I consider potential criticisms of my argument and conclusions.

### 3.4 Who Bears the Duty to Bear Children?

Both Smilansky and Gheaus offer arguments for a collective duty to procreate to meet other, more basic and plausible, duties. Neither account specifies how this collective duty can be cashed out in terms of individual duties. If *we* must have children, *who among us* is to have them?

Let us start with a toy example, where the attribution of a duty to procreate and rear to particular individuals should be relatively uncontroversial.

**The Goods and the Bads:** Two couples, John and Jane Good, and Jasper and Joanna Bad, form a community. The community has agreed to ensure, as far as the members are able, that none of its members starve. They know that, if they do not produce three children, they will be unable to work the land they own together and will starve. Thus, the two couples need to produce three children in total in some combination. The Goods know that the Bads are heavy drinkers and would be violent towards their children. The Goods also know that the Bads prefer not to have children and will not have them if the Goods do. The Goods are good people and will provide their children with a good environment to grow up in.

As all philosophical thought experiments, this one is imperfect. In reality, both sets of parents would need to produce children to remove the need for incest in the next generation.<sup>13</sup> However, unless my intuitions are very uncommon, in this example, the prior obligation to produce children combined with the awareness that the Bads would produce children who would be deeply unhappy morally compels the Goods to have three children; some children *must* be brought to life so that the obligations both the Goods and Bads incurred by contracting to keep each other alive are fulfilled, and the Goods have good reasons to ensure that it is *they* that bring these children into existence, or at least rear them. As elsewhere in this thesis, I do not always distinguish between a duty to procreate and a duty to parent, but here it bears pointing out that the Goods and the Bads together, as a collective bear the duty to ensure both see their needs met. To that end, both have (i) a duty to ensure that enough children are born so that the duty to meet basic needs is discharged, and (ii) a duty to ensure that it is the Goods that parent these children, while the Bads compensate them for the discharge of this duty, regardless of whether the Goods parent a child of their own or one the Bads have procreated.

Naturally, real cases of communal duties to have children are rarely this straightforward; still, I believe this example illustrates two important intuitions: Firstly, collective duties to have children can *in principle* attach to specific individuals in specific circumstances, and, secondly, and perhaps more importantly, whom the duty to rear attaches to is largely a function of how good a parent an individual would be.

My general position is as follows: Broadly speaking, who ought to individually have children to fulfil our collective duty to have children is a function of (i) the ability to reproduce, (ii) the ability to parent effectively, and (iii) the magnitude of the sacrifice involved in choosing to reproduce. While all three criteria are vague enough that whom the individual duty in fact attaches to will not

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<sup>13</sup> Marta Matkovic may have more to say on whether that would be an issue at all.

be made clear by my exposition, I believe that, broadly, given the importance of the duties to sustain institutions and meet basic needs, it may be permissible to require of a person who does not want to have children to have them if they meet criteria (i)–(iii), with due compensation from those that do not reproduce or rear or both.

While this may be a controversial conclusion in procreative ethics, equivalent issues in other areas of normative thought are much more mainstream. Even in the relatively restrictive liberal theory of Rawls, curtailing basic freedoms is permitted for the sake of ensuring an even more basic freedom is respected. (Rawls 1999, 266) Conscription of soldiers for the purpose of legitimate defence of citizens' safety is one such case. (Rawls 1999, 333–334) It is difficult to see why procreation would not be similar if there is indeed a very strong connection between enough children being procreated and the basic needs of citizens being met - the latter being, on any theory, a precondition for ensuring any basic freedom. Rawls for his part explicitly admits this when he claims that basic needs being met and everybody being safe is a precondition for justice itself. (Rawls 1999, 244ff) Lucas Stanczyk (2012) likewise convincingly argues that, when the filling of certain professional positions is the precondition for ensuring the basic rights of citizens, freedom to choose one's career may be curtailed. There is no lack of argument for the curtailment of autonomy broadly construed in cases where this is necessary to ensure very basic needs are met, and most theorists, in truth all with the exception of libertarians, are likely to accept this.

## Chapter 4: On the Burdens of Having Children

Regardless of how convincing the argument of the previous two chapters may be, it comes against some strong objections. The most important are:

- (i) **The Unequal Burdens Objection.** The collective duty attaches to specific individuals, most likely women, which raises issues of gender inequality.
- (ii) **The No Permissible Enforcement Objection.** The collective duty, even if present, is not enforceable through legitimate means.
- (iii) **The Unnecessary Natalism Objection.** The collective duty of rescue used to justify a duty to procreate can be met otherwise, through automation, immigration, or both.  
and
- (iv) **The Unacceptable Treatment of Children Objection.** Having children to meet a collective duty to sustain institutions involves treating these children impermissibly as a means.

I do not think any of these objections succeed. I examine each in turn.

### 4.1 Unequal Burdens

A powerful and immediately apparent argument against any duty to procreate is one I call the GENDER INJUSTICE ARGUMENT.

**The Gender Injustice Argument (GIA).** If there is a collective duty to bear children, this will translate into some individual women's duty to bring a pregnancy to term. Requiring women to bring a pregnancy to term is not morally justifiable, because it (i) is impermissibly autonomy-violating, and (ii) involves gender injustice, since the duty necessarily burdens men and women unequally.

GIA is a powerful argument, but one I have already argued against in the previous chapter when I discussed Gheaus. My rejection of GIA, however, appeals to some controversial premises that I do not expect most readers to accept. I shall nonetheless sketch it here, for those readers who do, as I feel it needs additional exposition and justification.

Firstly, it is important to note that GIA turns on women having to bring a pregnancy to term to have children. As mentioned already, Gheaus (2015) argues that it is perfectly plausible that technology will soon advance to the level where a child can be gestated entirely outside the mother's body. Once this becomes a possibility, GIA will lose much of its force.

More controversially, I do not think that either (i) or (ii) in GIA are decisive objections to a duty to procreate, because I believe that (i) is not always true, and even if (ii) is true, it is grounds for compensation for the inequality rather than for rejecting the duty.

As for (i), I do not believe that autonomy-violating duties are impermissible across the board. Legitimate conscription to fight in a defensive war is an example of a moral requirement to risk one's life and bodily integrity for the sake of a duty one owes to others.<sup>14</sup> So long as the risk of death and harm accepted by the conscripted soldier is lesser in magnitude than the weightiest individual complaint against suffering the ravages of an invading army, even in QCP is the soldier required to enlist. Likewise, so long as there is a requirement to produce children to meet basic needs, and the risks and violations of autonomy associated with pregnancy to fulfil a duty are lesser than the weightiest individual complaint against the negative effects of depopulation, women who are able to bear children are plausibly under an obligation to try and do so. This much should already be familiar to the reader from my discussion of issues of gender inequality from the previous chapter.

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<sup>14</sup> I would like to thank Anca Gheaus and Swithin Thomas for independently pointing this out.

Continuing with the conscription analogy, (ii) is implausible since in similar cases, such as conscription, there is a *prima facie* unjust distribution of duties correlating with natural endowments, namely physical ability. The infirm, for example, are not required to serve, since they are not able to. What (ii) shows is merely that those who, through no choice or fault of their own, are the bearers of duties due to natural endowments ought to be compensated for performing the duty. The soldier plausibly has grounds to demand pay and respect, but it is unlikely that he may refuse service on the basis of not having chosen to be born physically fit. Likewise, GIA might be good grounds for arguing that women ought to be compensated for the sacrifices they make for the greater good in having children. It is no ground, however, for rejecting the duty as such.

## 4.2 No Permissible Enforcement

Another argument, which I shall call the NO PERMISSIBLE ENFORCEMENT ARGUMENT, runs as follows:

**The No Permissible Enforcement Argument.** Even if there is a duty to have children, it is impossible to enforce the duty in permissible ways: Coercing people to have children is impermissible, because a violation of autonomy or, more importantly, bodily integrity. And a duty that it is not permissible to enforce is no duty at all.

My response to the argument is twofold: (i) lack of permissible enforceability does not imply the absence of a duty, and (ii) the duty to have children *is* enforceable by legitimate means.

To the first point, there is no dearth of examples of duties which cannot be enforced, but presumably still exist; common-sense morality abounds with duties that can never be enforced legitimately, for example due to conflicts with more basic rights. We have a duty to be kind to others, yet we

may reasonably shirk from keeping everyone under constant surveillance to ensure they are punished and rewarded for their kindness or lack thereof.<sup>15</sup> We presumably have a duty to rescue others when doing so is easy, yet we may shirk from being forced to do so.

This last example is particularly pertinent for our discussion of a duty to have children since it touches on issues of autonomy and bodily integrity in quite a similar way. It is entirely plausible to say that person  $x$  who sees person  $y$  drowning has a duty to save  $y$  if this does not pose a danger to person  $x$ , but that we may not coerce  $x$  to save  $y$ , i.e., push her into the water, since this would be an impermissible violation of  $x$ 's bodily integrity. Something analogous may hold true of the duty to bear children: Even if we establish that we have a collective duty to produce a given number of children, or even a particular duty to have a child attaching to a specific individual, we may nonetheless accept that that duty may not be enforced in ways that would violate the bodily integrity of the procreator. The lack of permissible enforceability does not nullify the duty.

Moving on to (ii), it is implausible to say that a duty to bear children is in no circumstances enforceable by legitimate means. Autonomy, or bodily integrity-violating incursions, are often justified: If you attack another person, I may permissibly infringe upon your autonomy, even violently, to stop you. More importantly, there are ways to enforce duties which involve autonomy and bodily integrity that do not involve impermissible violations of either. Common methods to do so are providing incentives and punishing aberrant behaviour in ways which do not (directly) affect either autonomy or bodily integrity. For example, it seems plausible that people may be punished for not providing easy rescue when they were well placed to do so. In fact, this much is codified in some states' laws as a duty to rescue; if one does not rescue another in circumstances when such rescue would be reasonably easy, one is liable to punishment. (Silver 1985, 434–435)

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<sup>15</sup> I owe both this point and the example to Anca Gheaus.



To be clear, I am not providing a utilitarian argument: Incentives and punishments cannot be distributed in a way which will always privilege the overall better state of affairs over one's autonomy. I am merely saying that, when the incentive or the punishment is such that it is difficult to argue that one's autonomy or bodily integrity is violated by the imposition of either, one's complaint will as a rule be weaker than the complaint of whoever fails to be rescued due to, say, the absence of the incentive.

Let us now return to the well-digger case. Suppose the community knew two things: That, if no one is compelled to dig wells, the village will die of thirst, and that some individuals in the village are able to dig wells but choose not to. I do not think it implausible that the villagers are within their rights to enforce the duty to dig wells upon the able, by, e.g., punishing them if they choose not to or, to be less extreme, nudge them in the direction of performing their duties by giving incentives. Something similar is likely to apply when procreation is a necessary means to meeting similarly basic needs. This does not show that a duty to procreate justifies enforcement via punishment if one fails to perform one's duty in all or most circumstances; that seems to me highly implausible indeed: When very many, but not enough people procreate spontaneously, concerns about personal autonomy and bodily integrity are more likely to be decisive in rejecting the enforcement of such duties. It only shows that the duty is not *in principle* unenforceable because a violation of bodily integrity.

I recognize that this last stance is controversial. If the reader finds my argument for it unconvincing, the fact remains that unenforceable duties are part and parcel of our moral reasoning. The NO PERMISSIBLE ENFORCEMENT ARGUMENT fails for that reason, if not for the other.

## 4.3 Unnecessary Natalism

An interesting response to the argument for a duty to procreate from sustaining institutions is one

I shall call the REPLACEMENT ARGUMENT.<sup>16</sup> It runs as follows:

**The Replacement Argument.** If the duty to procreate is grounded in procreation being a means to sustaining social and political institutions, then if there are other means to do so that are less autonomy limiting, we ought to prefer those means. There are, in fact, such means: immigration and automation. Therefore, we ought to prefer a duty to encourage immigration and facilitate automation in production to a duty to procreate; this should render the latter redundant.

The idea is that the systems that justify a duty to procreate turn on the social and economic stability of institutions that benefit existing people. If so, bringing new people into a society from elsewhere may perform the same function in the social and political sphere, while automating production and ensuring the economic resources available to existing people are sustained without needing to sustain the labour force, may be a better way to achieve this stability without the baggage entailed by the implausible demand that people procreate for others' sake.

I believe the argument fails. The REPLACEMENT ARGUMENT can be separated into the immigration and automation components. Each component requires a different set of responses.

Immigration, while initially plausible, runs into a problem quickly: It cannot be a global solution. Sustaining institutions through immigrations requires that new people be born *somewhere*. Therefore, even with immigration, the duty to procreate simply moves from the local to the global level. Furthermore, any state which sustains its own political and social institutions via immigration seems to be impermissibly free riding on the fertility of the states from which the immigrants come: They get new people into the system without bearing the cost of procreating.

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<sup>16</sup> I would like to thank Anton Dolmatov for bringing this argument to my attention.

It may be said in rebuttal to this line of argument that countries that have excess people might in fact be benefitted by countries which accept emigrants from said country. I would personally disagree with the rejoinder. An excess of people involves an excess of resources expended upon reproduction and rearing for which the source country is not compensated. This to me reeks of exploitation of the source country by the destination country. Be that as it may, as I already mentioned, even if this argument goes through, it only moves the duty to procreate from the local to the global level rather than refuting it.

Automation is a plausible solution to the economic problem. It may initially seem to be an inadequate because partial fix since it is difficult to see how automation can also resolve the issue of sustaining social and political institutions. Not so, since it opens the gates to a powerful argument: Once the economic component is dealt with, the sustaining of social and political institutions may well *never* require more procreation than people want at any given point; after all, the refusal to procreate may simply indicate that there is no desire to sustain these institutions, or even that there is a positive desire to end them. If so, we cannot argue that these institutions *should* be continued: If there is widespread desire that a certain social or political arrangement end, it becomes increasingly implausible that there is any one individual who desires it to continue and whose complaint is weighty enough to compel the naysayers to have children.

Firstly, while this might be so once all or most jobs are automated, we are still far from that future. For the time being at least, people will be required to provide the goods and services those benefiting from our economic system are used to. Secondly, and more importantly, the more powerful argument does not go through if we view the issue from the contractualist-like perspective we have committed ourselves to. Remember, we are not considering a collective balance of reasons, but instead *individual complaints*. For the sustaining of a political or social institution to be required, it is enough that an individual have a reasonable complaint against the institution's ending. This requirement can be met under QCP even in cases when many in a society do not wish to procreate

because the sustaining of such institutions is irrelevant or odious to them, so long as there is an individual complaint for the sustaining of social and political institutions that is strong enough, a condition I think will often be met. Still, since QCP is a caricature of a view rather than a plausible view, it may well be true that, when many are opposed to a social arrangement persisting, no one may permissibly compel them to have children to sustain it.

However, if there is no such complaint, I am willing to bite the bullet and say that there is no duty to procreate then, namely in a society where most economic production is automated, and there is no strong individual request that its social and political institutions be sustained. As I already conceded, the duty to procreate I establish is a special case of a duty to prevent disaster and is contingent upon the necessity of producing new children to achieve specific results. If the necessary connection is severed, the argument for the duty will fail. Still, this SF scenario is not something anyone currently needs to consider when pondering the ethics of procreation. I am more than happy to qualify my argument and the title of this thesis by stating that even anti-natalists should accept a duty to procreate only in all societies that currently exist.

## 4.4 Unacceptable Treatment of Children

Another counterargument to the position sketched here is to point out that the duty to have children presupposes the using of these children as a means to preserving institutions in the interest of people other than the children in question. This may run afoul of the requirement not to treat people as a means and may consequently be seen to disqualify my argument.<sup>17</sup>

While this response seems initially promising, it requires a highly implausible interpretation of what in the case of procreation counts as treating children impermissibly as a means.

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<sup>17</sup> I am grateful to Darrah Moul for drawing my attention to this issue.

On the one hand, the restriction is meant to apply to cases of using other people as a means *only*; even Kant, the originator of the do-not-treat-as-means restriction makes it explicit that ‘[the] subject is to be used never *merely* as a means but as at the same time an end.’ (Kant 2015, 72, emphasis mine) If a person is used not only as a means, but also as an end in themselves, there should be no moral issue with such treatment. This seems to put having children *in order to* support institutions beyond reproach, so long as these children are *also* treated as ends in themselves and their humanity is respected. Loving parents may therefore discharge their duty to the community by having children without thereby treating their children impermissibly, as means-only.

This is a common view among theorists of procreative justice. Harry Brighouse and Adam Swift argue that having children in order to gain the goods of parenthood is permissible, so long as one is committed to loving one’s children and promoting their good. (Brighouse and Swift 2014, 86ff) Christine Overall argues for much the same position. (Overall 2012) Rivka Weinberg, meanwhile, essentially claims that not treating children as a means cannot be cashed out in any other terms except for committing to a loving relationship with them that promotes their interests. (Weinberg 2015, 176ff) So, on the one hand, one can take the side of all these theorists and argue that the do-not-treat-as-means restriction means ‘do not treat as a means to another purpose, while not being committed to promote the child’s own interests.’ If this is all that is required, then loving parents may, of course, have children to discharge their social duties without this being a problem.

On the other hand, if one interprets the restriction more broadly and disallows any kind of treating as a means, that is having children for an ulterior purpose, it is difficult to see how many intuitively unobjectionable motivations for having children do not as well run afoul of the do-not-treat-as-means restriction. Having children to contribute to one’s happiness by building a relationship with a child seems to be having a child as a means to increasing one’s own happiness; having a child to continue one’s family line likewise seems to impermissibly use the child as a means to extending one’s life through another. Really, the only case of having children that would not run afoul of the

restriction thus construed would seem to be having children only and exclusively so that the children may have good lives that they will enjoy. While there is definitely logical space for this kind of a position, it requires a highly implausible standard of parental selflessness and seems to condemn even those parents we would intuitively judge to be beyond reproach.

However, the use as means objection may be aiming at something else. The worry is that, if one has a child so that the child will discharge some social duty, say by taking on socially useful work, one is likely to have an attitude towards that child which promotes this kind of work and punishes or rejects other choices the child may make for themselves. According to this objection, the parent is then likely to set an unfair standard for the child and require of them to become a sort of slave to the collective, an attitude which may seem impermissibly restrictive.<sup>18</sup> This worry, however, is misguided. If there is a collective duty to provide for the basic needs of others, then the child itself will be bound by this duty once it comes of age. Parents may have a loving, even permissive relationship when it comes to what they expect of their child, yet still expect them to discharge their duties. There cannot be anything objectionable in requiring that one's loved ones abide by what is right, and nothing to condemn in condemning the injustice of those we hold dear.

For this last criticism to work, one would have to establish that the child itself does not have a duty to act for the preservation or improvement of economic, social and political institutions that are necessary for meeting the basic needs of one's fellows. This, however, is unlikely because of the arguments presented above. To get that conclusion, one would either have to argue that we do not have a duty to meet the basic needs of our fellows, which is extremely implausible on any non-libertarian account, or one would have to argue that there is no necessary connection between our institutions and the meeting of basic needs, a claim which I have rejected above.

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<sup>18</sup> I would like to thank Swithin Thomas for pointing this out to me.

To be clear, the argument that our institutions are unjust and should therefore be undone will not work here. If one believes that one should not support sweatshops and one has at one's disposal only a boat produced in a sweatshop that one may use to go into the water and save someone from drowning, saying that one will not do so so as to avoid supporting sweatshops will not fly. Even if existing institutions are unjust and should, ideally, be done away with, if we have a duty to meet basic needs, our only plausible way to discharge that duty is to, for the time being, uphold institutions that are best suited to ensure these needs are met. We are not off the hook of preserving institutions until we can provide a plausible alternative to these institutions, which will ensure we can fulfil our duties to at least a comparable level. Otherwise, those harmed by our lack of participation in existing institutions may have a weighty complaint against us.

## Conclusion

Anti-natalists claim that a basic asymmetry, a plausible feature of a person-affecting normative framework that can deal with the non-identity problem, implies a duty not to have children. I have argued that not only does the asymmetry have no bearing on whether there is a duty to have children, but the premises that the anti-natalist uses to reach her conclusion are compatible with an argument for a duty to procreate. Showing that such a duty exists requires reliance on a duty to provide for the basic needs of others, which in turn relies on a more general duty to rescue. This latter duty is so minimal that everyone other than libertarians will have difficulty rejecting it. Most common arguments against a duty to procreate either fail outright or show the duty to procreate to be contingent upon certain facts about our economic, social, and political systems. Since I do not aim to show that the anti-natalist is led to accept the duty to procreate as a basic feature of her moral system by her commitments, the latter arguments present no problem for my argument. Surprisingly, even if we accept the non-aggregating person-affecting ethics adopted by anti-natalists, we can also accept a duty to procreate and rear children.



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