WHAT WE OWE TO THOSE WE MAKE: 
A CAUSALIST ACCOUNT OF PROCREATORS' PARENTAL OBLIGATIONS

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ABSTRACT

Nearly everyone believes that we have special moral obligations to care for the children we create. Surprisingly, a satisfying philosophical justification of this belief has proved elusive. Causalist accounts ground these obligations in the harm procreators would impose on their children by causing them to exist and subsequently failing to care for them. Despite their intuitive appeal and their advantages over alternative views, causalist accounts of procreators’ parental obligations face two significant challenges. First, how could merely creating someone harm her, since harm seems to require making the victim worse off than she otherwise would have been? Second, why must procreators provide further aid to their progeny, given that creation itself usually imparts the expected benefit of a life well worth living? I solve these problems by arguing, first, that agents have moral reasons to keep others from suffering noncomparative harms—states that are intrinsically bad for someone but not necessarily worse for her than any available alternative. Second, I argue that benefiting a moral patient can never fully justify imposing the significant risk that she will never develop her potential for autonomous functioning, since she could not possibly consent to such a harm. These arguments yield a novel causalist account of procreators’ parental obligations: procreators have strong moral reasons to ensure that their progeny develop their capacity for autonomy, lest the progeny be unjustifiably harmed by being created.
For my daughter, Sophie Elizabeth Earl, to whom I owe this work and so much else
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Chapter 1: Four Accounts of Procreators’ Parental Obligations

Nearly everyone believes that bringing a child into the world gives one weighty moral responsibilities for that child’s development and well-being. Unless a procreator has some compelling excuse, failure to care for one’s progeny is met with strong moral condemnation across nations, cultures, races, and religions. This belief is so widespread and so firmly rooted in common sense that laws and customs around the globe assign the critical task of rearing the next generation primarily to procreators. As few moral commitments show such depth and breadth as this one, a philosophical approach to ethics that cannot accommodate it suffers from a serious explanatory shortcoming. Indeed, the intellectual project of explaining and justifying our shared moral experience remains starkly incomplete as long as our belief in procreators’ special responsibilities for their progeny remains mysterious.

In this chapter, I will argue that one type of philosophical account of the widespread moral belief that procreators have special responsibilities to care for their progeny, a family of views called causalism, has significant prima facie advantages over alternative accounts. In the first section, I offer an analysis of the nature and content of procreators’ moral responsibilities for their progeny. In the remaining sections, I consider the strengths and weaknesses of four popular accounts of these responsibilities: biologism, voluntarism, institutionalism, and causalism. I argue that the first three accounts have difficulty satisfying one or more key desiderata for an intuitively plausible and theoretically defensible account of procreators’ moral responsibilities for their progeny. I argue that the fourth account, however, not only satisfies all of these desiderata but also can withstand a common objection pressed by defenders of competing views. All things considered, then, causalism offers a promising way forward in explaining procreators’ special moral relationship with their progeny.
1. Procreators’ Parental Obligations

Imagine that you have just regained consciousness to find yourself on a deserted island somewhere in the Pacific Ocean. In assessing your peculiar situation, you discover a hut on the beach that has ample stocks of food, water, and other necessary supplies. It also, strangely enough, contains a 3-week-old child asleep in a crib. Knowing it would be wrong to leave the infant alone, you remain in the hut and tend to her as you wait for her parents to arrive. As the hours with the infant stretch into days, you realize that you and the infant are the only human beings on the island. Caring for the infant is difficult, but not so difficult as to put your own life or health at risk. As the weeks stretch into months, the infant develops into a social and emotional being, and you expand your care activities in response: cleaning, bathing, and soothing the child are now accompanied with activities aimed at developing her physical, cognitive, and social capacities.¹

Given the details of this peculiar scenario, it intuitively seems that you had a moral duty or obligation to care for the child in the way you did, meaning that failing to care for the child would have been morally wrong or impermissible.² That you had a moral obligation to care for the child entails the truth of two more specific claims: First, you had deontic or requiring moral reasons to care for the child, rather than merely commendatory or justifying moral reasons to do so. Deontic or requiring moral reasons are the kind of reasons that can serve as the ground of a moral obligation, such that acting against them can be (but need not always be) morally...

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¹ In the remainder of this section, I stake out a number of metaethical claims that are not universally accepted among philosophers. Although I believe these claims (or something like them) are true, I deploy them here mainly in order to clearly frame the terms of the argument. I am optimistic that a reader with conflicting metaethical commitments would be able to translate most of the subsequent arguments I make into his or her preferred moral ontology.

impermissible. Commendatory or justifying moral reasons, however, can render an action morally *praiseworthy* or *supererogatory*, but cannot make it the case that acting against them would be morally impermissible. The second claim entailed by your having a moral obligation to care for the child (and, let’s assume, no conflicting moral obligations) is that the deontic or requiring moral reasons in favor of doing so were *all-things-considered* reasons, rather than mere *pro tanto* reasons. Pro tanto reasons in favor of some action can be outweighed by reasons against the action or reasons permitting non-performance of the action. Pro tanto reasons that are, in a given circumstance, not outweighed in this way by countervailing pro tanto reasons are all-things-considered reasons, which give an agent decisive reason for action. Having a moral obligation to do X while lacking a moral obligation not to do X entails having an all-things-considered requiring moral reason to do X, such that an agent in such a circumstance acts against the balance of his or her requiring moral reasons when she refrains from doing X.

Procreators’ weighty moral responsibilities for their infant progeny’s development and well-being are moral obligations, which means that in most cases, procreators’ failing to provide care for their progeny is morally impermissible. There is an important difference, however, between a typical procreator’s obligations and your obligations in the desert island case. To see this difference, imagine now that you had discovered another marooned adult on the island who

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4 I here diverge from Simmons’s analysis of moral obligation or duty, which denies “that the existence of an obligation establishes an absolute moral claim on our action, or that obligations override all other sorts of moral considerations” (Moral Principles, 7). My assumption here is that moral reasons trump nonmoral reasons, although moral reasons can trump other moral reasons. Also, it is worth noting that I have only provided two necessary conditions for having a moral obligation, not a full analysis of the concept, which might include further conditions.

5 Simmons observes that the term “responsibility” is “best reserved for required tasks which involve some independent planning or nonroutine performance” (ibid., 13), as seems to be the case for the tasks of parenthood. See also Feinberg, “Duties, Rights, and Claims,” 141.
also has no prior relationship with the infant and is equally capable of caring for her. In this version of the case, it seems that both you and the other adult are equally morally obligated to provide care for the infant, and that your fellow maroon would violate this shared moral obligation if he left you to care for the child by yourself. This is notably different from a third version of the case, in which your fellow maroon is one of the infant’s procreators and is just as capable of caring for her as you are. Although you still have an obligation to care for the infant, it seems legitimate to expect the procreator to bear a greater share of the burden of providing this care. In this specific case, while it would be wrong for you to leave the procreator to care for the infant by himself, it would be even more wrong of the procreator to leave you alone with the infant.

What explains this difference between the wrongfulness of the procreator’s abandoning the infant and your doing the same thing? The two of you are equally capable of taking care of the infant, and the burdens and benefits that come with providing the bulk of the care might well be the same for either of you. The explanation is that while each of you has a general moral obligation to care for the infant, the procreator also has a special moral obligation to do so. Whereas general moral obligations are constituted exclusively by general moral reasons, special moral obligations are partially constituted by special moral reasons. Before explaining the difference between these two types of reasons, we need to have a sense of what a reason is. Here I take Mark Schroeder’s view that reasons are triadic relations among a consideration, an agent, and an action; a reason is a consideration in favor of an agent’s performing an action. Consider Schroeder’s example: “the fact that there will be dancing at the party is a reason for Ronnie to go

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6 Mark Schroeder, “Reasons and Agent-Neutrality,” *Philosophical Studies* 135 (2007): 279-306, 279. Schroeder notes in that on this view, all reasons are (fundamentally) *agent-relational*, but that this does not entail that all reasons are *agent-relative* or that no reasons are *agent-neutral*. Cf. note 9 below.
to the party”; that there will be dancing at the party is the consideration (i.e., the reason) that favors the agent, Ronnie, performing the action of going to the party.\(^7\)

Now, what is the difference between *general* moral reasons and *special* moral reasons? A moral reason, \(r\), for an agent, \(A\), to perform an action, \(\varphi\)-ing, is a general moral reason if and only if \(r\) would also be a moral reason for any other agent, \(B\), who (i) can \(\varphi\) and (ii) has an identical motivational profile to \(A\). Two agents have identical motivational profiles when they have identical dispositions to respond to any given set of reasons. In the second and third versions of the desert island case, it seems that you and the other adult share a general moral reason to care for the infant. For each of you, it is true that a capable agent with an identical motivational profile would have the same moral reason to care for the infant. Indeed, you and the other adult are not motivationally identical, but you are nonetheless motivationally similar enough to share this general moral reason. If you were stranded instead with the Predator or ideally coherent Caligula,\(^8\) it might not be the case that the two of you would share a general moral reason to care for the infant, but this does not undermine the claim that you and your fellow maroon, who is a neurotypical human adult, share a general moral reason to do so.

A special moral reason is any moral reason that is not a general moral reason. That is, if an agent, \(A\), has a moral reason, \(r\), to perform an action, \(\varphi\)-ing, but \(r\) would not be a moral reason for another agent, \(B\), who (i) can \(\varphi\) and (ii) has an identical motivational profile to \(A\), then \(r\) is a special moral reason. In the third version of the desert island case where you are stranded with the infant’s procreator, both you and the procreator have a general moral reason to care for the infant: caring for the infant is necessary to prevent it from suffering harm, and both of you are

\(^7\) What distinguishes moral reasons from other kinds of reasons is a difficult philosophical question. For this dissertation, I will leave it to commonsense intuition to sort moral reasons from other sorts of reasons.

capable of providing that care. The procreator, however, has a moral reason to aid the infant that you don’t have (intuitively, at least). Even if you and the procreator were not only equally capable of caring for the infant but also motivationally identical with one another, it is still the case that the procreator, in virtue of his distinct relationship with the infant, would have a moral reason to care for her that you don’t have. On the above analysis, then, the procreator has a special moral reason in addition to a general moral reason to care for the infant, and this explains why it is more wrong for the procreator to fail to care for the child than for you to fail to do so.9

Common sense holds that procreators have special moral obligations regarding the care of the children that they have created. Beyond this somewhat generic claim, however, reasonable people disagree about what it is that procreators are obligated to do. While some of this disagreement is about what sorts of actions or practices effectively fulfill these special obligations, much of the disagreement is about the very contents of those obligations. Are procreators obligated to ensure their progeny’s survival, their flourishing, or their happiness? Are they obligated merely during the progeny’s childhood, through their early adulthood, or for the duration of their lives? We will return to these questions in chapter 5, but for now we need to identify some uncontroversial core of procreators’ special moral obligations regarding the care of their progeny in order to explain the grounds of the commonsense belief that procreators do have such obligations. To see what this core might be, consider the following case:

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9 The way I have drawn the distinction between general moral obligations and special moral obligations has some advantages over other accounts. First, it is compatible with metaethical views which deny the existence of agent-neutral moral reasons, or reasons which necessarily apply to all moral agents (see Derek Parfit, Reasons and Persons [Oxford: Clarendon Press, 1984], 143; Thomas Nagel, The View from Nowhere [Oxford: Oxford University Press, 1986], 152-53; Diane Jeske, Rationality and Moral Theory: How Intimacy Generates Reasons [New York: Routledge, 2008], 8-13). Even if all moral reasons are agent-relative, my definition of special moral reasons picks out a distinctive subset of agent-relative moral reasons. Second, my way of drawing the distinction is neutral with respect to the voluntarist thesis, the claim that all special obligations come about as a result of some sort of voluntary assumption of the obligation by the agent (cf. Simmons, Moral Principles, 14).
Hospital Abandonment: After months of excited planning, Colin and Aviva have just given birth to a beautiful, healthy baby boy, Noah. Just as the happy couple is preparing to leave the hospital with Noah, however, they are told that they have won a year-long, all-expenses-paid trip around the world. Not wanting to miss this opportunity, they pack their things, hit the call button for the nursing staff, and sneak down the hallway to the stairwell, where they can observe the door to their hospital room unseen. A few minutes later, the nurse-on-call finds Noah asleep in his room. Assured of Noah’s safety, Colin and Aviva rush to the airport, never to return.10

It seems that Colin and Aviva have violated their special moral obligations regarding Noah’s care. Note, however, that they do not put Noah in any immediate danger by abandoning him in the way they do; by pushing the call button in their room and waiting for a nurse to arrive before making their escape, they ensure that the helpless newborn does not suffer grievous harm by being left alone. Assuming ordinary social conditions, it is very likely that Noah will be cared for throughout his childhood, whether by being adopted, fostered, or placed in an institution. If Colin and Aviva violate their special moral obligations regarding Noah’s care, but do not put him at risk of death, injury, or other serious physical deprivations, then it must be the case that procreators’ special obligations are more extensive than merely ensuring the survival or the safety of their progeny.

Hospital Abandonment suggests that procreators have a special moral obligation to ensure that their progeny receive not just what is necessary to prevent death or dire suffering, but that they receive care that is distinctively parental. Parenting is a distinctive way of aiding

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another individual that attends to that individual’s welfare and flourishing in both the near- and long-term future. It typically both requires and engenders bonds of intimacy between parent and child, and normally entails that the parent has some rights against others’ interfering in that intimate relationship.\textsuperscript{11} By abandoning Noah in the hospital, Colin and Aviva fail, at the very least, to ensure with an appropriate level of certainty that he will be adequately parented, rather than merely kept alive and healthy. Since this failure clearly violates Colin and Aviva’s special moral obligations as procreators, it seems that procreators have, at the very least, special moral reasons to ensure that their progeny are adequately parented.\textsuperscript{12}

In the rest of this dissertation, I will refer to the special moral obligations that procreators typically have to ensure that their progeny are adequately parented as \textit{procreators’ parental obligations}, and the special moral reasons that constitute these obligations as \textit{procreators’ parental moral reasons}. While the ultimate goal of this dissertation is to explain procreators’ parental obligations, both their grounds and their contents, we must first explain the grounds of the special moral reasons that constitute those obligations. In the remainder of this chapter, I will consider various accounts that have been offered of the grounds of procreators’ parental moral reasons.

For the purposes of exposition, I propose dividing accounts of the grounds of procreators’ parental moral reasons into two broad categories. \textit{Transactional} accounts are those that hold that some action (or omission) of the procreator is a necessary part of the grounds of the procreator’s


\textsuperscript{12} One might have the narrower intuition that procreators are obligated to parent their progeny \textit{themselves}, and that they usually fail to fulfill this obligation when they transfer parental responsibilities to another party. Alternatively, one might hold that procreators have special moral obligations to ensure only that their progeny are parented by someone or other, not necessarily themselves. For now, I adopt the second, weaker articulation of the core intuition about procreators’ parental obligations in full recognition that I will have to deal with the narrower intuition, which I will do in chapter 5.
parental moral reasons, whereas nontransactional accounts deny this necessity. The distinction between transactional and nontransactional accounts of a given type of special moral reason is different from the more well-known distinction between voluntarist and nonvoluntarist accounts of special moral reasons. Voluntarist accounts hold that some act of commitment (e.g., a promise, an agreement, an invitation to reliance, etc.) is a necessary part of the grounds of a given special moral reason, whereas nonvoluntarist accounts deny this necessity. For a given type of special moral reason, while all voluntarist accounts are transactional accounts, not all transactional accounts are voluntarist accounts, and nonvoluntarist accounts might be transactional or nontransactional. In the following section, I will consider the most prominent nontransactional account of procreators’ parental moral reasons. I will then turn to transactional alternatives in the remaining sections.

2. Biologism

One type of nontransactional account grounds procreators’ parental moral reasons in facts about their biological relationship with their progeny. On one such view, geneticism, the fact that the progeny is a direct genetic descendant of an individual explains that individual’s having parental moral reasons. On another such view, gestationalism, the fact that the progeny was gestated by an individual explains that individual’s having parental moral reasons. Geneticism and gestationalism about the grounds of procreators’ parental moral reasons are distinct from “geneticism” or “gestationalism” about the grounds of procreators’ moral rights regarding their

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13 Voluntarism about a given type of special moral reason should also be distinguished from voluntarism about all special moral reasons, a view occasionally endorsed by philosophers such as Thomas Hobbes (*Leviathan: With Selected Variants from the Latin Edition of 1668*, ed. Edwin Curley [Indianapolis, IN: Hackett, 1994], chapter XXI, section 10) and Diane Jeske (*Rationality and Moral Theory*, chapter 7), among others. (On the distinction between voluntarism and nonvoluntarism, see also Samuel Scheffler, “Relationships and Responsibilities,” *Philosophy and Public Affairs* 26 [1997]: 189-209.) If the argument to follow in this chapter is correct, then voluntarism (in this sense) about all special moral reasons must be false, as procreators’ parental moral reasons are nonvoluntarist special moral reasons.
progeny or of what it is to be a “parent” in some more capacious sense. To my knowledge, nobody has explicitly argued for nontransactional gestationalism about procreators’ parental moral reasons. For the sake of argument, however, we will consider a disjunction of geneticism and gestationalism about procreators’ parental moral reasons, a view we might call biologism, in order to determine the plausibility of these nontransactional accounts in relation to other accounts.

Two considerations appear to favor biologism about procreators’ parental moral reasons. First, if biologism were true, this would confirm the widespread belief that nearly all procreators have parental moral reasons. This is because it is plausible that the set of procreators is coextensive, or nearly so, with the set of individuals who have gestated and given birth to a newborn or are the direct genetic forebears of a newborn. The second consideration in favor of biologism is that many people share the intuition that biological relationships themselves can give us moral reasons. Many think it is a tragedy when newborns are accidentally switched at


16 Bayne and Kolers affirm a similar position, though they claim that nonbiological relations can suffice for establishing the status of parenthood as well (“Pluralist Account of Parenthood”). See also Jeff McMahan, The Ethics of Killing: Problems at the Margins of Life (New York: Oxford University Press, 2002), 373-78.
birth, such that two couples end up accidentally rearing each other’s biological child.\textsuperscript{17} Children who are adopted in infancy and raised by loving parents often desire to find and develop a relationship with their “biological parents,” and vice versa.\textsuperscript{18} Indeed, the moral, social, and legal controversies surrounding novel reproductive technologies and practices show just how significant many take genetic and gestational relationships to be.

Assume, for the moment, that these considerations are good prima facie reasons for believing biologism about procreators’ parental moral reasons. Advocates of such a view, however, appear to owe us an explanation why being a direct genetic progenitor or gestator is sufficient (or necessary) for having parental moral reasons, and the current explanations on offer are not very appealing.\textsuperscript{19} Some philosophers have argued that because individuals have reproductive autonomy rights, they have moral obligations for children produced from their own gametes or reproductive organs.\textsuperscript{20} The trouble with this argument is that it makes a spurious inference from “having a right to X” to “having moral reasons regarding the products of X.” Having a moral right to a parcel of land might imply that I have a moral right to its agricultural products, but more premises are needed for the claim that I have any moral (rather than merely prudential) reasons to treat those agricultural products in any particular way.\textsuperscript{21}

Other philosophers have argued that the shared biological identity with their progeny explains procreators’ parental moral reasons. As J. David Velleman argues, never knowing one’s biological relatives is a “deprivation,” in that it impairs one’s ability to achieve the sort of self-knowledge needed for fashioning one’s personal identity; this, in turn, gives procreators a moral


\textsuperscript{19} See note 30 below for an alternative version of biologism that insists it does not owe such an explanation.


\textsuperscript{21} For additional concerns about this sort of inference, see Kolers and Bayne, “Are You My Mommy?” 278.
reason to parent their children.\textsuperscript{22} One difficulty with this argument is that Velleman overestimates the importance of knowing one’s biological relatives for flourishing.\textsuperscript{23} A more significant problem is that even if acquaintance with one’s biological relatives were as important as Velleman claims, ensuring that one’s progeny is adequately parented (either by oneself or others) is not necessary to provide this good. In Hospital Abandonment, Colin and Aviva could send care packages with photos and stories about themselves and their ancestors to Noah’s orphanage. If personal acquaintance is required, then Colin and Aviva could ensure this good for Noah by volunteering at his orphanage or by befriending his social parents. This suggests that the good of acquaintance with one’s biological relatives is not related to procreators’ parental moral reasons in the right sort of way.

Niko Kolodny offers another account based on shared biological identity: Although the fact that your progeny is derived from your genetic code does not make you identical to your progeny, it does create a certain sort of egoistic “resonance,” such that it is appropriate to feel and act as if that person deserved the sort of care and concern that you should give to yourself.\textsuperscript{24} The trouble with this view is twofold. First, as Kolodny notes, it requires that we accept not only Kolodny’s notion of “resonance,” but also a particular theory of the grounds of rational egoistic concern as well as the claim that egoistic concern can extend to physically distinct individuals, as our progeny surely are; in brief, the account requires that we adopt a lot of controversial moral machinery. Second, and more importantly, even if we could be convinced that the machinery were appropriate, it seems that Kolodny’s account would not support our judgments about

\textsuperscript{22} Velleman, “Family History.” On Velleman’s account, procreators would not have “special” moral reasons as I define that term here, since they would share these reasons with any motivationally identical agent who is similarly capable of providing the progeny with the necessary sort of self-knowledge.


\textsuperscript{24} Kolodny, Which Relationships Justify Partiality?” 70-71.
procreators’ all-things-considered parental moral reasons. We might imagine an alternate version of Colin and Aviva’s case, in which they value going on the cruise so much that even after accounting for Noah’s interests in not being abandoned as part of their overall egoistic calculus, they still have most reason to abandon Noah. The problem here is that reasons grounded in egoistic concern are all weighed equally against one another, whereas intuitively it seems that moral reasons are not weighed equally against such reasons, and so Kolodny’s view will fail to account for procreators’ having all-things-considered parental moral reasons in too many cases.\(^{25}\)

Beyond the arguments canvassed here, plausible explanations of why being a direct genetic progenitor or gestator would explain one’s having parental moral reasons run thin. To see why we shouldn’t hold out for an improved nontransactional biologism, let’s have another look at the two prima facie considerations in favor of such views. The first was that these accounts seem to yield the right sort of extension over cases, but this claim isn’t quite correct. Nontransactional biologism would entail that people who have had their gametes stolen and/or who have been coerced into gestating a child would thereby acquire parental moral reasons.\(^{26}\) This result, however, is counterintuitive; if, in the alternate deserted island cases, you discover that the procreator of the infant had been forced against his or her will to procreate, it does not seem that the two of you would have different moral obligations to provide care to the infant (indeed, it might seem that he or she has weaker obligations than you do).\(^{27}\) Nontransactional

\(^{25}\) A related worry is that Kolodny’s account at best can explain why procreators have prudential reasons to ensure that their progeny are adequately parented, but not necessarily moral reasons to ensure this. Further, it isn’t clear how the fact that these reasons are grounded in rational egoistic concern as it pertains to a distinct individual could thereby make such reasons moral.


\(^{27}\) Cf., however, Kolodny, “Which Relationships Justify Partiality?” 69.
biologism entails that procreators have parental moral reasons in too many cases, specifically those in which the procreator is coerced or defrauded into creating a child.\(^{28}\)

The second prima facie consideration in favor of biologism was that it seemed to justify the widespread intuition that biological relationships matter morally, that we have special moral reasons to care for those connected to us by “blood.” The trouble with these moral intuitions is that we have good reasons for thinking they are not tracking the morally relevant facts. It is hard to justify the claim that biological relations in themselves explain procreators’ parental moral reasons when these biological relations frequently track other features of the world, such as our social institutions of parenthood, or the voluntary commitments of procreators, or the procreators’ causal role in bringing about their progeny’s existence. Facts about social institutions, voluntary commitments, and causal effects on others are widely believed to ground other kinds of special moral reasons, such as those we have regarding our political communities, our friends, and those people we have put at risk of harm.\(^{29}\) It makes sense that biological relationships (especially gestation) would get social and psychological uptake as proxies for these less epistemically accessible grounding facts, as historically they have been fairly reliable indicators. This alternative explanation of the apparent moral significance of biological relationships also makes sense of why the advent of reproductive technology has generated so

\(^{28}\) In somewhat more fanciful cases, nontransactional biologism could not account for the intuition that someone has the parental moral reasons typical of procreators despite lacking any genetic or gestational relationship with a child. Say, for instance, that a man has unprotected sex with a woman, who later gives birth to the child. As it turns out, however, the child does not share any of the man’s genes, due to the fact that the woman underwent asexual reproduction that was causally triggered by the intercourse. Despite the lack of a genetic or gestational relation, it seems possible that the man has special moral reasons to ensure the child is properly parented, but biologism cannot account for this intuitive possibility.

\(^{29}\) See also Austin, *Conceptions of Parenthood*, 21, 39. Austin notes that these considerations undercut the viability of a transactionalist causalism, as such an account would rest greater explanatory weight on these non-biological facts.
much controversy: these technologies pried biology apart from the morally explanatory facts, resulting in moral confusion.\textsuperscript{30}

Despite its initial intuitive appeal, there are strong arguments that nontransactional biologism is not the correct account of procreators’ parental moral reasons. Its shortcomings, however, suggest two desiderata for alternative accounts: First, an account of procreators’ parental moral reasons should not entail that those who are coerced or defrauded into procreating have parental moral reasons; call this the \textit{noncoercion requirement}.\textsuperscript{31} Second, an account of procreators’ parental moral reasons should locate the grounds of those reasons in the explanatory facts themselves, not merely in features of the world that track or co-vary with those facts; call this the \textit{fundamentality requirement}. While these “requirements” are ultimately defeasible, failing to satisfy one of them gives us a strong prima facie reason to favor an alternative account that can satisfy it. In the next section, we will consider an account that easily satisfies both of these requirements.

3. \textit{Voluntarism}

Voluntarist accounts ground procreators’ parental moral reasons in some act of commitment that the procreators performed, such as agreeing or consenting to ensure that their progeny are adequately parented, generating reasonable expectations or reliance in others that

\textsuperscript{30} A moral intuitionist might adhere to a version of biologism on which it is a fundamental moral fact that procreators have parental moral reasons in virtue of their biological relationship with their progeny, but that these reasons are always overridden when procreation results from coercion. A defender of this sort of view would reject the demand for an explanation of the relevance of biological relations and would not be tempted by the available alternative explanations of our intuitions about the moral significance of biological ties. The account of procreators’ parental moral reasons I will defend, however, draws on principles that an intuitionist is also likely to accept, such that an intuitionist concerned about the unity of moral principles and explanatory simplicity should find my account attractive.

\textsuperscript{31} It is difficult to say what kinds of “fraud” would prevent a procreator from acquiring moral reasons. Some kinds of fraud intuitively do not count (e.g., the procreator was deceived by his/her sex partner into believing two highly effective forms of birth control were used when in fact only one was used) while some kinds of fraud intuitively do seem to count (e.g., the procreator donated sperm under the ruse that they would be used for genetic research, when in fact they were used by the faux-clinician to begin her pregnancy). For reasons that will become clear below, I must set aside this important question.
they will do so, or accepting or merely intending to take on a role that requires them to do so. Voluntarism is a type of transactionalism, in that procreators must perform some action to acquire parental moral reasons. Except where the differences matter, I will gloss these various types of acts as “committing” to ensure one’s progeny is adequately parented, where such commitment need not be explicit or even intentionally undertaken. For example, a camper might acquire a special moral reason to collect firewood for her campsite by intentionally promising her fellow campers to do so, or, given appropriate background conditions, she might acquire such a reason by absentmindedly omitting to volunteer for any other chores. This suggests that there is a range of ways an act might count as a “commitment,” and thereby generate special moral reasons for the agent.

Without getting into the particulars of different voluntarist accounts, we can see that there are several reasons to be attracted to this family of views. First, voluntarism assimilates procreators’ parental moral reasons to more familiar sorts of special moral reason, such as promissory reasons or reasons of fidelity. Acts of commitment in other contexts can serve as the grounds of special moral reasons, so it takes no great leap of faith to believe they could do so in procreative contexts as well. In this way, voluntarism can plausibly satisfy the fundamentality

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33 While there is a wide range of actions that might qualify as commitment, not every action will qualify. Imagine a person who, in order to flee a country in which she has committed a number of serious property crimes, murders a border guard. It would be implausible to argue that punishing her is justified because by engaging in the voluntary act of murder under full knowledge of the law’s prohibition, she thereby committed herself to accept the legal consequences for her action. Indeed, the only reason she performed the action was to avoid suffering the legal consequences for other things she had done.
requirement: certain acts of commitment seem, all on their own, to explain why a given agent has a special moral reason to do something.

Second, in contrast with biologism, voluntarism can satisfy the noncoercion requirement in a way that is not ad hoc. While a coerced genetic or gestational contribution is still a genetic or gestational contribution, it seems that a coerced commitment is not a commitment at all. For example, a speech act that has the form of a promise might not meet the success conditions of a promise if that speech act is extracted under torture, or if the speaker is radically ignorant of the nature of the action she purportedly commits herself to perform. Certain circumstances can undermine the voluntariness of an individual’s behavior to the extent that the behavior is not reasonably construed as an expression of that individual’s agency; in such cases, it seems that an agent’s apparent “commitments” are not genuine commitments. It is plausible that fraud or coercion could be just such extenuating circumstances, and so it appears that voluntarists can easily satisfy the noncoercion requirement.

Third, voluntarism has some significant intuitive plausibility in ordinary procreative contexts. Most people who have procreated can point to at least one moment, and usually many, in which they made a commitment to provide parental care for their progeny. Even in the many cases where procreators conceive their progeny unintentionally (or contrary to their intentions), the procreators in such cases almost always perform other acts that together plausibly count as taking on a commitment (or as an acknowledgment that one has previously taken on a commitment): acting out of concern for the developing fetus’s health, making arrangements to care for the child once it is born, communicating to family and friends their intentions to rear the child, taking the child into the home and caring for it, and so on. Procreators tend to perform such actions except in extraordinary circumstances, and intuitively it seems that procreators have
parental moral reasons except in extraordinary circumstances, so perhaps the former fact explains the latter.

Finally, voluntarism retains some significant intuitive plausibility even in extraordinary cases of procreation, such as those that have arisen due to new reproductive technologies. With the advent of in vitro fertilization, gamete freezing, and gestational surrogacy came cases in which parties who had made distinct contributions to the creation of a child fell into dispute about who had parental rights and responsibilities. Some commentators about these disputes believe that those who commissioned the production of a child have the strongest claim to parental rights and responsibilities, even if they contributed no genetic material or gestational labor.34 One plausible way to explain this intuition is that the commissioning party usually has made a commitment to parent the child resulting from the arrangement, while the other parties have not made such a commitment (and, often, explicitly foreswear such a commitment). Voluntarism, then, offers a way to justify some widespread intuitions about the moral reasons of parties in such collaborative reproduction arrangements.

Despite these attractions, voluntarism about procreators’ parental moral reasons faces two serious objections. First, even the most well-developed voluntarist accounts yield counterintuitive results in real-world and hypothetical cases. Granted, it is a virtue of voluntarism that it does not attribute parental moral reasons to agents who procreate primarily due to coercion, certain kinds of fraud, ignorance about the nature or consequences of sex, or a general or temporary inability to control their actions. But voluntarism also fails to attribute parental moral reasons to agents who procreate freely and knowingly but who cannot plausibly be construed as having made the relevant act of commitment. Many procreators take effective

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measures to avoid procreating, such as using multiple methods of highly effective birth control, perhaps in addition to verbally foreshewing their willingness to take on parental responsibilities for any children their actions might produce. Call such agents *nonvoluntary* procreators: their having procreated is not involuntary, unlike procreation that results from coercion or serious fraud, but neither is it intentional, reckless, or negligent.

The problem of nonvoluntary procreators is a significant one, given how frequently such cases arise. Recent empirical research shows that an average of 13.8% of women who gave birth in the United States between 2006 and 2010 reported that, at the time of conception, they did not want to have any more children; an additional 14% of United States birth mothers had conceptions that were “seriously mistimed,” meaning that they conceived children 2 or more years before they really wanted to. While sex education and access to reproductive health services varies by state and region, the United States is far ahead of many poorer nations, suggesting that in those contexts the rates of unwanted and seriously mistimed pregnancies resulting in childbirth are even higher. Indeed, available data on unwanted pregnancies resulting in birth in Asia, Africa, and Latin America are equal to or significantly higher than these recent U.S. figures.

Assume for the sake of argument that nonvoluntary procreators do, in fact, commit to parenting any progeny that might come into existence as a result of their actions; after all, they

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were minimally aware of the nature of their procreative actions, that birth control has some risk of failure, etc. Even given this generous assumption, voluntarism is nonetheless an implausibly unstable account of these agents’ parental moral reasons. It seems that if one acquires a responsibility because one committed to taking on that responsibility, then there was something that agent could have done prior to performing that act to nullify its qualifying as a commitment. If simply foreswearing one’s intentions not to take on the commitment is insufficient, then drawing up a document that is signed in the presence of witnesses and filed with local authorities would be sufficient. If that is insufficiently public, then one could also set up a website and advertise that one has refused to make such a commitment. Often, however, even these actions would be overkill: to return to the camping example, it seems that if the negligent camper had said before the trip, “Hey, just so you all know, I am not implicitly committing to collect firewood by failing to volunteer for other chores,” then it is implausible to construe her as having committed herself to collecting firewood.\footnote{The camper might have other moral reasons to collect firewood, such as reasons against free-riding on a just practice, but such reasons offer no assistance to voluntarist accounts of procreators’ parental moral reasons.} Similarly, if a procreator prior to the birth of her progeny were to publicly and consistently insist that none of her actions were to be construed as taking on a commitment to ensure the progeny is adequately parented, it would be implausible to construe her as having acquired parental moral reasons on a voluntarist account.\footnote{Another relevant difference between the camper’s refusal and the procreator’s refusal is that the camper delivers her refusal to the compatriots so they can adjust their conduct accordingly, whereas this is impossible in the procreation case. I consider this important feature of the procreation case below.}

Granted, there aren’t many real-world cases in which an agent freely and knowingly (perhaps even intentionally) procreates while publicly and consistently refusing that she is thereby assuming parental obligations.\footnote{A possible exception is the recent case of Ari Nagel, a CUNY math professor who has been informally donating his semen to women and has so far helped to create 22 children, though he denies having parental responsibilities for them. See Doree Lewak, “Professor Who Donates Sperm in City Bathrooms Has Sired 22 Kids,” \textit{New York Post}, June 12, 2016, \url{http://nypost.com/2016/06/12/professor-who-donates-sperm-in-city-bathrooms-has-sired-22-kids/}.}

But even if such refusal to make a commitment to take
on parental moral reasons is uncommon, that it is even a possibility is a serious mark against voluntarism. If voluntarism were true and this limitation were widely known, all it would take for any procreator to avoid acquiring parental moral reasons is to consistently and publicly deny that she is committing herself to ensure that her progeny is properly parented. It seems that procreators’ parental moral reasons, however, are not unstable in this way; no matter how much a procreator refuses to accept or acknowledge that she has such moral reasons, she nonetheless has them in ordinary circumstances. Voluntarism fails what we might call the *nonrefusability requirement* for accounts of procreators’ parental moral reasons, which is that such reasons cannot be avoided merely by emphatic refusal to accept that one has them. Satisfying the nonrefusability requirement seems to be a desideratum for accounts of procreators’ parental moral reasons.

The second objection to voluntarism is even more significant than its failure to satisfy the nonrefusability requirement. In the case of the camper who unintentionally commits to collecting firewood, we can sensibly ask the following question: assuming that her commitment gives her an all-things-considered special moral reason to collect firewood, whom does she wrong if she violates this special moral obligation? This question is pointing to the fact that special moral obligations can be *directional*: in addition to their violation being morally wrong, their violation also morally wrongs someone in particular.\(^4\) Some special moral obligations, it seems, have counterparties, such that they are moral obligations *to* someone or other, in addition to being moral obligations simpliciter. Intuitively, the camper’s failing to collect firewood after

committing to do so would primarily wrong her fellow campers, and perhaps secondarily the broader community of campers, or the broader outdoor enthusiast community. Special moral reasons grounded in acts of commitment seem to invariably have particular counterparties; after all, one commits not only to perform an action but makes that commitment to some particular person(s), the recipient(s) of the commitment.\textsuperscript{42}

If voluntarism about procreators’ parental moral reasons were true, who would be the counterparty to procreators’ parental moral obligations? Let’s assume, for the sake of argument, that any of the progeny’s other procreators, friends and family of the procreator, and the procreator’s local or national community are all distinct counterparties to the commitment. Even with this assumption, however, voluntarism does not yet capture an intuitively significant feature of procreators’ parental moral obligations, which is that they are obligations \textit{to} the progeny. Granted, on the assumption that the moral community is a counterparty to these obligations, the voluntarist account could support the normative complaint of someone whose procreator failed to fulfill his parental obligations in her case, but only in a limited sense, most likely \textit{qua} member of the procreator’s local or national community. It intuitively seems, however, that the progeny is a counterparty in another important sense: namely, \textit{qua} progeny; she has a grounds for complaint that co-procreators, friends and family, and the community at large do not have.

It seems, though, that the voluntarist cannot account for the progeny’s distinctive status as a counterparty to the procreator’s parental obligation. If to be a counterparty to an obligation one must accept or be a witness to the act of commitment that generates the obligation, then progeny can never be counterparties to procreators’ parental obligations. The reason is that these obligations obtain before the progeny is capable of accepting or witnessing the procreator’s act.

\textsuperscript{42} This is not to say that the counterparty of a commitment must be the beneficiary of the action committed to: A can promise B to do something for C, for instance.
of commitment. But perhaps this requirement is too stringent; it seems that I could be a counterparty to a legal agreement when my lawyer or some other person is acting on my behalf. It might be, then, that the progeny is a counterparty to the procreator’s act of commitment because that act is received by proxy for the progeny.

On this weaker standard, however, no progeny would be the counterparty to a procreator whose only act of commitment is voluntarily engaging in sex, such as the non-gestating procreator in a pregnancy resulting from a one-night stand. Why not? The trouble is that the particular individual who will later be the progeny is not identical with any individual who exists at the time of the sex act; it will be at least a few days before the formation of the zygote that will grow into the relevant individual, and it is not plausible that the progeny exists prior to that point. Unlike in the case where my proxy accepts a commitment on my behalf, in this sort of procreative case there is no particular individual on whose behalf some existing individual could accept the procreator’s commitment. Granted, there might be some way of specifying the commitment such that one commits not to care for any particular individual, but rather for some adequately specified individual, such as “any progeny that might result from this particular sexual act.” But this would merely specify the beneficiary of the commitment, not constitute any individual as a counterparty. Indeed, if an agent publicly commits to do something for a beneficiary who is merely a (well-specified) possible future individual, rather than a particular, identifiable individual, then it would be odd to insist that an individual who only later comes to meet the commitment’s specification is a genuine counterparty to the arranged agreement, rather than a mere beneficiary.43

43 If the reasoning here seems a bit abstract, consider the following case: Parent makes a solemn, verbalized commitment in the presence of Co-parent that he will parent as a supererogatory parent would for any child he might have in the future. Parent and Co-parent create such a child (call her Child), and for many years Parent abides by his commitment, though he never once reaffirms it to Child, Co-parent, or anyone else. At some point, Child comes to
Although voluntarism has some prima facie plausibility and can satisfy the noncoercion and fundamentality requirements, it has significant shortcomings. Many forms of voluntarism have counterintuitive implications for cases involving nonvoluntary procreators, and even those varieties that can avoid such implications fail to satisfy the nonrefusability requirement. That is, even if they yield intuitive results in most actual cases, they implausibly allow that procreators can avoid acquiring parental moral reasons just by refusing to. Further, voluntarism fails to satisfy the directionality requirement, which tracks our intuition that when a procreator fails to fulfill his parental obligations, he thereby wrongs the progeny as a distinctive counterparty to those obligations. Given its failures to satisfy these two additional desiderata, it seems that we have good reason to consider still more alternative accounts of procreators’ parental moral reasons.

4. Institutionalism

So far, we have looked at examples of both nontransactional and transactional accounts of procreators’ parental moral reasons, and have found them both wanting in important ways. Nontransactional biologism cannot accommodate the intuition that such reasons cannot result from coercion, nor does it provide an adequately fundamental explanation of those reasons. Transactional voluntarism does not suffer from these shortcomings, but it cannot accommodate the intuition that procreators cannot avoid such reasons merely by disclaiming them, and it has difficulty handling the seemingly directional nature of procreators’ moral relationship with their

believe that holding Parent to his commitment is inhumane and that the counterparty should waive the claim to Parent’s performance. Now, it seems that whomever the counterparty to Parent’s commitment is, it isn’t Child; were she to attempt to waive the commitment, it seems that Co-parent, Parent himself, or someone else (depending on how we want to describe this act of commitment) could legitimately complain that she lacks the authority to do so. The commitment, after all, was about her (in some sense), not to her. At the very least, someone who wants to say that Child is the counterparty to this commitment and its attending moral obligation needs to explain the intuitive weirdness of the notion that Child herself can waive the obligation arising from Parent’s original commitment.
progeny. An account that averts these pitfalls would be preferable, so in this section and the next we will consider two possibilities: institutionalism and causalism.

John Rawls defines a “practice” as a “form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure.” He offered games, rituals, trials, and parliaments as examples, noting that their rules may be more or less explicit or formalized. Some practices, or what I will call “institutions,” are sufficiently widely accepted and endorsed such that their constitutive rules serve as standards of behavior (or “norms”) for those understood to be participants in the practice, or who we might call “members” of the institution. Examples of institutions include government, etiquette, the military, friendship, the market, the university, law, marriage, and, crucially, parenthood. Several philosophers have argued that when institutions meet certain conditions, the individuals who are picked out by the institution’s core norms have moral reasons, rather than merely prudential or institutional reasons, to obey those norms.

Parenthood is an institution: parenting is a distinctive sort of activity regulated by norms of various kinds (legal, cultural, moral, etc.) which define who parents are, what they are accountable for doing, what sorts of discretion they have, when they are excused from carrying out their duties, and so on. It is a morally significant institution, in that children are beings with significant moral status, and their well-being and flourishing is important for society at large. Institutionalism about procreators’ parental moral reasons is the view that such reasons are

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grounded in morally authoritative institutional norms that require procreators to ensure their progeny are adequately parented. 46 Children need to be adequately parented, and somebody needs to be responsible for ensuring that this happens. Since having a norm assigning this responsibility to procreators is an efficient and effective way of carrying out the morally important goals of the institution of parenthood, procreators and other institutional actors have moral reasons to comply with such norms where they are in place.

Unlike biologism or voluntarism, an institutionalist account of procreators’ parental moral reasons might be transactional or nontransactional. A nontransactional institutionalism might hold that being the direct genetic progenitor or the gestator of a child is sufficient to give one parental moral reasons if that is what institutional norms require. While a nontransactional approach might be viable for institutionalist accounts of other types of special moral reasons, it would invariably fail to satisfy the noncoercion requirement for accounts of procreators’ parental moral reasons. Indeed, institutionalists about any number of special moral reasons face different variations of this problem, since the norms of a given social institution can be unjust, unfair, or otherwise morally unacceptable. To solve this problem, these theorists have specified necessary conditions that an institution must meet for its norms to be morally authoritative for its members: for instance, the norms of the institutions must be “reflectively acceptable,” 47 participants must have reasons to noninstrumentally value the institution, 48 or the institution must meet a nonconventional, noninstitutional standard of justice. 49 I will assume, for the sake of argument, that an institution of parenthood that meets such necessary conditions for moral authority would

47 Hardimon, “Role Obligations,” 348.
49 Melenovsky, “Incentives, Conventionalism, and Constructivism,” 558-60.
not require that individuals who were coerced into procreating ensure that their progeny are adequately parented.

In addition to satisfying the noncoercion requirement, transactional institutionalism about procreators’ parental moral reasons has several attractive features. First, it offers an intuitive explanation of why procreators have special moral reasons to ensure their children are adequately parented: somebody’s got to do it, and this way of assigning responsibility is fair and reasonably effective. Second, it provides the right sort of extension over cases: where the norms of parenthood are clear about which individuals have procreators’ parental moral reasons, such as in traditional sexual reproduction, institutionalism affirms our intuitions; where the norms of parenthood are less clear in this regard, such as in cases involving reproductive technology, institutionalism explains our uncertainty. Third, it can explain why societies in which procreators are not held accountable for ensuring their progeny are adequately parented are not committing some moral error. In such societies, the norms of parenthood do not require this of all procreators, so procreators do not have parental moral reasons as they do in other societies with different norms.

It is also relatively easy for institutionalism to satisfy the nonrefusability requirement. While there are some institutions the moral authority of which we can escape by making certain kinds of public refusals (e.g., markets, religions, and friendships), this is obviously not the case for all institutions. The institutionalist can argue that parenthood is like government or the military in that an individual can become a member of such institutions without making any kind

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of commitment and that mere refusal to adhere to the norms of the institution does not negate the reasons to do so. One might be able to avoid becoming subject to the norms of parenthood by, say, never voluntarily procreating or adopting a child, but once one has performed either of these actions, subsequent refusals to accept one’s institutional membership would be normatively impotent.

One might wonder: if it is the institution’s norms that make it the case that uncoerced procreators cannot refuse the institutionally defined responsibilities of parenthood, then what gives those norms moral authority? That is, how is it a moral criticism, and not merely an institutional criticism, that such a procreator fails to act according to the institutional norms of parenthood? Institutionalists can respond that procreators have strong moral reasons to act according to these norms, perhaps because failing to do so would violate a moral obligation to support just institutions, or because it would be a form of impermissible “free-riding” on the contributions of others to an institution that benefits everyone. While this sort of response is prima facie plausible, it has a critical flaw. Namely, it would permit a would-be procreator to refuse to act according to the responsibilities he has as a member in the institution of parenthood provided that he shirks those responsibilities in a way that does not, on the whole, undermine the institution or free-ride on the contributions of others. The procreator could, for example, donate large sums of money to struggling parents, foster parents, and orphanages, or later in life could personally see to it that children are placed with adequate parents. Provided the would-be procreator “pays his dues” to the institution, it seems that his shirking of (institutional) parental

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51 Rawls, Theory of Justice, 115-16. While I here focus on a fair play rationale for adhering to institutional norms, I believe the argument could be modified to deal with similar rationales, such as Scanlon’s principle of established practices (What We Owe, 339).
52 Rawls, ibid., 111-14.
obligations could not be criticized on the grounds that he is a free-rider or that he failed to
support a just institution.53

A separate objection to this sort of institutionalist explanation of procreators’ parental
moral reasons is that it cannot satisfy the directionality requirement, which captures the intuition
that progeny are counterparties to procreators’ parental obligations. The institutionalist has no
difficulty showing that procreators can have institutional or conventional obligations to their
progeny ultimately grounded in duties to support just institutions or not to free-ride, but that is
insufficient to show that their corresponding moral obligations are similarly directed. An analogy
with promissory obligation here is helpful: if the moral reason for keeping one’s promises is that
failing to do so is free-riding or undermining a just institution, then one does not wrong the
promisee in particular by breaking the promise; rather, the promisee is wronged qua member of
the moral community, and hence has no special claim to the promise’s fulfillment.54 Similarly, if
the moral reason for ensuring one’s progeny is adequately parented is that failing to do so is free-
riding or undermining a just institution, then one does not wrong the progeny in particular by
failing to fulfill one’s institutional parental obligations, and so the progeny has no special claim
that could be pressed on her behalf.

One way an institutionalist might try to address these worries about nonrefusability and
directionality is to insist that the norms of the institution itself are directly morally authoritativa,

53 One might object here that such a procreator would still be free-riding, as he arrogates freedom to himself to
declare how he will support the institution, which in a stable institution cannot be available to more than a few
members. While this would be a fair criticism of someone who makes no contribution or only a small compensating
contribution to the institution after violating its norms, it does not seem to be warranted in the sort of case I am
describing. Assuming all of the costs to the institution of the procreator’s shirking institutional responsibility are
defrayed, including costs that accrue to other institutional actors as a result of the deviation, then it is hard to see
how the procreator’s action counts as free-riding. Of course, it could be that the procreator in this scenario acts
against other noninstitutional moral reasons.

Owe, chapter 7; Niko Kolodny and R. Jay Wallace, “Promises and Practices Revisited,” Philosophy and Public
apart from considerations of free-riding or support for just institutions. The problem with this strategy is that it undermines institutionalism’s ability to satisfy the fundamentality requirement. As A. John Simmons and others have argued, whatever facts make it the case that it would be reflectively acceptable, noninstrumentally valuable, or morally just to adhere to the norms of an institution are facts that are external to the institution itself. That is, whether one has moral reason to adhere to an institution’s norms is not explained by the mere existence of those norms, but rather by other facts about the world. The fact that an institution requires that I do X is epiphenomenal to the fact that I have a moral reason to do X.

Transactional institutionalism about procreators’ parental moral reasons can satisfy the noncoercion requirement and has several other attractive features. However, I have argued that such an account will either fail to satisfy the nonrefusability and directionality requirements, or will satisfy these by forsaking the fundamentality requirement. Given that it fails to satisfy at least one of the four desiderata for an account of procreators’ parental moral reasons, we have good reason to seek an alternative account. Before proceeding, however, two things should be noted: First, this criticism of institutionalism is limited to accounts of procreators’ parental moral reasons, and I take no position on the viability of institutionalist accounts of other special moral obligations. Second, even if facts about institutions do not explain the grounds and core contents of procreators’ parental moral reasons, they might still play an important role in determining the

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56 The institutionalist might here respond by insisting that the external conditions are merely necessary, not sufficient for an institution to be morally authoritative. In that case, however, it is not clear why the reasons the institution creates count as moral reasons, rather than merely institutional or prudential reasons. As Diane Jeske argues (“Special Obligations,” in *Stanford Encyclopedia of Philosophy*, January 5, 2014, https://plato.stanford.edu/archives/spr2014/entries/special-obligations/), the fact that my neighborhood book club meets the necessary conditions for being morally authoritative does not give me, a neighbor who has been assigned membership, a moral reason to perform my club duties. For me to have a special moral obligation to perform those institutionally-specified duties, I must have special moral reasons that originate from outside the institution (e.g., I made a commitment to perform club duties).
full contents of those reasons. Indeed, in chapter 5, I will argue that institutions play an important role in determining what procreators are in fact morally obligated to do for their progeny.

5. Causalism

A third type of transactional account, which I will call causalism, grounds procreators’ parental moral reasons in the causal relation between procreators and their progeny’s existence. Although causalists disagree with one another about the nature of the relevant causal relation and its moral significance, nearly all causalists share the following two commitments.⁵⁷ First, procreators’ parental moral reasons are grounded in the fact that they have voluntarily acted in a way that has caused the progeny’s existence. Second, procreators have these moral reasons because the progeny’s coming into existence carries the risk that a being with significant moral status will be harmed or wronged in virtue of the neediness, vulnerability, helplessness, susceptibility to harm or disrespect, etc., which comes along with existence. Procreators typically have parental moral reasons, then, because their voluntary actions have risked that some bad state of affairs will befall their progeny.⁵⁸

⁵⁷ The name “causalism” might also be appropriate for nontransactional views which hold that procreators have parental moral reasons merely by being a cause of the progeny’s existence, even if this causal relation holds in virtue of something other than the procreators’ voluntary actions. In my usage, however, “causalism” refers only to transactional accounts.

A generic causalism about procreators’ parental moral reasons not only has significant intuitive appeal, it also has significant theoretical advantages over alternative accounts. Unlike biologism, causalism satisfies the noncoercion requirement. According to causalism, people who are compelled to reproduce by force or certain kinds of fraud do not have the sort of parental moral reasons that typical procreators possess. While such “procreators” are certainly causes of the progeny’s coming into existence, it seems that the fact their causal involvement was due to coercion means that they are in no way morally responsible (accountable, liable, etc.) for that outcome.\textsuperscript{59} Causalism shares this advantage with voluntarism, but unlike voluntarism, it also satisfies the nonrefusability requirement. According to causalism, all it takes is the right sort of causal relation obtaining between the procreators’ voluntary actions and the progeny’s coming into existence for the procreator to have parental moral reasons. Whatever this causal relation is, it obtains independently of the procreator’s own explicit or implicit acts of commitment. Even if a procreator succeeds in refusing to commit to care for his or her progeny, the fact that the progeny was brought into existence by the procreator’s voluntary action nonetheless grounds the procreator’s parental moral reasons.

If procreators have parental moral reasons because their voluntary actions have put their progeny at risk of suffering some bad state of affairs, then it seems that causalism also satisfies the directionality requirement. Causalists frequently illustrate this point with the analogy of a driver who strikes an innocent pedestrian with her car.\textsuperscript{60} Even if the driver was not acting maliciously, recklessly, or negligently, it seems that (given that she was driving voluntarily) she

\textsuperscript{59} Or, as Blustein notes about “Marcia,” a woman who is raped and forced to gestate, “we do not consider a person to be a proximate cause of an event E if—as in Marcia’s case—her bringing about E is the result of deception, coercion, or violence on the part of others” (“Procreation and Parental Responsibility,” 82).

has a special moral reason to aid the pedestrian (likely in addition to a general moral reason to
aid the pedestrian). It seems that her special moral reason would, if there are no strongly
countervailing moral reasons, generate a directed obligation: by just driving off without helping
the pedestrian, she would not merely wrong other bystanders or society by burdening them, but
she would wrong the pedestrian in particular. The pedestrian, qua victim of the bad state of
affairs caused by the driver’s voluntary action, has a claim on the driver’s assistance that other
agents do not.

While the nature of directionality is still a subject of active debate among philosophers,
there is agreement that an account of directionality is deficient if it does not support the intuition
that moral obligations to avoid, prevent, mitigate, and compensate for (risk of) harm to others
are, like promissory obligations, directional.\(^61\) Each of the three broad accounts of directionality
vindicates the intuition that moral reasons pertaining to harm support directional obligations. On
a control account, which holds that to be a counterparty is to have normative control over
another’s normative situation, harm-based obligations are directional: we can waive another’s
moral obligation not to harm us, or we can at least waive the moral obligation to compensate us
after we have been harmed.\(^62\) On a demand account, which holds that to be a counterparty is to
have standing to make certain demands on another, harm-based obligations are directional: we
have special standing to demand apology, explanation, or restitution when we have been harmed
or put at excessive risk of harm.\(^63\) Lastly, on an interest account, which holds that to be a
counterparty is to have an immediate interest in another’s actions, harm-based obligations are
directional: by definition, we have an interest in whether we suffer harm or are put at risk of

\(^{61}\) May, “Directed Duties,” 523.
\(^{62}\) Ibid., 525.
\(^{63}\) Ibid., 526-27.
harm. There is good reason to think, then, that causalist accounts will be able to satisfy the directionality requirement regardless of how philosophical debates about directionality shake out.

In addition to satisfying the directionality requirement, causalism satisfies the fundamentality requirement. Intuitively, it seems that the driver’s special moral reason is a fairly fundamental one: that one has unjustifiably risked an innocent person’s suffering a bad state of affairs seems to explain why one has a moral reason to assist that person. An explanation of a special moral reason to aid that points to facts about justification and risk of suffering a bad state of affairs cuts to facts that are themselves morally significant, rather than mere epiphenomenal noise. Causalism holds that procreation is analogous to hitting someone with one’s car because in each case the agent puts an innocent patient at risk of suffering a bad state of affairs, and this seems to generate a directed, fundamental, special moral reason to assist.

Unlike the other accounts of the grounds of procreators’ parental moral reasons, it appears that causalism can satisfy all of the desiderata for an account of those reasons: such reasons cannot result from coercion, they cannot be refused, they are fundamental, and they generate directed moral obligations. Despite these advantages, however, causalism faces potentially damning objections. In the remainder of this section, I will introduce one such objection and explain why it should not concern us. In the remainder of the dissertation, we will consider much more significant objections to causalism.

What do causalists mean when they say that procreators have parental moral reasons in virtue of their having caused the progeny’s existence? Specifically, what is the relevant sense of “cause” as it appears in causalism? Causalists and critics alike have observed that some

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64 Ibid., 528-29.
independently plausible notions of causation seem to identify too many people as having parental moral reasons for newborn progeny.\textsuperscript{65} If a “cause” is merely a “but-for” condition, a condition that is necessary but not itself sufficient for a given effect’s realization, then causalism would have to attribute parental moral reasons not only to two individuals who have a child after having sex, but perhaps also the cab driver who got the couple to their destination in time, the mutual friend who introduced them to one another, the child’s genetic grandparents, genetic great-grandparents, etc. Some action of each of these parties was necessary but not sufficient for a given child’s coming into existence, but it is implausible that they or even some appropriately-sized subset of the parties (say, 5 of them) have special moral reasons to ensure that the newborn is properly parented. This illustrates the proliferation challenge: for causalism to be plausible, it must not include too many agents as having parental moral reasons for newborn infants.

Before addressing the proliferation challenge, it is worth noting two ways in which the challenge is not as serious as it might at first seem. First, what is being “proliferated” is not necessarily the full suite of moral obligations that parents have with regard to their children, but rather moral reasons to ensure the one’s progeny is adequately parented by somebody or other. Having moral reasons does not entail having moral obligations, and a moral obligation to ensure adequate parenting for someone does not entail having a moral obligation to do the parenting oneself. Causalism, as an account of procreators’ parental moral reasons, is therefore not committed to the claim that all procreators have the full moral obligations of parents, and so the proliferation challenge poses a less serious threat to its plausibility.\textsuperscript{66} Second, there is an important intuitive difference between proliferating procreators’ parental moral reasons across

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\textsuperscript{66} In chapter 5, I defend a “bifurcated” causalist account of procreators’ parental obligations along these lines.
tens, hundreds, or thousands of agents and proliferating them across a handful of people who were directly involved in creating a child with reproductive technology. Procreation through collaborative use of reproductive technology is a relatively new phenomenon. There is good reason to suspect that an intuition that a clinician who injects a sperm cell into an egg cell cannot have parental moral reasons akin to those of traditional procreators, for instance, is not entirely well-grounded. This is just to say that what counts as a satisfying response to the proliferation challenge in such cases is up for negotiation.

One strategy causalists have adopted for addressing the proliferation challenge is to narrow the account’s operative notion of “causation.” Jamie Nelson identifies actions as “the cause” just when they are “coordinated actions which were proximate to and jointly sufficient for some event, and were not the result of forcing or fraudulent action on the part of others.”67 Jeffrey Blustein and Lindsey Porter favor “INUS causation (Insufficient Necessary link in an Unnecessary Sufficient causal chain),” a conception which holds that for an (uncoerced) action to be the cause of some actual event, it must be at least a necessary part of a minimal set of jointly sufficient conditions that would have brought about that event.68 Nelson’s “proximity” restriction and INUS causation’s “minimal set” restriction are meant to resolve the proliferation challenge, as they would exclude the gamete providers’ genetic ancestors and the mutual friend who introduced the procreators to one another from the set of people with parental moral reasons.

There are two objections to attempting to resolve the proliferation challenge by narrowing the operative sense of causation. First, it might be that even these restricted notions of

67 Nelson, “Parental Obligations,” 54
causation still assign parental moral reasons for newborn infants to too many agents. Proximate causation and INUS causation would still assign such reasons to anonymous gamete donors, fertility clinic doctors and technicians, or even the cab driver who gets a couple to the destination in time.\textsuperscript{69} If these results are indeed counterintuitive, then the narrowing strategy does not go far enough. Second, and perhaps more seriously, the narrowing strategy seems to beg the question against the proliferation challenge. The challenge is that the causalist must adopt a conception of causation that does not proliferate parental moral reasons for newborns too widely. The narrowing strategy purports to show that such conceptions are available, but the only reason the causalist offers for adopting one of those rather than, say, a “but-for” conception of causation is that doing so is sufficient for resolving the proliferation challenge. Unless one is prepared to argue that one of these narrower conceptions of causation is superior to a wider conception in all appropriate contexts (which no causalists have argued), then the narrowing strategy operates on the assumption that causalism is the correct account of procreators’ parental moral reasons, such that causalists are licensed to choose a conception of causation that yields the most intuitive results.

Blustein rejects “proximate cause” conceptions like Nelson’s because “judgments about proximate cause are not prior to and independent of judgments about rights, duties, and obligations […] inquiry into the proximate cause of an event, in other words, is one that takes into account normative standards.”\textsuperscript{70} The worry here is that we determine whether an action is a “proximate cause” of a given outcome according to whether we think the agent should be held

\textsuperscript{69} Porter argues that INUS causation would exclude matchmakers (“Adoption Is Not Abortion-Lite,” 68-69), since the fact that a couple has had sex entails the fact that they have already met each other. It seems that excluding the matchmaker would be arbitrary in certain cases, though, such as if the meeting of the couple were highly unlikely or if the matchmaker were highly interventionist in getting the two procreators to have sex with one another on a particular occasion.

\textsuperscript{70} Blustein, “Procreation and Parental Responsibility,” 82.
liable for that outcome, rather than by determining the action’s “proximity” or “causation” in some wholly non-normative sense. This assessment is in line with current theorizing about “causation” in tort law, and it shows something of significance about causalist accounts: the relevant sense of “cause” is not determined independently of normative considerations about liability for outcomes in both procreative and nonprocreative cases. This would be a damning problem if we were trying to give a reductive account of the unifying notion of “causation” at issue in all of our moral judgments about agents’ liability for the consequences of their voluntary actions, but that isn’t what causalism purports to offer. Causalism is merely an account of the grounds of procreators’ parental moral reasons, so the causalist can draw on analogies with accounts of agents’ liability in cases that are normatively similar.

Causalists may approach the question of what conditions must be met for agents to be morally liable for the outcomes of their voluntary actions from either a strict liability model or fault liability model. According to a strict liability model, the fact that an action was voluntarily performed is sufficient for the agent to be morally liable for the outcomes of that action. Causalists such as Nelson, Blustein, and Porter adhere to a strict liability model, which is why they need to offer an account of causation that can narrow the range of outcomes that can appropriately be said to have been “caused” by a given action. In contrast to a strict liability model, a fault liability model holds that an action’s being voluntarily performed is necessary but not sufficient for the agent to be morally liable for the outcomes of that action. In addition to the voluntary action’s standing in a causal relation to the outcome, the action must also meet certain

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normative conditions, such as that the outcome was foreseen, or was foreseeable by a reasonable person; that the action was wrongful, the agent knew it was wrongful, or a reasonable person would have known it was wrongful; that the agent had sufficient control over the performance of the action and its immediate consequences; and so on.\textsuperscript{74} Causalists who adhere to a fault liability model need not adopt a conception of causation that is narrower than “but-for” causation, since fault liability models do not hold that voluntarily causing an outcome suffices to make one liable for that outcome.\textsuperscript{75} Rather, the full set of agents whose voluntary actions are “but-for” causes of a child’s existence is narrowed by the normative conditions for attributions of moral liability, such as the condition that agents are liable only for the reasonably foreseeable consequences of their voluntary actions.

The question of whether a strict liability model or a fault liability model is more attractive is a difficult one that ranges well beyond the scope of this dissertation. Regardless of how that dispute turns out, though, causalists still have a viable pathway to resolving the proliferation problem. If it turns out that causalists should adopt a fault liability model, then there is no need to seek a narrower conception of causation. Causalism would hold that procreators have parental moral reasons just when (a) their voluntary actions put the progeny at risk of suffering some bad state of affairs, and (b) these actions meet the additional requirements for fault, such as reasonable foreseeability of the outcome. Whatever intuitive objections one could mount by applying the general fault liability model in procreation cases would then cut both ways. If, say, the fault liability model would impose parental moral reasons on anonymous gamete donors, then either that fact gives us reason to reject the general account of fault liability from which it

\textsuperscript{74} Note that the term “fault liability,” as I am using it here, does not necessitate that the action itself was wrongful. Rather, wrongfulness is one possible criterion of whether an agent is fault-liable for some outcome.

\textsuperscript{75} Causalists who endorse a fault liability model are Munson (“Artificial Insemination,” 512-14), Fuscaldo (“Genetic Ties,” 70-71), Austin (\textit{Conceptions of Parenthood}, 42), and Prusak (\textit{Parental Obligations and Bioethics}, 24).
was derived, or there is no problem with the general account of fault liability and instead we should revise the conflicting intuitions about gamete donation.

If it turns out that causalists should adopt a strict liability model, then whatever considerations support adopting some narrow conception of causation in nonprocreation cases would also support the use of that conception in procreation cases. Causalism’s favoring of one conception over another would then not be arbitrary, but rather supported by a general theory of how the relevant notion of causation narrows in different kinds of cases of strict liability. This general account of strict liability would also allow the causalist to push back on the insistence that causalism counterintuitively includes, for instance, anonymous gamete donors or fertility clinicians in the class of procreators with parental moral reasons. If the best strict liability model holds that someone who sells a driver a car or gets the car in working order is thereby partially morally liable when the driver of the car runs over an innocent pedestrian, then this gives us good reason to modify our conflicting moral intuitions in analogous procreation cases. Indeed, there are good reasons not to be confident in these intuitions, anyway. Extensive causal involvement of third parties is very rare in cases where procreation occurs through sex, and while more common in cases where procreation occurs with reproductive technology, these practices are relatively new. In either very rare or very novel cases, we should not have a high degree of confidence that our moral intuitions about which agents have parental moral reasons for a newborn will be perfectly accurate.

In one way, this response to the proliferation challenge to causalism merely kicks the can down the road. The appropriate interpretation of “cause” must be determined by normative considerations about liability for the outcomes of one’s voluntary actions in a variety of contexts, and the proper approach to liability for the outcomes of one’s voluntary actions is a broader
question that cannot be resolved here. However, on either of the broad models of liability, causalists will have ways of dealing with the proliferation challenge, likely by way of a modus tollens on some intuitions about which individuals have procreators’ parental moral reasons. As I noted above, we have good reason to be suspicious about the force of such intuitions in the first place. This response, however, rests on two conjectures: first, there is some more general theory of liability for consequences of voluntary action which can support a causalist account; second, this general theory will entail that, say, a procreator’s grandparents or the cab driver on a romantic evening are not liable for their remote causal involvement in the creation of a newborn infant.

In this section, I have argued that causalism is superior to biologism, institutionalism, and voluntarism as an account of the grounds of procreators’ parental moral reasons. A generic causalism has significant intuitive appeal, and it appears to satisfy the noncoercion, nonrefusability, fundamentality, and directionality requirements. I have also argued that causalists have two alternatives for resolving the proliferation challenge, the objection that causalism identifies too many agents as having parental moral reasons typical of procreators. If a strict liability model is the best alternative for explaining agents’ moral liability for the consequences of their actions, then causalists will be justified in either adopting a narrow conception of causation or modifying or rejecting many intuitions about which agents have parental moral reasons for newborns. Alternatively, if a fault liability model is the best alternative for explaining agents’ moral liability for the consequences of their actions, then causalists will be justified in adopting a wide conception of causation and will likely be able to accept most commonsense intuitions about which agents have parental moral reasons for
newborns. It seems, then, that causalism has significant prima facie plausibility as an account of procreators’ parental moral reasons.

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While I have addressed one of the more oft-raised objections to causalism about procreators’ parental moral reasons, there remains a line of objection that calls into question the very coherence of this type of view. This second type of objection to causalism is that it fails to offer a plausible explanation of how being morally liable for an individual’s existence gives a procreator parental moral reasons.76 In other words, if we ask the causalist “what is the procreator’s special moral reason to aid his progeny?” the causalist will not be able to give a clear or convincing answer.77 As I mentioned in the previous section, the causalist’s answer to this question is that the agent has voluntarily acted in a way that (foreseeably, perhaps) risks that a being with significant moral status will come into existence, and since existence (foreseeably) brings with it neediness, vulnerability, helplessness, and susceptibility to harm or rights violations, the procreator has a special moral reason to keep the progeny from suffering such bad states of affairs. By creating the progeny, the procreator’s voluntary actions put the progeny at significant risk of suffering serious harms or wrongs, and this can be prevented only if someone adequately parents the progeny.

As we will see in the next chapter, however, this response has a serious problem: namely, there are strong arguments that it is either not possible or only very rarely the case that procreators put their progeny at risk of being harmed or wronged merely by creating them. This is a serious problem for the viability of causalism; if it cannot be resolved, then causalism offers

77 As Mark Schroeder puts it, “if someone tells you that there is a reason to [do X], it is perfectly fair game for you to ask, ‘well, what is it?’” (“Reasons and Agent-Neutrality,” 279-80).
no coherent explanation of why procreators have special moral reasons to ensure that their progeny are properly parented, and so no viable basis for a robust explanation of procreators’ parental obligations.
Chapter 2: Causalism and the Nonidentity Challenge

In the previous chapter, we considered various extant accounts of procreators’ special moral reasons to ensure that their newborn infant progeny are adequately parented—their “parental moral reasons.” Among the several accounts we considered were causalist accounts, those that hold that the causal relationship between procreators and progeny (namely, that the former voluntarily caused the latter’s existence) grounds procreators’ parental moral reasons. Unlike the other accounts we considered, it seemed that a generic causalist account could satisfy the four desiderata for a plausible account of such moral reasons: noncoercion, nonrefusability, fundamentality, and directionality. Further, we saw that there is good reason to believe that a generic causalism can avoid the force of the proliferation challenge, which purports that such accounts will yield implausibly many agents with parental moral reasons for a given child.

Despite its initial appeal, however, causalism faces significant further challenges, which are perhaps more damning than failure to satisfy one of the four desiderata. The aim of this and the following two chapters is to develop a specific causalist account of procreators’ parental moral reasons that can resist these challenges. In this chapter, we will consider a principle which could plausibly serve as the basis of a superior causalist account of procreators’ parental moral reasons. Despite this principle’s initial plausibility, it seems to be inapplicable to procreation cases due to the fact that they are ordinarily nonidentity cases. The task of this chapter is to develop a solution to this nonidentity challenge, thus going some way toward showing that the principle provides a viable basis for a causalist explanation of procreators’ parental moral reasons.
1. Causal Principle

Jeff McMahan offers a helpful model for thinking about how our standing in certain kinds of causal relations to others can generate special moral reasons to aid them. He introduces this model with the following case:

*Accidental Nudge*: A number of people are gathered for a party on a dock. Guest A accidentally bumps into Guest B, knocking him into the water. Guest B is a weak swimmer and will drown if none of the other partygoers rescues him.¹

Most of us would agree that (i) every partygoer who is capable of aiding Guest B has a moral reason to do so, and (ii) Guest A has, in addition to that general moral reason, a *special* moral reason to aid Guest B. That is, if we assume that there is another partygoer, Guest C, who is motivationally identical to Guest A and equally positioned to provide aid to Guest B, then intuitively Guest A has a moral reason to aid Guest B that Guest C lacks.

While it seems that what distinguishes Guest A from other capable partygoers (even Guest C) is her distinctive causal involvement in Guest B’s predicament, there are several ways Guest A’s causal involvement might explain her special moral reason. One plausible explanation is that Guest A, unlike the other partygoers, acted against her moral reasons (either pro tanto or all-things-considered) in knocking Guest B off the dock. Perhaps being knocked into the water when one is a weak swimmer is in itself harmful, and therefore Guest A has a special moral reason to aid Guest B because she has harmed him unjustifiably. Alternatively, perhaps Guest A was negligent with respect to a duty to be extra careful at dock parties, and since Guest B was knocked off the dock as a result of this negligence, Guest A now has a special moral reason to

¹ Adapted almost verbatim from McMahan, *Ethics of Killing*, 367.
aid him. On this sort of explanation, Guest A’s special moral reason to aid Guest B is reparation, in that it aims at correcting the negative consequences of an action that was in some way morally defective.

It is plausible that Guest A’s special moral reason is reparative in this way only if we may assume that her nudging Guest B was negligent or reckless, but such an assumption seems inessential to our moral intuitions about Accidental Nudge. First, our intuitions about Guest A’s special moral reason persist even if Guest B’s being nudged into the water does not itself count as a harm. For all we know, Guest B is drunk and is temporarily unaware that he is a weak swimmer, such that he is unfazed by being knocked into the water, and it will take a minute or two for him to really start struggling to keep himself afloat. Second, the description of Guest A’s bumping into Guest B as “accidental” seems to be consistent with her exercising all due care in her movements on the dock. Provided that the action that nudged Guest B off the dock was voluntary (e.g., it was not a spastic movement of her arm) and the consequences of that action were reasonably foreseeable (e.g., it was not the case bumping Guest B sent him into the water only because he had bizarrely put on roller skates moments before), it remains intuitively plausible that Guest A has a special moral reason to aid in virtue of her causal role in knocking Guest B off the dock.

Even without assuming that Guest A has already caused harm or that she has acted negligently or recklessly, it nonetheless seems that she has a special moral reason to aid Guest B. In this way, Accidental Nudge is similar to Bernard Williams’s discussion of “a lorry [truck] driver who, through no fault of his, runs over a child,” in which he claims that “there is something special about his relationship to this happening, something which cannot merely be

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2 It seems that McMahan implicitly assumes that Guest A has not acted against her moral reasons by knocking Guest B off the dock.
eliminated by the consideration that it was not his fault.”\(^3\) Williams uses the lorry driver case to highlight “agent-regret,” a distinctive moral emotion that tracks the involvement of one’s agency in a morally bad outcome even when the agent was in no way malicious, reckless, or negligent.\(^4\) More generally, however, the case suggests that even actions that are not themselves blameworthy can change an agent’s normative situation with respect to the consequences of those actions (again, provided that the action was voluntary and the consequences were reasonably foreseeable). This seems to be the situation in Accidental Nudge, where Guest A acts in a way that puts Guest B at risk of harm without violating any duty of due care.

If Guest A’s special moral reason to aid Guest B is not explained by a prior failure to act according to her moral reasons, then what does explain it? McMahan argues that the special moral reason is grounded in Guest A’s causal role in bringing about Guest B’s predicament: Were Guest A and all other capable partygoers to fail to act on their general moral reason to aid Guest B, such that Guest B drowns to death or suffers some lesser evil (perhaps he will save himself against all odds, but still have a terrifying experience or catch pneumonia), then Guest A’s accidental nudge will have harmed Guest B. Guest A’s distinctive causal role in Guest B’s needing aid to avoid being harmed means that Guest A has at least two distinct moral reasons to prevent Guest B from suffering harm: a moral reason to aid or prevent harm, which she would have regardless of her previous actions, and a moral reason not to cause harm, which she has in virtue of having knocked Guest B off the dock.

McMahan’s explanation of Guest A’s special moral reason to aid Guest B rests on the distinction between “failing to aid” and “harming.” It might seem that such an explanation of

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\(^4\) While there is significant controversy over the nature of agent-regret and whether it is ever rational, my argument takes no stance on either of these questions. Rather, I am here drawing on Williams’s narrower claim that the lorry driver’s accidentally running over the child affects his special moral reasons.
Guest A’s special moral reason in Accidental Nudge must assume the controversial Doctrine of Doing and Allowing, according to which we have stronger moral reasons not to do or cause harm to others than we have not to allow harm to befall others. While appealing to the Doctrine of Doing and Allowing is one way to explain Guest A’s special moral reason, I believe that it is not the only way. McMahan’s own explanation might be put more ecumenically: If none of the capable partygoers acts on the general moral reason to aid Guest B and as a result he comes to suffer harm, then they all would have harmed Guest B. Had Guest B fallen off the dock merely accidentally, without Guest A’s nudge, then all of the capable partygoers would have made an equal causal contribution to any harm he might suffer. In fact, however, Guest A makes an additional causal contribution to the risk that Guest B will suffer harm in virtue of her past (voluntary) actions. If harm befalls Guest B, then that outcome will be more attributable to Guest A’s agency than to the agency of any other capable partygoer. We can thus deploy McMahan’s explanation of Guest A’s special moral reason without relying on a hard and fast distinction between causing and merely allowing harm: Guest A has a greater moral reason to aid Guest B in light of her distinctive causal contribution to the risk that Guest B will suffer harm.

Does this construal of McMahan’s explanation of Guest A’s special moral reason put the cart before the horse? As was noted in chapter 1, sometimes our judgments about an agent’s

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7 What about Host, who invited Guests A and B to the party, thereby providing the necessary conditions for Guest A’s nudging Guest B into the water? It seems that Host makes an additional causal contribution that partygoers like Guest C would not to Guest B’s falling into the water, and this might be grounds for attributing a special moral reason to Host to aid Guest B. However, the special moral reason might be significantly weaker than Guest A’s, or it might be entirely attenuated if, for instance, the outcome in which Guest B is harmed is not attributable to Host’s agency in the proper way (e.g., it is not reasonably foreseeable, she did not exert adequate agential control, etc.).
causal contribution to some outcome is informed by normative considerations. While I have noted that there is a correlation between Guest A’s having a special moral reason and her distinctive causal contribution to Guest B’s situation, perhaps the explanation of the moral reasons runs in the opposite direction from what I have claimed: we judge that Guest A has made an additional causal contribution partially because we are assuming that she has a special moral reason to aid Guest B. While this objection has some initial plausibility, it does not hold up under scrutiny.

Consider another partygoer, Guest D, whom unbeknownst to everyone (indeed, even to the drunk and forgetful Guest B), has a special moral obligation to rescue Guest B should he ever find himself at risk of drowning. Since Guest D is the only partygoer who is aware of this special obligation, its obtaining does not make it more or less likely that anyone will be less motivated to aid Guest B. It seems, however, that if Guest B were to go unaided and suffer harm as a result, we would not have reason to think that Guest D made a greater causal contribution than say, Guest C, who has no special relation to Guest B. This suggests that we can make principled distinctions between having a special moral reason to mitigate the risk of some outcome and making a distinctive causal contribution to that outcome.

Either of the two construals of McMahan’s explanation of Guest A’s special moral reason to aid Guest B in Accidental Nudge suggests the following principle:

**Causal Principle:** A moral agent, $A$, has a special moral reason to mitigate the significant risk, $r$, that a moral patient, $B$, will suffer a serious harm, $h$, if:

1. $A$ voluntarily performed an action, $\varphi$-ing, which

2. foreseeably caused the risk, $r$, that $B$ would suffer the harm, $h$, and

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8 Blustein, “Procreation and Parental Responsibility,” 82.
3. φ-ing was not fully morally justified by some set of considerations, c.\(^9\)

According to this principle, standing in a certain kind of causal relationship with a moral patient is sufficient to generate a special moral reason to aid that patient. Causal Principle is a harm-based principle, since the reason-generating causal relationship is one that essentially involves the risk of harm.

In Accidental Nudge, Guest A has a special moral reason to mitigate the risk that Guest B will suffer harm in virtue of satisfying Causal Principle’s three conditions. Guest A performed an action which can be appropriately described as “nudging Guest B off the dock,” which is voluntary in the way that Williams’s lorry driver’s running over the child is voluntary, thus satisfying condition 1.\(^{10}\) Condition 2 is satisfied because Guest A’s action foreseeably caused a significant risk that Guest B would suffer the serious harm of drowning. To clarify, a harm qualifies as a “serious” harm if moral agents have a general moral reason to prevent a moral patient from suffering it; perhaps not all harms are serious in this way, but the harm of drowning, or even the experience of drowning, seems to be serious in this way. Whether the risk of a harm is “significant” varies depending on the seriousness of the harm; even a relatively small risk of painful death might be sufficient to be significant, whereas a relatively high risk of getting one’s feelings hurt might not be. Given the harms at stake in Accidental Nudge, it is intuitively clear that the level of risk caused by Guest A’s action qualifies as significant.

Turning to condition 3, it seems that there are no considerations that would render Guest A’s action fully morally justified. In the next two chapters, we will carefully address the question

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\(^9\) Preventing a moral patient from suffering a harm is one way of mitigating the risk that the moral patient will suffer harm: preventing harm reduces the risk of harm’s actually obtaining to 0.

\(^{10}\) Williams, “Moral Luck,” 28. Granted, “nudging Guest B off the dock” is not the only appropriate description of Guest A’s action, and is likely not the most fitting description given her intentions (e.g., “reaching for her class of wine,” or “illustrating how big the bear was” might be more fitting). It seems appropriate, however, given the sort of control the case assumed she had over her movements, and the direct causal connection between those movements and Guest B’s falling off the dock.
of what sorts of considerations might justify an action that causes a significant risk of serious harm. Some obvious examples might be that the moral agent or some other moral patient(s) will suffer serious harm if the action is not performed. Since this does not seem to be the case in Accidental Nudge, and there appear to be no other considerations that fully morally justify Guest A’s action, we should assume that condition 3 of Causal Principle is satisfied. Given these facts, Causal Principle tells us that Guest A has a special moral reason to mitigate the risk that Guest B will drown by providing him with effective aid.

There are several reasons to think that Causal Principle could also explain procreators’ parental moral reasons. First, Accidental Nudge shares a number of important features with typical procreation cases. The moral agent’s action is not in itself morally wrong, and it does not immediately bring about a serious harm, although it does cause a significant risk that a serious harm will occur. There are other moral agents who are capable of mitigating the significant risk of that serious harm, and it seems that they share a general moral reason with the causing agent to do so. Second, explaining procreators’ parental moral reasons with Causal Principle doesn’t require us to assume any peculiar features that are often absent in procreation cases. A comparison with Accidental Nudge is again helpful: Causal Principle does not require Guest A to have any unique abilities (e.g., being a trained lifeguard), to be motivated by any particular intentions, or to commit herself to aiding Guest B. Causal Principle does not require any preexisting social conventions or institutional norms about who is to save whom when things go badly at dock-parties. Third, Causal Principle would plausibly identify a procreator’s voluntary causal contribution to the foreseeable risk of the progeny’s suffering some harm(s) as the ground of that individual’s special moral reason to aid the progeny, and this resonates with the common
moral intuitions about procreators’ parental moral reasons that seemed to favor a causalist account.

2. The Nonidentity Challenge

These considerations in favor of using Causal Principle as the basis of a causalist account of procreators’ parental moral reasons, however, might be undermined by a crucial difference between Accidental Nudge and typical procreation cases. In Accidental Nudge, Guest A’s action causes a significant risk that Guest B will suffer serious harm. But “harm” seems to be a comparative notion: to suffer harm is to be worse off with respect to one’s overall good than one otherwise would have been.11 The state of affairs in which Guest B drowns counts as a harm because drowning is worse for him, a larger setback to his overall good, than not drowning would have been. Indeed, Guest B would have been better off, and certainly would not have been worse off, had Guest A not nudged him off the dock in the first place. According to this comparative analysis of harm, it is true that Guest A will have done more than other partygoers to cause Guest B to suffer harm (if he ends up drowning), because she did more than other partygoers to create the significant risk of that harm occurring. But the possibility of comparing Guest B’s overall good in the actual world with his overall good in a possible world in which Guest A does not nudge him off the dock is a necessary condition of Guest A’s action risking harm for Guest B. In other words, the fact that Guest B’s overall good is greater in that possible world than his overall good in the actual world is what makes it the case that Guest A’s action will have harmed Guest B if the significant risk it caused is not somehow mitigated.

11 Feinberg, Harm to Others, chapter 1. I here deploy the notion of an individual’s “overall good” instead of notions such as “well-being” or “welfare.” Many authors view an individual’s welfare or well-being as part of the individual’s overall good, while some authors take these concepts to be coextensive. I simply do not wish to take a stand on this difficult question, so I opt for the generic term “overall good.” Whether one takes “harm” to be essentially comparative does not, I believe, turn on whether one takes the subject of harm to be overall good or some more limited sense of well-being.
However, as many philosophers have observed, the analysis of “harm” given above cannot be applied in typical procreation cases.\textsuperscript{12} It is true that the procreator’s actions make it the case that the progeny will suffer if nobody acts according to their general moral reason to aid it. That is, if the progeny suffers as a result of not receiving aid, then the procreator will have done more than any other moral agent to bring about that suffering. However, even if the progeny were to suffer, for example, a slow and painful death, the procreator’s past actions cannot be properly described as having caused the progeny harm. Why not? According to the analysis of harm presented above, a necessary condition for someone’s being harmed by some action is that the action makes the individual worse off, in the sense that the individual’s overall good would have been greater had the action not been performed. But ordinary cases of procreation are nonidentity cases, in which the actions of moral agents alter which moral patients end up coming to exist. Although there is some dispute about exactly how to quantify the progeny’s overall good at a world in which it does not exist, it seems that the progeny’s overall good is not greater at any possible world in which it does not exist than it is in the actual world, where it does exist. This means that the procreator’s actions cannot create a significant risk of the progeny’s suffering harm, since in a state of affairs in which any such risks are realized, the progeny is not any worse off than it otherwise would have been.\textsuperscript{13}

\begin{enumerate}
\item The locus classicus for this observation is Parfit, \textit{Reasons and Persons}, 361-64. See also Feinberg, \textit{Harm to Others}, 95-104.
\item One might try to apply the comparative notion of harm to nonidentity cases by arguing that a nonexistent individual’s overall good is neutral, or “0,” such that an individual who is created with a life with a negative overall good (e.g., “-20”) has been comparatively harmed. The trouble with this approach is that even if it makes sense to quantify a nonexistent individual’s overall good as “0” (which is contested; see, e.g., John Broome, \textit{Ethics out of Economics} [Cambridge: Cambridge University Press, 1999], 168; Ori J. Herstein, “Why ‘Nonexistent People’ Do Not Have Zero Wellbeing but No Wellbeing at All,” \textit{Journal of Applied Ethics} 30 (2013): 136-145), it is not clear that the counterpart relation between an actual individual and an “individual” who never exists in some possible world (except perhaps as an abstraction) is sufficient to support the conceptual application of comparative harm. For harm, rather, it seems that we need to be able to say that the overall good of an actual individual is lower than that of a counterpart at some relevant possible world, but assigning a nonexistent counterpart an overall good of “0” does nothing to satisfy that requirement (see Jefferson McMahan, “Problems of Population Theory,” \textit{Ethics} 92 [1981]: 96-127, 105-107).
\end{enumerate}
Although Causal Principle initially seemed like a plausible basis for a causalist account of procreators’ parental moral reasons, the very coherence of such an account is threatened by the nonidentity challenge. In typical procreation cases, the action that Causal Principle would identify as grounding a procreator’s parental moral reason is also the action on which the existence of a particular newborn infant depends. Since the progeny’s coming into existence depends on this action, this action cannot have the appropriate relation to any harms the progeny might suffer, given the comparative analysis of the concept of harm given above. Whatever bringing the progeny into existence might have risked for the progeny, it did not risk harm. A causalist account based on Causal Principle, then, would support only the claim that procreators have parental moral reasons in rare nonidentity cases. In the rest of this chapter, I aim to resolve the nonidentity challenge by showing how Causal Principle can explain procreators’ parental moral reasons in at least some ordinary procreation cases. Before proceeding to my own solution to the nonidentity challenge, I want to explain why we should reject one potentially plausible alternative.

One way to solve the nonidentity challenge is to focus on the impersonal values at stake in procreation. In Accidental Nudge, Guest A’s action risks bringing about harm, a state of affairs that is worse for Guest B than the result of Guest A’s refraining from nudging would have been. It might also be the case that the future state of affairs in which Guest B drowns is worse (simply) than a future state of affairs in which he doesn’t drown. Guest A’s nudge not only

14 The name “nonidentity challenge” draws on the well-known nonidentity problem, which notes that due to the fact that an individual’s numerical identity is highly sensitive to the circumstances of his or her creation, many of our intuitions about the moral permissibility of actions that affect which individuals come into existence appear to be incorrect (Parfit, Reasons and Persons, chapter 16; David Boonin, The Non-Identity Problem and the Ethics of Future People [Oxford: Oxford University Press, 2014]; M. A. Roberts, “The Nonidentity Problem,” in Stanford Encyclopedia of Philosophy, September 25, 2015, https://plato.stanford.edu/archives/win2015/entries/nonidentity-problem/). Note that the nonidentity challenge to explaining procreators’ parental moral reasons with Causal Principle is not equivalent to the nonidentity problem, leaving open the possibility that solving the nonidentity challenge does not require a solution to the nonidentity problem.
risks making Guest B worse off than he otherwise would have been, but it risks making the world a worse place than it otherwise would have been. Many find it plausible that we have moral reasons not to make the world a worse place by adding more suffering to it, and if this is true, then perhaps this is part of the justification of Causal Principle, in addition to considerations of harm: If Guest B suffers harm because nobody aids him, then Guest A will have made a greater (voluntary) causal contribution to increasing the amount of suffering in the world than the other capable partygoers, and this partially grounds Guest A’s special moral reason to aid Guest B.

This alternative justification of Causal Principle highlights the distinction between individual-affecting and impersonal value.\(^\text{15}\) The former refers to what is good for or bad for a particular individual, whereas the latter refers to the (moral) value of complex states of affairs (e.g., worlds), which include individuals as parts. Both types of value concept are comparative, but comparative impersonal value does not require that one compare what is intrinsically better or worse for individuals, but rather involves a comparison between the ways in which worlds can be intrinsically better or worse than others.\(^\text{16}\) If one of the aims of Causal Principle is to prevent reductions of impersonal value, then it can explain Guest A’s special moral reasons in Accidental Nudge and procreators’ parental moral reasons in typical procreation cases. A future state of affairs in which a newborn infant isn’t cared for, and as a result dies or suffers, is impersonally worse than a state of affairs in which those facts do not obtain. Since the procreator’s actions

\(^{15}\) This distinction goes by other names, such as “relational” v. “nonrelational intrinsic value” (Dale Dorsey, “Intrinsic Value and the Supervenience Principle,” Philosophical Studies 157 [2012]: 267-85, 269). I take this terminology from Jeff McMahan, “Asymmetries in the Morality of Causing People to Exist,” in Harming Future Persons: Ethics, Genetics and the Nonidentity Problem, ed. Melinda A. Roberts and David T. Wasserman (Dordrecht: Springer, 2009), 49-68. 50. McMahan’s phrasing here is a bit awkward, since the more analogous “person-affecting” designation implies that these concepts have to do with persons, rather than with individuals more broadly, whereas “non-individual-affecting” is too cumbersome, despite its lack of personhood baggage.

create a significant risk that this impersonally worse state of affairs will come about, Causal Principle might hold that he has a special moral reason to prevent this state of affairs from being realized by aiding the progeny.

Interpreting Causal Principle as appealing to impersonal value seems to offer a solution to the nonidentity challenge. Appeal to impersonal value also has a respectable philosophical pedigree: it is Derek Parfit’s own solution to other sorts of moral problems raised by nonidentity cases. However, there are several reasons why an impersonalist solution to the nonidentity challenge is inadequate. First, many philosophers have doubted that moral reasons are ever (non-accidentally) reasons to promote impersonal value: for all we know, morality might be concerned solely with individual-affecting value. Second, even if we assume that we have moral reasons that track impersonal value, they might not be deontic moral reasons. That is, we might have some moral reason to make the world a better rather than a worse place (e.g., it might be morally good to do so), but it wouldn’t be the sort of reason that makes it true that one has acted wrongly or violated a duty when one acts against it. But we do want to make this sort of deontic claim when a voluntary procreator abandons his infant progeny without a good excuse.

Even if these objections can be overcome, there remains a third objection, which is that appealing to impersonal value has counterintuitive consequences for the morality of procreation. In a typical procreation case, it would seem that the impersonal value of the good elements of a possible child’s life would give would-be procreators a moral reason, and perhaps even a duty, to

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19 The language of “tracking” is used throughout this chapter in order to remain neutral on the constitutive relationship between reasons and values. All that is being claimed with “X tracks Y” is that where there is X, one will reliably also find Y.
20 Perhaps our moral reasons to promote impersonal value have justifying strength but little or no requiring strength. See Gert, “Requiring and Justifying.”
procreate. But this seems false: as long as there are no significant effects on third parties, to refrain from creating a new happy person intuitively is not to act against any of one’s (requiring) moral reasons. The impersonalist might try to solve this problem by claiming that we have moral reasons only against making the world a worse place by introducing unnecessary suffering, but no comparable moral reasons in favor of making the world a better place by introducing positive states of affairs such as enjoyment or satisfaction. Although this restriction might seem plausible on its face, it is inconsistent with the notion of impersonal value spelled out above. “World A is intrinsically, morally worse than world B” entails “world B is intrinsically, morally better than world A.” If an agent has a moral reason to perform an action (or omit an action) because doing so would make the world an impersonally worse place, then this entails that the agent has a moral reason to omit performing the action (or to perform an action) because doing so would make the world an impersonally better place. A moral reason not to allow the world to become impersonally worse due to one’s procreative acts appears to entail a moral reason to make the world impersonally better due to one’s procreative acts. It seems, then, that the impersonalist solution to the nonidentity challenge runs afoul of the widespread moral intuition that, apart from effects on third parties, we do not act against our moral reasons by refraining from procreating.

A final objection to the impersonalist solution to the nonidentity challenge is that it would result in a form of causalism that fails to satisfy the directionality requirement discussed in

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22 This is the first of two conjuncts in what has been called the Procreation Asymmetry. For a comprehensive summary on this topic, see Melinda Roberts, “An Asymmetry in the Ethics of Procreation,” Philosophy Compass 6 (2011): 765-76.
chapter 1. Recall that one of the major attractions of causalism is that it seemed to better satisfy the desiderata for an account of procreators’ parental moral reasons than alternative views. One of those desiderata was that progeny are not merely beneficiaries of procreators’ parental obligations, but counterparties to those obligations, such that they have a distinctive claim of having been wronged when procreators fail to act according to those reasons. If the moral reasons to ensure one’s progeny is adequately parented track only impersonal value, then it is hard to see how progeny could acquire such a claim. After all, it is the world that is comparatively worse for wear when the procreator fails to act according to his special moral reasons, not the progeny. While this would not be a devastating criticism of causalism, it would weaken the rationale for pursuing a causalist account rather than, say, an institutionalist or voluntarist account of procreators’ parental moral reasons.

3. The Noncomparative “Harm” Solution

An alternative strategy for solving the nonidentity challenge is to contest the comparative analysis of harm on which the challenge rests. Several philosophers have developed noncomparative analyses of harm, which are often motivated by concerns about the inadequacy of comparative harm analyses for dealing with nonidentity cases.25 Seana Shiffrin, for example, advocates for analyses “that identify harms with certain absolute, noncomparative conditions (e.g., a list of evils like broken limbs, disabilities, episodes of pain, significant losses, death).”26 According to such a view, to harm someone is just to cause her to suffer one of the enumerated harms.

26 Shiffrin, “Wrongful Life,” 123. Shiffrin also advocates for a noncomparative analysis of benefit which utilizes “an independently identified set of goods (e.g., material enhancement, sensual pleasure, goal-fulfillment, nonessential knowledge, competitive advantage).”
intrinsically bad states, irrespective of whether this makes the victim better or worse off than she otherwise would have been.

Various examples both illustrate a noncomparative analysis of harm and suggest reasons for favoring such an account over comparative analyses. One sort of case involves preempted harm:

*Broken Arm:* Debtor has fallen severely behind on regular payments to his drug dealer.

To emphasize the importance of paying debts in a timely manner, the drug dealer has sent some goons to break both of Debtor’s arms. While visiting his friend Debtor, Helpful sees the goons approaching with tire irons in hand. Luckily, Helpful is familiar with the drug dealer’s business practices, and knows that the goons will refrain from breaking both of Debtor’s arms if and only if they find that he is already very severely injured. Helpful quickly grabs a nearby baseball bat and breaks just one of Debtor’s arms, thereby saving him from having both of his arms broken by the goons.\(^{27}\)

In this case, Helpful’s action makes Debtor better off with respect to his overall good than he otherwise would have been; had Helpful not broken Debtor’s arm, the drug dealer’s goons would have broken both of his arms. On a comparative analysis of harm such as the one we considered above, Helpful has not harmed Debtor, because Debtor is not worse off than he would have been had Helpful refrained from breaking his arm. Indeed, it seems that Helpful has comparatively *benefited* Debtor by breaking his arm, since this action makes him overall better off than he otherwise would have been. On the comparative analysis, then, Debtor is not harmed, only benefited. Noncomparativists such as Shiffrin accept that Debtor is better off overall, but

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deny that this shows he has not been harmed by Helpful. If anything is a harm, the noncomparativist insists, then surely having one’s arm broken melee-style is. A more conceptually adequate account of harm and benefit would say that Helpful both harmed and benefited Debtor, and this is just what a noncomparative account of harm like Shiffrin’s tells us: severe bodily damage is a harm, even if it makes one better off overall.

Preempted harm cases such as Broken Arm suggest that comparative analyses of harm are conceptually inadequate. Other cases suggest that comparative analyses of harm are also normatively inadequate. Consider the following case, adapted from Shiffrin:

*Bullion Drop:* Wealthy is the sole occupant of an island who wants to share his incredible wealth with the less-affluent residents of a nearby island. Unfortunately, Wealthy is unable to leave his island or communicate with his desired beneficiaries. To carry out his philanthropic project, he builds a drone that is able to deliver cubes of gold bullion worth $5 million each. He programs the drone to avoid dropping the bullion in ways that could hurt his neighbors. The programming will prevent anyone from being killed or permanently disabled, but Wealthy knows there is a small chance someone could be injured by the falling gold cubes. When Wealthy’s drone is making its deliveries, Unlucky is struck by one of the cubes, breaking his arm. But the value of the cube more than compensates for the trauma of the injury, and it would have become someone else’s property had it not struck Unlucky.28

Like Broken Arm, Bullion Drop highlights the conceptual inadequacy of the comparative analysis of harm: it seems that Wealthy has both harmed and benefited Unlucky, but the comparative analysis cannot support this intuitive judgment. Unlike Broken Arm, however, the

moral agent’s action in Bullion Drop does not seem fully morally justified. Even in the full knowledge that Unlucky is made all-things-considered better off by Wealthy’s action and there are no effects on third parties, it intuitively seems (at least to Shiffrin and other noncomparativists) that Wealthy owes Unlucky some form of restitution for his broken arm, either in the form of additional compensation or, at the very least, a sincere apology.\textsuperscript{29} This intuitive response cannot easily be accommodated by comparativist views, as it seems obtuse that an agent could owe a moral patient even an apology for performing an action that both benefited him and caused him no harm.\textsuperscript{30}

One advantage of a noncomparative analysis of harm is that it can be made consistent with the moral intuition that Wealthy owes restitution of some form to Unlucky. Acknowledging that a single action can both harm and benefit someone, noncomparativists can offer additional premises about how our reasons against harming some individual and our reasons in favor of benefiting that individual weigh against each other. Shiffrin, for instance, claims that causing someone to suffer a noncomparative harm in order to prevent them from suffering a worse noncomparative harm is fully morally justified, but not if one causes a harm merely in order to impart some benefit that in no way involves the prevention of greater harm.\textsuperscript{31} If this additional thesis about how harms and benefits weigh against each other is correct, then it makes sense to say that Helpful’s breaking Debtor’s arm is fully morally justified (since it prevents the greater noncomparative harm of two broken arms), while Wealthy’s breaking Unlucky’s arm is not

\textsuperscript{29} Ibid., 128.
\textsuperscript{30} There is a sense in which a comparativist can account for both harm and benefit occurring in a case such as this: namely, the patient might be harmed with respect to some part of his welfare, interests, overall good, etc., say, the interest in maintaining physical functioning, but benefited with respect to some other part, say, the interest in having general means to accomplish his goals (Feinberg, \textit{Harm to Others}, 39-40) As it stands, however, most comparativists do not believe that harm “in a certain respect” tells us very much about our moral reasons, which are determined rather by all-things-considered harm or benefit.
\textsuperscript{31} Shiffrin, “Wrongful Life,” 128. See also Hanser, “Metaphysics of Harm.”
(since it benefits Unlucky without preventing any greater harm). We will consider in the next chapter whether Shiffrin’s thesis about how moral reasons against harm and in favor of benefit weigh against each other is plausible. For now, however, it is enough to note that, unlike comparative analyses of harm, it seems that noncomparative analyses can be supplemented with additional premises in a way that makes them consistent with some people’s normative intuitions about cases such as Bullion Drop.

Considerations of conceptual and normative adequacy seem to tell in favor of noncomparative analyses of harm, but how would such analyses solve the nonidentity challenge? Let’s recall the challenge: Causal Principle would have it that procreators’ parental moral reasons are explained by the causal contribution the procreators have made to the risk that the progeny would suffer some harm. The problem is that the concept of harm in this explanation seems to require a comparison between the progeny’s overall good in the actual world and her overall good in a possible world in which the procreator does not perform the procreative action. Since procreation cases are ordinarily nonidentity cases, that comparison does not show that the progeny could possibly be better off had she never been created; in that possible world, she does not exist, and so it is not the case that she is better off (nor is it the case that she is worse off). However, if harm is best analyzed as a noncomparative concept, as Shiffrin and others argue, then the fact that the progeny would not have existed without the procreator’s action appears to pose no such difficulties. Whatever the relevant harms Causal Principle picks out, the procreator did more than other actors to bring about the significant risk that the progeny would suffer those noncomparatively bad states. Even if the procreator’s action also caused greater noncomparative benefits than harms for the progeny, it might yet be true that the procreator’s action is not
thereby fully morally justified, just as Wealthy’s actions in Bullion Drop were not fully morally justified.

Some philosophers have argued that, despite their apparent success in cases such as Broken Arm, noncomparative analyses of harm have their fair share of conceptual inadequacies. Imagine a doctor performs a procedure to improve the vision of a blind patient, but is only able to make the patient nearly blind. Even though the patient’s condition has been improved and it seems that the doctor’s action is justified, a noncomparative analysis of harm entails that the doctor harmed the patient by causing him to be in an intrinsically bad state (near-blindness). For the sake of argument, I want to grant that such objections show that noncomparativism about harm is no more conceptually adequate than comparativism about harm. What this case and cases like Broken Arm and Bullion Drop appear to show, then, is that our concept of harm is likely not strictly comparative or noncomparative.

For the rest of the dissertation, then, I will deploy the following taxonomy in order to remain neutral on the question of the fundamental nature of harm and benefit. From the cases we have considered so far, it seems that whenever we deploy the notions of “benefit” and “harm,” these at least refer to states in which an individual is affected for better or worse (respectively) with respect to his or her overall good. Call these notions “benefit” and “harm” in the wide sense. A wide-sense harm might turn out to be comparative, such that it necessarily involves the sufferer of the harm being intrinsically worse off than he or she otherwise would have been. As a term of art, I will refer to comparative specifications of “harm” (or “benefit”) in the wide sense just as harm (and benefit, respectively). We might also think of the comparative notion as harm (or benefit) in the narrow sense. However, if a wide-sense “harm” turns out to be

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noncomparative, such that it is an intrinsically bad state for the sufferer to be in but is not necessarily worse than some alternative state the sufferer might have been in, I will refer to this as a *bane*. Similarly, if a wide-sense “benefit” is noncomparative in this way, I will refer to it as a *boon*. To summarize, when we use “harm” (in the wide sense) we might be referring to a harm (in the narrow sense) or to a bane (or our use might be ambiguous about which of these it is), and when we use “benefit” (in the wide sense) we might be referring to a benefit (in the narrow sense) or to a boon (or our use might be ambiguous about which of these it is).\(^{33}\)

Having abandoned the noncomparativist’s attempt to provide an analysis of harm (in the narrow sense), our aim now is to show that the nonidentity challenge can be solved by appeal to noncomparative boons and banes. The objections raised to the noncomparative accounts of harm had to do with their conceptual adequacy, not their normative adequacy. Recall our discussion of Bullion Drop: although Wealthy made Unlucky all-things-considered better off, it seemed that Wealthy had moral reasons to provide restitution because he also caused Unlucky to suffer the bane of a broken arm. If we want to conclude that Wealthy does owe Unlucky some kind of restitution, then it seems we must explain this fact in terms of (noncomparative) banes and boons, rather than (comparative) harms and benefits. Bullion Drop, however, raises the difficult question of how our moral reasons against imposing banes weigh against our moral reasons in favor of imparting boons, which we will address in detail in the next two chapters. For the remainder of this chapter, I intend to show that there are real-world cases of a type of bane that offer an intuitively compelling solution to the nonidentity challenge.

\[^{33}\text{I will try to use parallel grammatical constructions for harm/bane and benefit/boon, whenever possible. For example, actions or states of affairs might be harmful in virtue of instantiating or leading to a harm, or baneful in virtue of instantiating or leading to a bane.}\]
Most people would judge that their lives are well worth living, although there are a few cases in which such a judgment would be mistaken. Suffering from illness, disability, oppression, war, degradation, or other sorts of evils can conspire in various combinations to make it the case that an individual’s life fails to reach the threshold for being worth living, such that his or her life is not worth living. There is considerable philosophical controversy about what makes a life (not) worth living in this sense, and I will not settle that dispute here. Rather, I will work through Jeff McMahan’s well-known analysis of the concept, in part because I think it is largely correct, but more so because of what I think it demonstrates about the moral relevance of banes in nonidentity cases.

One initially appealing way to interpret the judgment that an individual’s life is worth living would be to say that it would have been worse for the individual not to have that life, and in the case of a life not worth living, it would have been better for the individual not to have that life. This interpretation is plausible when we are talking about parts of lives, but not when the judgment is about the individual’s life as a whole. The problem is that on this interpretation the judgment that someone has a life (not) worth living is a comparative value judgment. But if we are making a global judgment about whether an individual’s existing was better or worse for that individual, then the relevant comparison class is nonexistence, which generates nonidentity issues like those we have been trying to overcome in this chapter. A comparative interpretation of a life (not) worth living can be salvaged if we take the judgment to be about impersonal value, that the world is worse for having individuals with an overall good that falls below a certain threshold or better for having individuals with an overall good that reaches a certain threshold.

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But we have a good reason to resist that interpretation, which is that the comparative impersonalist interpretation elides the intuitive pull of the thought that whether your life is worth living or not is about the value your life has for you, about how it affects you as an individual.

So how should we interpret a given judgment that an individual’s life is or is not worth living? On McMahan’s view, we should think that the overall quality of a person’s life “can affect a person ‘noncomparatively’—that is, it can affect him for good or ill even though the alternative would not have been better or worse for him.”\(^\text{36}\) Having a life worth living is good for an individual, although not better for that individual than never existing at all, while having a life not worth living is bad for an individual, though not worse for that individual than never existing at all. Despite the intuitive appeal of the comparative individual-affecting interpretation of “a life (not) worth living,” McMahan insists rather that this is really a judgment about noncomparative individual-affecting value.\(^\text{37}\) What makes it the case that a life is or is not worth living for an individual, if not a comparison with that individual’s overall good in some relevant alternative? McMahan has suggested that it is the balance of what I have called banes and boons in the individual’s life: if the positive value of the boons is greater than the negative value of the banes, then the life is worth living, and if vice versa, then the life is not worth living.\(^\text{38}\)

On McMahan’s analysis, whether a life is worth living or not is essentially a noncomparative question: it is a function of the balance of boons and banes in that individual’s life. It also seems that having a life not worth living is itself a bane, a state of affairs that is noncomparatively, intrinsically bad for the individual who suffers it. If this intuition is correct, then it points the way toward showing that the nonidentity challenge does not show that the act

\(^{38}\) McMahan, “Wrongful Life,” 215; McMahan, ibid., 50.
of procreation can never “harm” (in the wide sense) the progeny. If there are some circumstances in which creating an individual involves a significant risk that the individual would suffer the bane of a life not worth living, then it appears that Causal Principle would entail that the procreator has a special moral reason to mitigate this risk (in addition to the general moral reason that any capable agent has for mitigating such a risk). At least in the case where the “harm” risked to the progeny is the noncomparative bane of a life not worth living, the fact that the progeny’s existence depends on the action that creates the risk does not prevent us from applying Causal Principle to show that the procreator has parental moral reasons.

4. The Moral Significance of Boons and Banes

In this section, we will consider an important objection to appealing to the noncomparative individual-affecting value of states such as boons and banes to solve the nonidentity challenge. Perhaps surprisingly, this objection comes from Jeff McMahan. Despite having argued that the notion of states of affairs being noncomparatively, intrinsically good or bad for individuals (i.e., boons and banes) is necessary for understanding the judgment that a life is (not) worth living, McMahan has recently argued that our moral reasons do not track the value of these noncomparative states.39

McMahan begins his argument by considering a type of case in which it intuitively seems that we have moral reasons which track the negative value of a baneful state, namely, cases in which a child one might create is certain to have a life that is not worth living. Like with any other nonidentity case, when we are deciding whether or not to procreate, the would-be individual does not yet exist. If we want to say that we have a moral reason not to create the

39 “Although I have distinguished three kinds of value—[comparative] individual-affecting value, noncomparative [individual-affecting] value, and impersonal value—these kinds of value give rise to only two kinds of moral reason: [comparative] individual-affecting and impersonal.” (McMahan, “Asymmetries,” 51)
individual in virtue of the fact that it would have a life not worth living, then McMahan thinks this moral reason cannot track the noncomparative, individual-affecting disvalue of that individual’s having such a life. At the time we have the reason, there is not yet any particular individual whom our action would cause to be in a noncomparatively bad state (or a noncomparatively good state), so there is no particular individual whose present or future overall good could be affected for better or worse, even if we understand these value terms noncomparatively. Given that the individual does not exist, it seems deeply mysterious that our moral reasons could yet be tracking what is noncomparatively good or bad for that nonexistent individual. To vindicate our assumption that the fact that a child we create would suffer the bane of a life not worth living gives us a moral reason not to create the child, McMahan argues that our moral reason must be tracking the negative impersonal value of the world being one in which an additional person has a life not worth living. Moreover, he concludes, because this is the most plausible case in which our moral reasons track the negative value of a baneful state, we have little reason to think that our moral reasons ever track banes or boons per se. Rather, our moral reasons track either impersonal values or harms and benefits in the narrow sense.

If McMahan is correct, then this spells serious trouble for our effort to solve the nonidentity challenge by appealing to the concept of noncomparative banes such as that of a life not worth living. Its general conclusion entails that cases such as Bullion Drop do not provide evidence for thinking that banes and boons are morally relevant, that their apparent relevance is a kind of amphiboly involving the value of comparative harms and benefits and impersonal value. Even if McMahan’s conclusion fails to generalize to identity-preserving cases such as Bullion Drop, his argument still poses a challenge for nonidentity cases, such that our appeal to

40 Ibid., 52.
noncomparative banes and boons gets us no further toward solving the nonidentity challenge to Causal Principle. In what follows, I will show that McMahan’s argument is unsuccessful, beginning with identity-preserving cases and then proceeding to nonidentity cases in the next section.

Note that McMahan’s argument begins with a nonidentity case, and then generalizes the results to identity-preserving cases. This appears to be a non sequitur, since his argument relies on features unique to nonidentity cases (e.g., the initial nonexistence of the moral patient). Just to be on the safe side, and for the purposes of exposition, I will offer a positive argument that our moral reasons do track the negative value of banes in identity-preserving cases, such as the following:

*Armand’s Pizzeria:* Armand owns and operates a pizzeria. Armand has also had a hard life, one marked by tragedy of oedipal proportions. His life has been so hard, in fact, that even a relatively minor setback to his interests (like a widely read, scathing review of his cherished pizzeria) would tip the balance of boons and banes in his life such that his life will have been, on the whole, not worth living. Zelda, a well-regarded food blogger, has visited Armand’s restaurant and has found its fare sorely lacking. She has written a scathing review, and is about to publish it for her thousands of devoted readers. Unbeknownst to Zelda, in the weeks since her visit to Armand’s pizzeria, Armand has taken ill, and is now on his deathbed. If she waits just a few days to publish her review, he will not hear about it before he dies, and so it will not set back his interests or make it the case that his life was not worth living.

What are Zelda’s moral reasons, and what sorts of value do they track? Intuitively, it seems that Zelda has strong moral reasons (in all likelihood, all-things-considered moral reasons).
to delay publishing her review for a few days. If these reasons track impersonal value, then it must be the case that the world would be a worse place if Zelda publishes her review now rather than delaying a few days. But it is possible that the pleasure thousands of people will get from reading the review, and the pain avoided by those who were considering going to Armand’s terrible pizzeria over the next few days, has enough impersonal value to outweigh the impersonal disvalue of the banes her review would impose on poor Armand. Alternatively, it might be that Zelda’s moral reasons track the value of comparative harm and benefit: indeed, publishing her review immediately would make Armand worse off than he otherwise would have been. But even if she has such a moral reason, it might count only weakly against publishing the review immediately. Remember that other harms and benefits are at stake: the joy of Zelda expressing herself freely, the suffering other people would experience by eating Armand’s awful pizza, etc. Some philosophers have argued that if an exercise of our moral liberties makes someone only very slightly comparatively worse off, then we have no moral reason not to perform that harmful action.⁴¹

For now, let us assume that Zelda does have some moral reason against immediate publication that tracks the slight extent to which her action would comparatively harm Armand. It would appear, however, that this moral reason cannot account for our intuitive response to the case, that Zelda has a very strong, perhaps even all-things-considered moral reason to delay publication for a few days, such that it would be wrong for her to publish immediately (even at some cost to herself or to others). Pointing to the relatively minor comparative decrease in Armand’s overall good that immediate publication would bring seems poorly matched to this strong intuitive response. Rather, it seems that the fact that immediate publication would make it

⁴¹ E.g., Feinberg, Harm to Others, 37, 114.
the case that Armand’s life is not worth living is what accounts for the weightiness of Zelda’s moral reason to delay publication. Contrary to McMahan’s argument, this moral reason seems to track the bane of having a life that is on balance not worth living. We see, then, that McMahan’s argument against the moral relevance of banes and boons does not succeed in identity-preserving cases.

5. Solving the Nonidentity Challenge

Turn now to nonidentity cases, which are the primary target of McMahan’s argument against the moral relevance of banes and boons. McMahan claims that we are not justified in claiming that we can have a moral reason against creating someone who would have a life not worth living before that person exists unless that reason tracks the impersonal disvalue of such a life or its comparative disvalue for third parties. Since the moral patient in such cases does not exist when the relevant action is performed, it is mysterious how our moral reasons for or against that action could track what is intrinsically good or bad for any particular individuals, even if we understand those good or bad states to be noncomparative boons or banes.

I believe that McMahan’s objection finds its mark against noncomparativists, such as Elizabeth Harman, who claim that we sometimes have moral reasons not to engage in procreative acts because doing so would impose noncomparative banes on those individuals we might create.42 The problem with this sort of position is that claiming that we have a moral reason that tracks some aspect of a particular individual’s overall good seems to require that there be a particular individual on the scene. If there is no individual who will suffer the bane of, for instance, a life not worth living, then it seems the best we can do is to say that we presently have a moral reason to prevent any individual from suffering that noncomparative state in order

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42 Harman, “Can We Harm.”
to prevent the world from becoming a worse place, a seemingly impersonal value, or to prevent particular third-parties from becoming worse off, a seemingly comparative value.  

McMahan has identified a genuine problem, but it isn’t that our moral reasons never track banes and boons in nonidentity cases. Rather, the problem is that our prospective moral reasons in nonidentity cases do not track the noncomparative individual-affecting value of, say, the possible progeny’s having a life not worth living. Prospective moral reasons are moral reasons we have solely in virtue of our causal position and our motivational profile; for example, that I am in a causal position to prevent someone from starving to death and I am capable of being motivated to bring about that result is sufficient for my having a prospective moral reason to prevent that person from starving to death. Harman and other noncomparativists maintain that being in the right causal position with the right motivational profile is sufficient for having a moral reason to prevent a merely possible person from suffering banes such as that of a life not worth living. McMahan’s objection shows that to have such prospective moral reasons about an individual’s overall good, that individual must already be in existence. Since the existence of someone we might create requires that we have already performed the procreative action, those who maintain that the banes and boons in that individual’s life can give us prospective moral reasons for or against creating that individual are committed to an apparent absurdity: that we can have a moral reason for or against performing an action that has already been performed.

43 While we should agree that there is no particular individual who might be subjected to banes or boons prior to a procreative act, why should we think that to be such a problem? We could perhaps identify the possible future subject of banes or boons under a definite description, such as “one’s first-born child,” in which case it would be for any individual who meets said specification that we have reasons tracking noncomparative individual-affecting value. On this approach, however, it seems that it our moral reasons would be tracking facts about abstracta such as definite descriptions, rather than facts about particular individuals. Since abstracta themselves do not have an overall good that could be positively or negatively affected, then it seems that the type of value or disvalue at stake would have to be impersonal, such that a certain definite description’s being instantiated by a particular individual makes the world a better or worse place.
However, the question of whether or not we have such prospective moral reasons against creating someone whose life would be not worth living is not essential to the task at hand. Our goal in this chapter is to solve the nonidentity challenge to using Causal Principle to explain procreators’ parental moral reasons. To achieve this goal, we need not claim that procreators have any prospective moral reasons with respect to their possible future progeny (or that such reasons do not merely track impersonal value); rather, we need only to establish that procreators have *retrospective moral reasons*, which are moral reasons one has in virtue of one’s causal position, motivational profile, and *agential history*—namely, the actions one performed in the past. To be clear, retrospective moral reasons are reasons to perform some future action, but the states of affairs that ground these reasons also include historical states of affairs related to one’s own agency.

To explain the difference between prospective and retrospective moral reasons, and why we do not need the former to solve the nonidentity challenge, consider first an identity-preserving case:

*Armand’s Pizzeria 2*: The circumstances are similar to the original case of Armand’s Pizzeria, except that (a) Zelda’s publishing her review immediately rather than in a few days would create a significant risk, though not a certainty, that Armand’s life will be not worth living, and (b) merely imposing this risk on Armand is not morally wrong (perhaps Zelda has some sort of special moral permission to do this). Zelda publishes her review immediately. Now, it turns out that if someone were to visit Armand in the hospital before he dies and talk about the negative review as if it were just a prank, he would not suffer the bane of a life not worth living. If nobody were to visit, he would become
convincing in his last moments that the review is sincere, and he will suffer the bane of a life not worth living.

It seems that Zelda has as much moral reason to visit the hospital and act as if the review was a joke in Armand’s Pizzeria 2 as she had in the original version of the case to delay publishing the review. Moreover, as in the original case, it seems that her moral reason primarily tracks the significant risk of Armand’s suffering the bane of a life not worth living, rather than some impersonal value or the relatively minor comparative harm of the scathing review. The key difference is that whereas in Armand’s Pizzeria Zelda’s moral reason to mitigate the risk that Armand’s life will not be not worth living is a prospective reason, in Armand’s Pizzeria 2 that moral reason is a retrospective moral reason. Of course, any agent who could visit Armand and pass off the review as a joke has a general, prospective moral reason to do so, but Zelda’s all-things-considered moral reason to do this is partly grounded in her past actions, which created a significant risk that Armand would suffer this bane.44

These observations are both consistent with and plausibly explained by Causal Principle. Zelda’s publishing the review immediately created a significant risk that Armand would suffer a noncomparative bane. There is a general (prospective) moral reason for any capable agent to prevent Armand from suffering this bane. If those agents fail to act according to this general moral reason, Zelda will have done more than any other agent to impose the bane on Armand, and this gives Zelda a special (retrospective) moral reason to prevent or mitigate that bane. Since the bad outcome at stake for Armand is noncomparative, however, there is no need to compare

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44 Again, there is a helpful parallel between the argument here and Williams’s analysis of the lorry driver case: “In these cases, the relevant consciousness of having done the harmful thing is basically that of its having happened as a consequence of one’s acts, together with the thought that the cost of its happening can in the circumstances fairly be allocated to one’s account” (“Moral Luck,” 28). Here Williams is claiming that it is rational to think that the costs of mitigating or compensating for a harm that results from one’s voluntary action can be “allocated to one’s account” in a way that cannot be so allocated to an uninvolved agent who is similarly causally and motivationally situated.
Armand’s overall good with what it would have been had Zelda not published her review.

Having a life not worth living is intrinsically bad for an individual even if it is not worse (or not much worse) for the individual than the available alternatives.

It is a short step from identity-preserving cases such as Armand’s Pizzeria 2 to nonidentity cases like the following:

*Risky Conception:* Vicky’s doctor informs her that if she conceives in the next six months, then any child she might give birth to would require expensive and complicated medical interventions in its first year of life in order to have a life that is worth living. Without these interventions, its life will very likely be not worth living. Vicky ignores her doctor’s warning, conceives immediately, and gives birth to a child in dire need of expensive and complicated medical interventions.⁴⁵

Even though this is a nonidentity case, it appears that Vicky now has a special moral reason to prevent her child from suffering the bane of a life not worth living. One way to explain this moral reason is to assimilate it to Zelda's special moral reason in Armand’s Pizzeria 2: Vicky acted in a way that caused a significant risk that someone would suffer the bane of having a life not worth living. Although there is a general prospective moral reason for any capable agent to mitigate the risk that Vicky’s newborn infant will suffer a life not worth living, in the event that all capable agents fail to act on this reason, then Vicky would have done more than any other agent to make it the case that her newborn suffers that bane. According to Causal Principle, these facts explain why Vicky has a retrospective moral reason to mitigate the risk of

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⁴⁵ Bernard Prusak argues that procreators’ obligations to newborn infants can be explained in exactly the same way as Vicky’s obligations to her newborn infant (*Parental Obligations and Bioethics*, 34-35). I think Prusak’s account fails for reasons that will become apparent in chapter 3.
that bane coming about, and since the bane of a life not worth living is noncomparative, it does not require any comparison with any alternative state the newborn might have been in.

McMahan’s argument against the claim that our prospective moral reasons track noncomparative banes in nonidentity cases does not undermine the causalist explanation of Vicky’s special moral reason to aid her newborn infant. Unlike noncomparative accounts such as Harman’s, this explanation does not entail that Vicky had any moral reason prior to conception that tracked the disvalue of having a life not worth living for her merely possible progeny. Her moral reasons, rather, are explained in part by her own agency’s involvement in causing both the progeny’s existence and the risk of its suffering a life not worth living.

There are reasons one might be dissatisfied with my strategy of avoiding McMahan’s objection by abandoning the idea that there are prospective moral reasons that track the value of noncomparative banes and boons for merely possible people. Some might find it implausible that Vicky does not violate any prospective moral reasons in conceiving a child who if brought to term would suffer the bane of a life not worth living. Relatedly, some might worry that my response to McMahan closes off the possibility of providing a satisfactory answer to Parfit’s nonidentity problem, such that we will be unable to explain, for instance, why it is morally prohibited to implement a nuclear waste policy that will affect the identities of people in the future but also prevent whomever comes into existence from having a life not worth living.\footnote{Parfit, \textit{Reasons and Persons}, 371-77; Harman, “Can We Harm,” 89-90.} Perhaps we should instead search for a better response to McMahan’s objection, one that does not stymie our ability to deal with these other nonidentity cases.

My response to McMahan’s objection does not rule out some alternative explanation of prospective moral reasons not to bring into existence individuals who would suffer the bane of a
life not worth living, even in nonidentity cases. Perhaps, as McMahan and Parfit have suggested, our moral reasons in such cases track impersonal values, meaning that we have a reason not to make the world a worse place by bringing such miserable people into existence.\textsuperscript{47} Perhaps there are moral reasons that track expressive features of these instances of procreation, or there are sufficiently bad effects on extant third parties such that we will have moral reasons against creating miserable individuals in nearly all real-world cases.\textsuperscript{48} Finally, perhaps our intuitions about these matters are somewhat confused; for instance, it might not actually be morally wrong for Vicky to conceive in the dangerous six-month window, but it might yet be wrong for her to finish a pregnancy begun within that timeframe.\textsuperscript{49} We need not, therefore, hold out for a response to McMahan’s objection that explicitly defends prospective moral reasons against procreating because the progeny would suffer the bane of a life not worth living.\textsuperscript{50}

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In this chapter, I have argued that Causal Principle can explain procreators’ special moral reasons to mitigate a significant risk that their progeny will suffer the bane of a life not worth living. This solution to the nonidentity challenge required, first, that we recognize that “harm” (in the wide sense) might refer to comparative harms or noncomparative banes, and that only the

\textsuperscript{47} Parfit, \textit{Reasons and Persons}, 367-71, 377-79; Feinberg, \textit{Harm to Others}, 103; McMahan, “Asymmetries.”

\textsuperscript{48} Boonin, \textit{Non-Identity Problem}, chapter 7.

\textsuperscript{49} Earl, “A Portable Defense.”

\textsuperscript{50} Another possible response is to maintain that retrospective moral reasons generate prospective moral reasons. In Risky Conception, provided that Vicki knows that by conceiving and giving birth to a child she will come to have a retrospective moral reason to address the risk that he will have a life not worth living, then this could give her a prospective moral reason to avoid acting in that way on the condition that she knows she will be unable or unwilling to act according to that moral reason. Granted, if Vicki has an interest in acting according to her moral reasons, then in this version of the case she would have a prudential reason not to conceive or give birth to a child that is grounded in the retrospective moral reason she will later have. But does she also have a prospective moral reason to this effect? If she does have such a reason, then its existence would depend (in part) on her intentions to conceive and give birth to a child, since whether she will have a retrospective moral reason depends on whether she acts in a certain way in the future. But then this prospective moral reason would have the peculiar property of existing when she intends to act against it, but then not existing when she intends to act in conformity with it. Weirdness is not a decisive reason to reject this sort of response, but it seems to give some reason to reject it.
latter are at issue in nonidentity cases. The second requirement was to recognize that moral reasons can be either prospective or retrospective, and that we need not insist that Causal Principle explain the purported existence of prospective moral reasons in procreation cases (i.e., moral reasons regarding procreation that obtain before the progeny exists). Given these two constraints, we can see that Causal Principle explains how procreators come to have special moral reasons to aid their progeny in the limiting circumstance that there is a significant risk that the progeny’s life will be not worth living.

This defense of Causal Principle has been fairly limited, however. It is not enough to show that Causal Principle can explain why procreators can have retrospective moral reasons to mitigate the significant risk that their progeny will suffer the *global* bane of a life not worth living. For a causalist account of procreators’ parental moral reasons to get any traction in ordinary cases, it must show that procreators can have retrospective reasons due to their creating a significant risk that their progeny will suffer certain *local* noncomparative banes. It is to this task that we turn in the next chapter.
Chapter 3: The Prior Benefit Challenge and the Disproportionality Thesis

We saw in chapter 2 that Causal Principle could withstand the nonidentity challenge, thereby eliminating an obstacle to a causalist account of procreators’ parental moral reasons. To achieve this, we needed to show that Causal Principle applies even under the unique constraints of nonidentity cases. First, Causal Principle tells us that we have moral reasons to prevent or mitigate certain “harms” (in the wide sense), whether they be comparative (harms in the narrow sense) or noncomparative (banes). A bane is a state of affairs that is intrinsically bad for an individual, though it is not necessarily worse for the individual than some alternative state the individual could have been in. Second, Causal Principle tells us that these moral reasons for or against an action can be prospective, reasons to act grounded solely in the agent’s causal position and motivational profile, or retrospective, reasons to act grounded in the agent’s history as well as in causal position and motivational profile. The nonidentity challenge to Causal Principle’s ability to explain procreators’ parental moral reasons rested on the presumption that the risked “harms” are comparative harms, and that the reasons the principle generates are prospective. By examining the restricted case of creating an individual who will suffer a life not worth living, we saw that Causal Principle plausibly explains the generation of retrospective moral reasons where the risked “harms” are noncomparative banes.

This defense of Causal Principle against the nonidentity challenge, however, is insufficient to establish the plausibility of a causalist account of procreators’ parental moral reasons. The reason is, roughly, that most newborn infants do not face a significant risk of suffering the bane of a life not worth living, and even for those who do, Causal Principle does not show that their procreators thereby acquire special moral reasons to see to it that those children are adequately parented. The argument in chapter 2 showed that Causal Principle could
be coherently applied to nonidentity cases, but more needs to be said to show how it explains procreators’ parental moral reasons in ordinary cases of procreation.

In this chapter, we consider another powerful objection to using Causal Principle to explain procreators’ parental moral reasons. I will argue that a popular thesis about the way in which our reasons against imposing banes and our reasons in favor of imparting boons weigh against each other does not provide a successful response to this objection. Although the argument of this chapter is negative, in chapter 4 I offer a strategy for resolving the objection and vindicating a causalist account of procreators’ parental moral reasons in ordinary procreation cases.

1. Boons, Banes, and the Canceling Question

In the previous chapter, we considered the case of Risky Conception, in which Vicky is informed by her doctor that if she conceives in the next six months, any child she would give birth to would require expensive and complicated medical treatment in order to avoid suffering the bane of a life not worth living. We saw that, contrary to the nonidentity challenge, Causal Principle could explain why Vicky would have a special moral reason to provide such a child with the expensive medical treatment in virtue of her voluntarily having caused the significant risk that the child would have a life not worth living. Bernard Prusak has defended a causalist account of procreators’ parental moral reasons according to which these reasons are grounded in the fact that, like Vicky in Risky Conception, all procreators put their progeny at some risk of suffering a life not worth living.1 If Prusak were correct, then the argument from chapter 2 would

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1 Prusak, *Parental Obligations and Bioethics*, 34-35.
be sufficient to defend a causalist account of procreators’ parental moral reasons, and we could proceed directly to chapter 5.²

Prusak’s view is not correct, however, and the reasons why help to show why my defense of Causal Principle against the nonidentity challenge is insufficient to establish the plausibility of a causalist account of procreators’ parental moral reasons. First, as several authors have observed, lives that are really not worth living, in that the negative value of the banes in an individual’s life is greater than the positive value of the boons, are exceedingly rare.³ Very few children are born with the sorts of genetic diseases that create a significant risk that they will suffer the bane of a life not worth living regardless of their external circumstances, such as their environment or the sorts of care they receive. This, in turn, means that few acts of procreation meet Causal Principle’s condition that the act create a “significant risk” that the moral patient will suffer the wide-sense “harm” of, in this case, a life not worth living.⁴ If we try to explain procreators’ parental moral reasons on the basis of the significant risk of their progeny’s suffering a life not worth living, then the range of cases in which procreators acquire such reasons would be implausibly narrow. As we discussed in chapter 1, common sense tells us that

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² The arguments from chapter 2 are still necessary to vindicate Prusak’s causalism, as he adopts Elizabeth Harman’s noncomparativeist account of harm and benefit, which leaves his account vulnerable to the nonidentity challenge.
⁴ Admittedly, it is more common that children without such diseases who are born into bad external circumstances, such as war and extreme poverty, will go on to suffer the bane of a life not worth living. In such cases, however, it is not the procreators’ acts which primarily create these risks of the child suffering a predominance of banes later in life, but rather the acts of individuals who bring about those external circumstances. In addition, although war and poverty can make a life not worth living, this result does not obtain as often as one might suspect. It is well known that human beings have a remarkable capacity for adaptive preference, such that some individuals who otherwise might otherwise fall just below the threshold for having a life worth living will, taking into account the satisfaction of their lowered preferences, be above that threshold. See Geraldine I. Olson and Brigitte I. Schober, “The Satisfied Poor: Development of an Intervention-Oriented Theoretical Framework to Explain Satisfaction with a Life in Poverty,” *Social Indicators Research* 28 (1993): 173-93; H. E. Baber, “Adaptive Preference,” *Social Theory and Practice* 33 (2007): 105-26.
procreators have parental moral reasons in the vast majority of real-world cases. Prusak’s view leaves too many procreators off the moral hook.

Second, Prusak’s view and my defense against the nonidentity challenge show that procreators can have moral reasons to prevent or mitigate the risk that their progeny’s life will be not worth living, but these are not definitively “parental moral reasons.” As explained in chapter 1, parental moral reasons are reasons to ensure that someone receives adequate parenting, where “parenting” is understood to provide goods such as socialization, enculturation, affection, etc. But preventing or mitigating the risk that an individual will suffer the bane of a life not worth living does not typically require that the individual be parented, at least in this sense. In Risky Conception, for instance, all that was required for Vicky to satisfy her special moral reasons was to provide the child with expensive medical care; having done that, it isn’t clear why she would also need to ensure her child is adequately parented. Indeed, individuals who grow up without being parented by anyone in particular can go on to have lives in which there are greater boons than banes. Due to the fact that a life worth living for an individual (according to McMahan’s analysis) does not require that the individual be flourishing, happy, or successful, states which are presumably facilitated by being adequately parented, there is little reason to think that Prusak’s view can support our intuitive judgments about the kinds of moral reasons that procreators have regarding the care of their progeny.5

These objections to Prusak’s view also show that the defense of Causal Principle against the nonidentity challenge is insufficient to establish the plausibility of a causalist account of procreators’ parental moral reasons. Although this is a bug of Prusak’s view, which aspires to

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5 The argument in this paragraph is similar to Elizabeth Brake’s argument that accounts of procreators’ moral responsibilities that require compensation only for “procreative costs” are intuitively inadequate (“Willing Parents,” 158-63). We will consider this argument in more detail in chapter 5.
sufficiency, it is a feature of the argument in chapter 2. The bane of a life not worth living is a global harm (in the wide sense), one that makes it the case that an individual’s existence was bad, on balance, for him or her. Most noncomparative banes, such as distress, disease, or disability, are local in nature: they allow us to say that part of an individual’s existence was intrinsically detrimental to his or her overall good, but not that the whole of his or her existence was. Restricting the argument to the rarer, global bane of a life not worth living simplified the task of solving the nonidentity challenge by ensuring the satisfaction of Causal Principle’s third condition:

**Causal Principle:** A moral agent, $A$, has a special moral reason to mitigate the significant risk, $r$, that a moral patient, $B$, will suffer a serious harm, $h$, if:

1. $A$ voluntarily performed an action, $\varphi$-ing, which
2. foreseeably caused the risk, $r$, that $B$ would suffer the harm, $h$, and
3. $\varphi$-ing was not fully morally justified by some set of considerations, $c$.

In cases where there are no third-party effects, this condition (which I will call the nonjustification condition) is invariably satisfied when the harm (in the wide sense) risked for the moral patient is global, like the bane of a life not worth living (provided that the other conditions of Causal Principle are satisfied). By focusing on cases in which the moral agent creates a significant risk that the moral patient will suffer the bane of a life not worth living, we were able to bracket some important questions about how the nonjustification condition is satisfied in more typical cases.

In order to show that Causal Principle can explain procreators’ parental moral reasons in ordinary cases of procreation, we need to determine what considerations can make it the case that an action that creates a significant risk of local noncomparative banes is not fully morally
justified. In other words, when is Causal Principle’s nonjustification condition satisfied for an action that risks a bane other than that of a life not worth living?

Answering this question is especially difficult in nonidentity cases due to the fact that the only sorts of “harm” and “benefit” (in the wide sense) that are tracked by an agent’s moral reasons in such cases are noncomparative banes and boons. To see why, recall the competing analyses of harm and benefit we considered in the previous chapter. According to comparativism about harm and benefit, an individual is harmed just when she is caused to be in a state that is intrinsically worse for her than some alternative state would have been, and is benefited just when she is caused to be in a state that is intrinsically better for her than some alternative state would have been. On such an analysis, any given individual-affecting action would (a) only harm the individual, (b) only benefit the individual, or (c) neither harm nor benefit the individual.6 This is because the action’s effects on the individual’s overall good (or interests, or well-being) must be determinate with respect to a single temporal or counterfactual threshold: it either moves the individual above the threshold, below it, or makes no change. Given that Causal Principle applies only to actions that create a significant risk of harm, comparativists will not have any trouble determining whether the nonjustification condition is satisfied by considerations of the moral patient’s overall good. If the action would only harm the individual, then considerations of the individual’s good count in favor of the nonjustification condition being satisfied; if the action would only benefit the individual or would neither harm nor benefit the individual, then Causal Principle doesn’t apply anyway, such that we don’t need to determine whether the nonjustification condition is satisfied.7

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6 Note that this disjunctive list is exclusive rather than inclusive (i.e., if (a), then not (b) or (c), etc.).
7 Joel Feinberg observes that we might think about comparative harm and benefit in two different senses: an all-things-considered sense, or an in-some-respect sense (Harm to Others, 39-40). For instance, effectively vaccinating someone against an illness is an all-things-considered comparative benefit, as it makes him better off overall than he
Turn now to the noncomparative analyses of harm and benefit, which hold that an individual is harmed just when she is caused to be in a state that is intrinsically bad for her, while an individual is benefited just when she is caused to be in a state that is intrinsically good for her. In contrast to comparativists, noncomparativists about harm and benefit cannot so easily determine whether considerations of the moral patient’s overall good count in favor or against Causal Principle’s nonjustification condition being satisfied. This is because on a noncomparative analysis, any action that affects an individual’s overall good could (a) only harm the individual, (b) only benefit the individual, or (c) both harm and benefit the individual.\(^8\) The difficulty for the noncomparativist is that she owes us an explanation of how our moral reasons not to harm interact with our moral reasons to benefit in the third type of case, where a single action both noncomparatively harms and noncomparatively benefits an individual. In other words, how do moral reasons against harming and moral reasons in favor of benefiting weigh against each other so as to determine how the fact that the action brings about both types of noncomparative states counts toward the action’s being fully morally justified? Since this sort of issue does not arise on a comparative analysis of harm and benefit, the noncomparativist faces an additional obstacle in explaining when Causal Principle’s nonjustification condition is satisfied.

This general challenge for a noncomparativist about harm and benefit is also a challenge we face in trying to apply Causal Principle to ordinary cases of procreation. Since our moral reasons regarding the individual’s overall good track only noncomparative banes and boons in such cases, and procreators typically cause a significant probability of both banes and boons for

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\(^8\) Again, this disjunctive list is exclusive rather than inclusive.
their progeny, we need to explain how our moral reasons against causing banes and our moral reasons in favor of causing boons weigh against each other. To provide such an explanation is to answer what I will call the canceling question. This comes from the notion of “canceling weight,” the ability of reasons of one kind to discount, in whole or in part, reasons of another kind.\(^9\) Providing a plausible answer to the canceling question is necessary to determine when Causal Principle’s nonjustification condition is satisfied in ordinary procreation cases, which in turn is necessary to establish that Causal Principle can serve as the basis of a plausible causalist account of procreators’ parental moral reasons. As we will see in the next section, however, there are significant difficulties with providing such an answer to the canceling question.

2. The Proportionality Thesis and the Prior Benefit Challenge

To begin outlining a plausible answer to the canceling question, it will be helpful to consider the following case:

*Rescue*: Bystander is the only witness to a serious car accident, and approaches the car to see if she can help. As she approaches, she sees that Survivor is alive and unconscious, but is also tangled in the wreckage. The gas tank is leaking and the burning car will explode any minute, and the only way for Bystander to get Survivor out of the car will require breaking his arm in the process. Bystander makes the decision to break Survivor’s arm and remove him from the car, which ultimately results in his living many more years of happy life.\(^{10}\)

By pulling him from the car, Bystander imparts a noncomparative boon to Survivor, namely additional years of happy life. An unavoidable condition of imparting this boon, however, is

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\(^{10}\) This example based on another by Joel Feinberg (“Wrongful Life and the Counterfactual Element in Harming,” in *Freedom and Fulfillment: Philosophical Essays* [Princeton, NJ: Princeton University Press, 1992], 3-36, 27. See also Shiffrin, “Wrongful Life,” 126.
imposing a noncomparative bane on Survivor, namely the pain and damage of a broken arm.\footnote{Bystander also confers a comparative benefit on Survivor, since her action makes him better off than he otherwise would have been. For the purposes of this chapter, though, I will ignore the comparative harms and benefits at stake in this and other relevant cases. The reason is that an action’s imparting a comparative benefit (or harm) on an individual is neither necessary nor sufficient for the noncomparative banes to be fully canceled by the noncomparative boons. We saw that it is not sufficient from Shiffrin’s discussion of the Bullion Drop case in the previous chapter. Similarly, we saw that it was not necessary from the discussion of the Armand’s Pizzeria cases and nonidentity cases.} This is a case, then, in which an action imposes both noncomparative boons and noncomparative banes on a moral patient.

Intuitively, it seems that Bystander’s action in Rescue is fully morally justified, such that her action was morally permissible and there is no moral remainder (e.g., she does not owe Survivor compensation or an apology for his broken arm). To be consistent with this intuition, it must be the case that Causal Principle does not entail that Bystander has a special moral reason to mitigate the significant risks of Survivor’s suffering additional banes that are created as a foreseeable consequence of Bystander’s voluntary actions (e.g., pain, disability, etc.). Since the other conditions of Causal Principle are plainly satisfied by Bystander’s action, however, it must be the case that the nonjustification condition is not satisfied in this case. The effects of Bystander’s action on Survivor’s overall good are just the sort of consideration that determine whether an action that affects another individual’s overall good is morally justified. This, in turn, suggests that Rescue is a case in which moral reasons having to do with Survivor’s overall good are fully canceled.

Two features of the Rescue case suggest general conditions on when moral reasons against imposing a noncomparative bane are fully canceled by moral reasons in favor of imparting a noncomparative boon. First, the noncomparative bane is either a necessary or highly constrained precondition or consequence of the moral patient’s receiving the noncomparative boon; or, more weakly, there is no practically available means for imparting the boon without...
also imposing the bane. Our intuitive response to the case would be different if Bystander had a viable option for removing Survivor from the wreckage without breaking his arm, but failed to do this due to her personal preferences. Going forward, I will assume that any plausible answer to the canceling question includes the unavoidability of imposing the bane as a necessary condition for the reasons against imposing a bane being fully canceled by the reasons in favor of imparting a boon.

The Rescue case suggests, second, that for actions that cause both banes and boons the moral reasons against imposing the banes are fully morally canceled by the moral reasons in favor of imparting the boons only if the positive value of the boons is greater than the negative value of the banes. That is, the moral reasons against bringing about a noncomparative bane of magnitude X for some individual are fully canceled by the moral reasons in favor of bringing about a noncomparative boon for that individual only if the magnitude of the boon is greater than X. Again, our intuitive response to the Rescue case would be different if Bystander broke Survivor’s arm not in order to save his life, but in order to garner more expressions of sympathy for Survivor from other witnesses on the scene. In those circumstances, the magnitude of the bane is clearly larger than the boon of additional sympathy, such that Bystander’s moral reasons against imposing the bane of a broken arm seem to be not fully morally canceled.\(^\text{12}\) Going forward, I will assume that any plausible answer to the canceling question requires that the boon be larger than the bane as a necessary condition of the reasons against imposing the bane being fully canceled by the reasons in favor of imparting the boon.

\(^\text{12}\) This condition assumes that the banes and boons imposed by a single action are sufficiently comparable to one another such that their relative magnitudes can be compared. If there are genuinely incomparable individual-affecting values, as some philosophers have argued, then this condition would apply only to those boons and banes whose values are comparable in this way.
One initially attractive way of answering the canceling question is to conjoin the two conditions just enumerated into a necessary and sufficient condition for the reasons against imposing a bane being fully canceled:

*Proportionality Thesis:* For an action that imposes both a bane and a boon on a moral patient (and has negligible effects on the agent or on third parties), the moral reasons against imposing the bane are fully canceled by the moral reasons in favor of imparting the boon iff

(i) the bane is an unavoidable consequence or precondition of the action’s imparting the boon, and

(ii) the positive value of the boon is larger than the negative value of the bane.

I call this the “proportionality thesis,” as it holds that our moral reasons weigh proportionally in favor of imparting boons and against imposing banes. That is, a moral reason to confer a noncomparative boon of magnitude X and a moral reason not to impose a (necessary) noncomparative bane of magnitude X have equal canceling weight. In slogan form: banes and boons are morally proportional.

In addition to capturing the significant features of the Rescue case, the proportionality thesis nicely assimilates the canceling relationship between noncomparative banes and boons to the canceling relationship between comparative harms and benefits. The comparativist about harm and benefit maintains that morally relevant senses of “harm” and “benefit” cannot both be ascribed to a single action, and that our moral reasons weigh proportionally in favor of actions

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13 Two important notes: First, the proportionality thesis is about the relative weights of reasons in favor of benefit and reasons against harm, not about the relative weights of reasons in in favor of a benefit of magnitude X and those in favor of a benefit of magnitude X+n (or mutatis mutandis for reasons against harm). Second, the proportionality thesis is about the relative weights of reasons in favor of benefit for a given moral patient and reasons against harm for that moral patient, not about the relative weights of reasons in favor of a benefit for a given moral patient and reasons against harm for a different moral patient (or the moral agent), or vice versa.
with beneficial effects and against actions with harmful effects. The noncomparativist about boons and banes who also endorses the proportionality thesis denies that an action cannot bring about both “harms” and “benefits” in the morally relevant sense, but nonetheless holds that our moral reasons weigh proportionally in favor of actions that are on balance boonful for the moral patient and against those that are on balance baneful for the moral patient.

If the proportionality thesis were the correct answer to the canceling question, however, this would raise a significant challenge for our effort to develop a plausible causalist account of procreators’ parental moral reasons. As we noted in the previous section, in typical cases of creation, the created individual will enjoy many boons, the positive value of which will outweigh the negative value of the banes he or she will suffer. Whatever moral liability we want to attribute to the procreators in virtue of their causal role in bringing about those banes, it seems that we also need to attribute proportional moral credit in virtue of their causal role in bringing about the boons. But if we assume that the boons and banes have equal canceling weights, as the proportionality thesis holds, then it would be odd to think that procreators, who have already made a significant causal contribution to all of the boons their progeny will ever experience by creating them, have a moral reason to provide even more aid.

How is this view odd? It is like believing that because I have donated $1 million to a worthy charity, I have a special moral reason (in addition to any general moral reasons I might have) to donate another $100,000 in order to defray the administrative costs that come along with such a large donation. Indeed, it might be morally praiseworthy or supererogatory for me to make the extra donation, but it seems that I do not act against any special, deontic moral reasons

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14 The next two paragraphs build on an astute observation of Shiffrin’s (“Wrongful Life,” 140).
15 The notion of “moral credit” here is not all-things-considered moral credit, which would need to take intentions of the procreators into account, but rather pro tanto considerations of moral credit.
when I fail to hand over the extra money, especially given the large sum I have already
donated. Indeed, if the procreators’ causal relation to the boons and banes in the progeny’s life
are the only considerations that ground the procreators’ special moral reasons (as we have been
assuming by abstracting away any third-party effects), then it might seem that procreators would
have a special moral permission not to provide additional aid to any newborn infants they have
produced. As Seana Shiffrin puts it, “After all, they have given the child more of a benefit than
any others—if further benefits must be bestowed, should not the onus be on others to step in as
further benefit providers?”

The proportionality thesis is a simple and intuitively plausible answer to the canceling
question. But if the proportionality thesis is true, then in ordinary procreation cases Causal
Principle’s nonjustification condition will not be satisfied. The reason for this is that, at the
moment of birth, procreators (especially gestating women) typically have done more than any
other moral agents to impart a preponderance of noncomparative boons over noncomparative
banes on their progeny. The proportionality thesis tells us that in such a case, the moral reasons
against imposing the banes are fully canceled by the outweighing goods. Call this the prior
benefit challenge to Causal Principle, where “benefit” is construed in the wide sense (as “harm”
is construed in the wide sense in “harm-based causalism”). Unless the prior benefit challenge can
be solved, it seems Causal Principle cannot explain procreators’ parental moral reasons in
ordinary cases, and a plausible causalist account of these reasons will remain out of reach.

16 Henry S. Richardson articulates a similar “burdening-the-helper” objection against his claim that clinical
researchers sometimes acquire special moral obligations to provide ancillary medical care to their research subjects.
See Richardson, Moral Entanglements: The Ancillary-Care Obligations of Medical Researchers (New York: Oxford
In the remainder of this chapter, I want to assess an alternative to the proportionality thesis that has been advanced by noncomparativists about harm and benefit. I will argue that, despite its apparent theoretical and intuitive merits, this alternative answer to the canceling question cannot solve the prior benefit challenge. After showing what is wrong with this alternative, I will proceed in chapter 4 to develop a superior solution to the challenge.

3. The Disproportionality Thesis

Let’s begin by examining the proportionality thesis more carefully. Is it really plausible to think that our moral reasons against causing a moral patient to suffer a noncomparative bane are fully canceled as long as imposing the bane was an unavoidable precondition or consequence of imparting a larger noncomparative boon? Seana Shiffrin and Elizabeth Harman have argued that it is not. The problem with the proportionality thesis is that although it is consistent with our moral intuitions about some cases, such as Rescue or Broken Arm, it yields counterintuitive results in other cases.

Recall Shiffrin’s Bullion Drop case from the previous chapter: A wealthy benefactor, Wealthy, who lacks any other means of delivering gold cubes worth $5 million to the denizens of a neighboring island drops them from a drone. In the process, he breaks the arm of one islander, Unlucky, who would not have received the cube had it not struck his arm. Shiffrin claims, plausibly, that even though the noncomparative boons that come with the $5 million are of significantly greater magnitude than the noncomparative bane of the broken arm, Wealthy owes Unlucky some form of restitution, perhaps additional compensation covering the cost of treatment for the broken arm, or at the very least an apology. Even though Wealthy’s action

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18 Technically, they have deployed these arguments against a commitment to something like the proportionality thesis as implied by comparative analyses of harm and benefit.
meets the proportionality thesis’s necessary and sufficient condition for the reasons against imposing the bane being fully canceled, it intuitively seems that the boons from the gold bullion do not fully cancel the banes from the broken arm, such that there is a moral remainder.

If the Bullion Drop case seems too fanciful, Harman provides more realistic counterexamples to the proportionality thesis:

*Rape:* A woman is raped, becomes pregnant, and ends up raising the child. […] The woman’s life is better, due to the value to her of the relationship with her child, than it would have been if she had not been raped, even taking into account the trauma of the rape. […]

*Nazi Prisoner:* A man was imprisoned in a Nazi concentration camp, where he suffered many harms. But his experience in the camp enriched his character and deepened his understanding of life, such that overall his life was better than it would have been had he not been imprisoned in the camp.²⁰

Although Harman describes these cases in comparative terms, we can see that they are structurally similar to Shiffrin’s Bullion Drop case. In Rape and Nazi Prisoner, a moral agent performs an action that both imparts a noncomparative boon and imposes a noncomparative bane on a moral patient (in addition to imparting comparative harms and benefits, as Harman emphasizes). Those particular boons could not have been imparted to the moral patient without the banes, and the positive value of the boons is greater than the negative value of the banes. As with Shiffrin’s Bullion Drop case, it seems that the proportionality thesis cannot accommodate the intuition that, despite the fact that the moral agent’s action in each case satisfies the purportedly necessary and sufficient conditions for the moral reasons against imposing the bane

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²⁰ Harman, “Can We Harm,” 99. Harman seems to have based Nazi Prisoner on Viktor Frankl’s widely published accounts of how his experiences in the concentration camp affected him.
being fully canceled, the moral reasons against imposing the bane are not fully canceled, such that the moral patient is owed some form of restitution.

The counterintuitive implications of the proportionality thesis have led Shiffrin and Harman to argue for different *disproportionality theses* as the correct response to the canceling question. A generic disproportionality thesis holds that moral reasons to impart a noncomparative boon of magnitude X and moral reasons not to impose a noncomparative bane of magnitude X do not necessarily have equal cancelling weight. In other words, boons and banes are morally disproportional. Note that the generic disproportionality thesis is not the negation of the proportionality thesis. Indeed, Shiffrin and Harman endorse the two conjuncts of the proportionality thesis ([i] the bane is an unavoidable consequence or precondition of the action’s imparting the boon, and [ii] the positive value of the boon is larger than the negative value of the bane), but as merely necessary conditions for the moral reasons against imposing a bane being fully canceled by the moral reasons in favor of imparting a boon, rather than as necessary and jointly sufficient conditions.

To be clear, neither Shiffrin’s nor Harman’s disproportionality theses entail that an action that both imparts a boon and imposes a bane is never fully morally justified. Such a view would have the highly counterintuitive implication that moral agents in cases like Rescue and Broken Arm act against their moral reasons when they break a moral patient’s arm in order to save his life or to save him from a more substantial injury. Similarly, it would entail that lifesaving medical interventions that cause pain or impairment are also morally wrong in all cases. Also, as Ben Bradley has observed, such a view would seem to yield counterintuitive results about which actions are prudentially rational. If imparting noncomparative boons could never justify imposing smaller noncomparative banes, then this would suggest that no rational agent would
take a course of action that brought about a bane for herself in order to bring about a greater boon for herself. But this is an implausible consequence for prudential rationality, as rational agents may prudently accept smaller evils for themselves in pursuit of greater goods for themselves.\(^2\) For these reasons, neither Shiffrin nor Harman claims that no bane can be justified by a boon of greater magnitude, though they differ on the conditions in which moral reasons in favor of imparting noncomparative boons can fully cancel moral reasons against imparting noncomparative banes.

Does some version of the disproportionality thesis provide a solution to the prior benefit problem? It might seem so: On a disproportionality thesis, there are some cases in which a moral agent imposes a bane on a moral patient as an unavoidable consequence or precondition of imparting a larger boon on that moral patient, but the reasons against imposing the bane are not fully canceled by the reasons in favor of imparting the boon. If that’s correct, then perhaps procreators typically create a significant risk that their progeny will suffer certain banes in a way that is not fully morally justified by the larger boons that come along with the progeny’s existence. Causal Principle’s nonjustification condition would then be satisfied in ordinary procreation cases, such that procreators’ parental moral reasons can be explained by a causalist account.

In the remaining sections of this chapter, we will consider Shiffrin’s and Harman’s disproportionality theses in detail. I will argue, however, that neither version of the disproportionality thesis provides an acceptable solution to the prior benefit challenge. If we want to save the causalist account of procreators’ parental moral reasons from the prior benefit

challenge, we will need to appeal to moral considerations aside from the balance of boons and banes in the life of the progeny.

4. Shiffrin on Disproportionality

Seana Shiffrin endorses a noncomparative analysis of harm and benefit. On her view, noncomparative harms are “conditions that generate a significant chasm or conflict between one’s will and one’s experience, one’s life more broadly understood, or one’s circumstances,” which “render agents or a significant or close aspect of their lived experience like that of an endurer as opposed to that of an active agent.” Pain, disability, frustration of one’s projects, and death all count as harms because they are noncomparative conditions from which the agent is “reasonably alienated.” Benefits, on Shiffrin’s account, are those conditions that promote or maintain a congruence of the agent’s will and his or her experience, life, or circumstances. This is why pleasure, health, success, and continued life are typically benefits for a person. Although Shiffrin’s noncomparative analysis is put in terms of “harm” and “benefit,” the reasoning applies just as well to our concepts of noncomparative banes and boons.

Shiffrin’s argument for her disproportionality thesis begins with the observation that imposing a bane in a case like Rescue seems fully morally justified, while imposing a bane in a case like Bullion Drop seems not fully morally justified. This leads to the observation that there are two ways in which a state of affairs might constitute a noncomparative benefit to someone. First, there are states that noncomparatively benefit someone in virtue of their forestalling, mitigating, or eliminating one or more noncomparative harms—following Matthew Hanser, let’s

23 Ibid., 124. It is difficult to square Shiffrin’s view with her claim that death is a harm, but that line of objection is not particularly relevant for our purposes.
24 Importantly, though, it would seem that these would not always be beneficial, as sometimes too much pleasure or continued life can actually render one more of an endurer rather than an agent. This feature of Shiffrin’s account will be explored in further detail below.
call these *preventative* benefits (or boons).\textsuperscript{25} Second, there are states that noncomparatively benefit someone in virtue of being “just goods and which are not also removals or preventions of harm.” Examples of such goods include “material enhancement, sensual pleasure, goal-fulfillment, nonessential knowledge, [and] competitive advantage;” although the absence of individual instances of one of these goods would be in some sense bad, such an absence would not itself constitute a noncomparative harm or bane, on Shiffrin’s view.\textsuperscript{26}

Shiffrin argues that the canceling relationship between moral reasons against imposing banes and moral reasons in favor of imparting preventative boons is regulated by the unavoidability and net benefit conditions of the proportionality thesis. This much is suggested by cases such as Rescue and Broken Arm: the fact that imposing the bane of a broken arm is necessary in order to bestow the larger preventative boon of preventing some greater harm from befalling the patient seems to make breaking the moral patient’s arm fully morally justified.\textsuperscript{27}

When it comes to the canceling relationship between moral reasons against imposing banes and moral reasons in favor of imparting *pure* boons, however, there is “a substantial asymmetry between the moral significance of harm delivered to avoid substantial, greater harms and harms delivered to bestow pure benefits.”\textsuperscript{28} To Shiffrin, it seems that imposing a bane in order to impart a pure boon is never fully morally justified (or, “at the very least, it is much harder to justify”), even if the boon could not be imparted without also imposing the bane and the boon is of greater

\textsuperscript{25} Shiffrin does not name this category of benefit, and I am here drawing on the helpful reconstruction of Shiffrin’s argument by Matthew Hanser (“Harming and Procreating,” 183). Hanser also notes the category of “preventative harms,” which are harms constituted by the prevention or mitigation of benefits that one would have received.

\textsuperscript{26} Shiffrin, “Wrongful Life,” 124-15. It is not clear whether Shiffrin would agree that pure benefits are, by definition, states that constitute or foster an alignment, as opposed to a cleavage, between an agent’s rational will and his or her circumstances. If not, then she has endorsed an interestingly asymmetrical account of harm and pure benefit (though not of harm and preventative benefit).

\textsuperscript{27} Ibid., 126.

\textsuperscript{28} Ibid.
magnitude than the bane. Shiffrin points to cases such as Bullion Drop to support this intuition, but also cases in which a patient under anesthesia is made to suffer future pain or physical trauma in order to gain superhuman physical or mental abilities.

On Shiffrin’s disproportionality thesis, the moral reasons against imposing a bane on a moral patient are fully canceled iff (i) the bane is an unavoidable consequence or precondition of the action’s imparting a boon, (ii) the positive value of the boon is larger than positive value of the bane, and (iii) the boon is constituted by the prevention of a bane (i.e., it is a preventative boon, not a pure boon). Shiffrin seems to endorse this formulation of her disproportionality thesis when discussing the case of Bullion Drop, which provides the bulk of the intuitive support for that thesis. In response to an objection to her assessment of the case, she claims that her intuitive response would not vary even if the gold cube had a significantly higher value: “I do not think that Wealthy’s duty alters as the worth of the cube varies.” Shiffrin’s claim that the correct judgment about Wealthy’s action should not vary with the magnitude of the pure good both confirms my interpretation of her disproportionality thesis and opens up that thesis to intuitive objections.

Consider the following case:

**Bullion Drop 2**: The details of this case are much like those in Bullion Drop, except that the value of each cube of gold bullion is $5 billion, and Wealthy programs his drones so

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29 Ibid., 127.
30 Ibid., 128-29.
31 This might be a somewhat unfaithful reconstruction, as Shiffrin suggests in a few passages that it is not impossible for reasons regarding pure boons to fully cancel reasons regarding banes, but that it is nonetheless much more difficult to do so than for reasons regarding preventative boons (see ibid., 129). However, if Shiffrin meant to allow that some pure boons can sometimes morally justify imparting a bane, then she would need to offer criteria for when and why, and it is difficult to imagine such criteria not being ad hoc. Since an ad hoc disproportionality thesis would not provide a plausible solution to the prior benefit problem, I exclude this possible interpretation of Shiffrin’s position.
32 Ibid.
that the worst damage they could possibly do to the denizens of the island is severely bruising the pinky finger on the victim’s nondominant hand. As it turns out, however, Unlucky’s pinky finger on his nondominant hand is severely bruised as a result of Wealthy’s philanthropic project, although he receives $5 billion that would have gone to someone else had the gold bullion not damaged his digit.

In this version of the case, we have increased the net size of the noncomparative boon Wealthy imparts to Unlucky by both increasing the absolute magnitude of the pure boon and by decreasing the magnitude of the attending bane. Unlike the original case, it is intuitively implausible (assuming that Unlucky has a typical psychology) that Wealthy’s causing both a boon and a bane for Unlucky is not morally justified, that the pure boon of $5 billion does not fully morally justify imposing the bane of a severely bruised pinky finger. It does not seem that Wealthy here owes Unlucky any restitution in the form of additional compensation or even an apology, though providing either might be an admirable thing to do. Bullion Drop 2, therefore, shows that Shiffrin’s disproportionality thesis has a problem with scaling, namely that the thesis seems plausible only when the magnitude of the banes and boons imposed fall within a certain range, but not when they extend beyond or below that range. This is a particularly damning problem for Shiffrin, since the argument for her disproportionality thesis consists almost entirely in an appeal to our moral intuitions.

Although there have been other arguments made against Shiffrin’s claim that there is a disproportional canceling relationship between reasons against imposing banes and reasons in

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33 Might it be that the damage to Unlucky’s pinky finger falls below some threshold for serious banes that cannot be fully compensated by pure boons? It would seem not, given that the same bane combined with a smaller net boon would seem to support the sort of disproportionality intuition Shiffrin is arguing for: If a sadist caused similar damage to Unlucky’s finger and then provided full physical and emotional compensation plus an additional $20, it seems that more is still owed, whether in the form of apology or additional compensation. This indicates that the relevant feature in Bullion Drop 2 is the magnitude of boon imparted to Unlucky relative to the magnitude of the bane, rather than the small absolute magnitude of the bane.
favor of imparting pure boons,\textsuperscript{34} the scaling problem just identified is the most significant. Could we amend her disproportionality thesis to make it less strict, such that the reasons against imposing a bane on a moral patient can be fully morally justified by the reasons in favor of imposing a pure boon that is sufficiently large? The problem with such an amendment is that it would be ad hoc, determined by considerations about what sorts of normative claims we would expect to be true. To avoid setting an ad hoc canceling threshold, we must give Shiffrin’s disproportionality thesis a strict interpretation, and while this may work in a limited range of cases, it becomes increasingly counterintuitive as we increase the absolute magnitude of the pure boon and/or decrease the absolute magnitude of the bane.

5. Harman on Disproportionality

Let’s turn now to Elizabeth Harman’s disproportionality thesis. Although Harman does not specify what she takes to be the necessary and sufficient conditions for noncomparative harm and benefit, she does defend a position about some sufficient conditions. Specifically, she says that “an action harms someone if it causes the person to be in a state, or endure an event, that is worse than life with a healthy bodily state,…the normal healthy state of an organism of the species in question.”\textsuperscript{35} On this view, noncomparative harms include noncomparative states such as pain, disease, disability (even genetically determined disability), and early death (though not death following a normal lifespan). Harman is less clear about her analysis of benefit, but she suggests that benefits are also noncomparative, and perhaps some (though not all) benefits cause a person to be in a healthy or perhaps flourishing state.\textsuperscript{36} Much like Shiffrin’s account, pleasure,

\textsuperscript{34} See, e.g., Boonin, \textit{Non-Identity Problem}, 95-100.

\textsuperscript{35} Harman, “Can We Harm,” 96-97. She also claims that a healthy bodily state includes a “healthy mental state” (110, note 18).

\textsuperscript{36} Ibid., 98.
health, and a full life would therefore be benefits to a person, though perhaps success in one’s
chosen projects or a long, disabled life would not qualify as benefits.

Like Shiffrin, Harman believes that our moral reasons in favor of imparting
noncomparative benefits and our moral reasons against imposing noncomparative harms do not
always fully cancel: “[R]easons against harm are so morally serious that the mere presence of
greater benefits to those harmed is not in itself sufficient to render the harms permissible.”

She does not, however, offer a disproportionality thesis that consists of necessary and sufficient
conditions. Rather, Harman proposes certain sufficient conditions for when reasons against
imposing noncomparative harms are fully canceled by reasons in favor of imparting
noncomparative benefits. For example, she claims that some banes are so “awful” and
“gruesome”—where these properties appear to be distinct from the bane’s effect on the
individual’s overall good—that reasons regarding them can almost never be canceled by benefit-
regarding reasons. But she does not give an explication of “awful” or “gruesome,” or an
argument for how and why this makes a difference to the canceling relationship.

That said, Harman does offer two criteria for whether the reasons in favor of imparting a
boon could, absent other defeaters, fully cancel reasons against imposing a bane of lesser
magnitude. The first criterion is just Shiffrin’s claim that a bane can be fully canceled when it is
imposed in order to mitigate “the threat of worse [noncomparative] harm of the same type.”
As we have just seen, however, this criterion either has counterintuitive consequences or can be
rendered plausible only by setting an ad hoc threshold for when pure boons can fully morally

37 Ibid., 93.
38 See Boonin, Non-Identity Problem, 85-87.
39 Harman, “Can We Harm,” 100.
40 Ibid., original emphasis.
justify imposing banes. Harman’s second criterion for her disproportionality thesis is distinct, and her core argument for it goes as follows:

The fact that an action harms someone provides a strong moral reason against acting; it is a reason that tells in favor of refraining as opposed to performing the action. If the action also benefits the harmed person, but performing the action is not the only way to provide such benefits—indeed, refraining from performing the action would provide similar benefits to someone—then considerations of benefit simply do not tell in favor of acting as opposed to refraining from acting. On my view, considerations of benefit are therefore “ineligible” to justify the harm in that they never justify the harm in such cases.\(^{41}\)

Roughly, the intuitive claim here is that if we have the option of either (a) imposing a bane on someone in order impart a compensating boon with a (net) magnitude of X to that individual, or (b) imparting a boon of magnitude X to an individual without imposing any banes, then our moral reasons cannot favor taking option (a) over option (b). The reason is that doing (a) was wholly unneeded to bring about the exact same amount of good for someone (although it might be for a different person). This criterion seems to generate intuitive results in cases such as Rescue and Broken Arm, in which the moral agent does not have the option of imparting a boon of similar magnitude to the moral patient or to anyone else without also imposing the bane of a broken arm. It also seems consistent with our intuitions in Bullion Drop, Rape, and Nazi Prisoner. In those cases, the boons that were provided to the moral patients ($5 million gold cube, a parent-child relationship, enhanced character and insight) could have been provided without the attending banes, if not to the moral patient, then to some other individual.

\(^{41}\) Ibid., 139-40. Harman’s characterization of an action that would “similarly benefit” someone is ambiguous, but context seems to suggest that she is here thinking of a contribution to someone’s noncomparative good of equal magnitude to what would be provided by performing the action in question.
The first objection to Harman’s disproportionality thesis is that, like Shiffrin’s thesis, it fails to account for cases in which the boons imparted to the moral patient are very large while the banes imposed are very small. For instance, Wealthy’s reason against imposing the bane in Bullion Drop 2 seems not to be fully canceled on Harman’s disproportionality thesis, since the drone could have delivered the gold cube to someone else without thereby damaging anyone’s pinky finger, yet this result seems counterintuitive. A second objection is offered by David Boonin, who describes a case wherein I can give an ice cream sundae to one of two children: the nearer child will greatly enjoy it, but get a mild stomach ache afterward, while the more distant child will greatly enjoy it without the stomach ache. Each child, however, would receive a net boon of magnitude X. It seems permissible to give the sundae to the first child, precisely because the noncomparative boon it would provide her greatly outweighs the slight noncomparative bane of the stomach ache.42 A third objection is that unlike the proportionality thesis and Shiffrin’s disproportionality thesis, Harman’s view requires us to consider possible effects on the overall good of third parties, which means that the thesis will be uninformative in just the sorts of cases we are interested in (namely, those in which effects on the agent and on third parties are negligible).

In order to avoid such counterintuitive implications, Harman reformulates her disproportionality thesis: “If an action harms someone who does not independently exist, then the fact that the action also benefits the person harmed, and benefits him more than it harms him, is ineligible to justify the harm if failing to perform the action would similarly benefit someone.”43 That is, her disproportionality thesis applies only in nonidentity cases, where there

42 Boonin, Non-Identity Problem, 91. Hanser (“Harming and Procreating,” 183) provides a similar objection to Boonin’s.
43 Harman, “Harming as Causing Harm,” 139 (my bold, Harman’s italics).
is arguably only ever one (actual) moral patient, which goes some way to addressing the third objection above. One potentially attractive feature of this restricted disproportionality thesis is that it would allow us to say that Causal Principle’s nonjustification condition is satisfied in more cases of procreation than just those in which the progeny faces a significant risk of suffering the bane of a life not worth living. It is very often the case that more careful planning and timing of pregnancies would reduce (though not eliminate) the banes that one’s progeny will suffer over the course of his or her life, and Harman’s restricted disproportionality thesis suggests that procreators have uncanceled moral reasons to mitigate the risk that their progeny will suffer the banes that might result from inferior planning or timing of their creation.

Although there are several problems with Harman’s restricted disproportionality thesis, two are particularly salient for our purposes. First, the restriction to nonidentity cases is ad hoc, in that it claims that there are different answers to the canceling question in nonidentity and in identity-preserving cases without giving independent reason for thinking this. Second, the restricted disproportionality thesis suggests that individuals who procreate in the best possible circumstances, meaning that there is no other individual to whom they could have provided similar boons with lesser banes by procreating, are morally off the hook with respect to their progeny. Since they could not have reduced the banes suffered by that or any other individual they might have procreated, they do not have any uncanceled moral reasons of the sort we have been discussing. Having reasons to mitigate any significant risks of the progeny’s suffering banes requires that the procreators could have averted imposing those risks on someone by procreating more cautiously, which by assumption is not the case. Perhaps not all procreators have the same parental moral reasons with respect to their progeny, but the idea that some

44 See, e.g., Boonin, Non-Identity Problem, 255-56.
procreators have few or no moral reasons in virtue of their careful planning or timing is implausible.

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In this chapter, we saw that solving the nonidentity challenge is insufficient to show that Causal Principle can provide the basis of a plausible causalist account of procreators’ parental moral reasons. In addition, we saw the need to answer the canceling question, which asks how our moral reasons in favor of imparting boons and our moral reasons against imposing banes weigh against one another for a single action that imposes both boons and banes on a moral patient. The most intuitively plausible answer, the proportionality thesis, appeared to fall prey to the prior benefit challenge: if banes and boons are morally proportional, then it seems procreators do not have a reason to provide additional care for their progeny, since they have made an equal causal contribution to the boons that make the progeny’s life worth living. In an attempt to solve the prior benefit challenge, we looked at Shiffrin’s and Harman’s disproportionality theses, which hold that our reasons regarding banes and boons do not necessarily have equal canceling weight. These disproportionality theses had counterintuitive consequences in both nonidentity and in identity-preserving cases, and so they do not offer a plausible answer to the canceling question, let alone one that offers a persuasive solution to the prior benefit challenge.

It appears that regardless of whether our moral reasons in favor of imparting boons and against imposing banes are morally proportional or disproportional, we cannot provide a wholly satisfactory answer to the canceling question or locate a plausible solution to the prior benefit challenge. This does not suggest that there is no acceptable way to specify the canceling relationship between banes and boons, but rather that we need to appeal to some normative
concepts apart from those that concern the positive and negative effects on an individual’s overall good. In the next chapter, I aim to develop a plausible answer to the canceling question and a solution to the prior benefit problem by way of an appeal to the normative concept of respect for autonomy.
Chapter 4: The Prior Benefit Challenge and the Autonomy-Modulated Proportionality Thesis

We concluded in chapter 3 that the arguments for a disproportional canceling relationship between reasons against imposing banes and reasons in favor of imparting goods appear not to work. Shiffrin’s disproportionality thesis faced a scaling problem, leading to counterintuitive results in cases like Bullion Drop 2, where a moral agent imparts an exceptionally large, pure boon on a moral patient at the unavoidable cost of an exceptionally small bane. Harman’s disproportionality thesis was unable to resolve this scaling problem, and even when her thesis was restricted to nonidentity cases it had the implausible consequence that the most careful procreators would not have any parental moral reasons. The failure of the disproportionality theses might recommend taking another look at the proportionality thesis, though recall that its problems were also significant. First, it seemed that the proportionality thesis was inconsistent with our moral intuitions about cases such as Bullion Drop, Rape, and Nazi Prisoner, where a moral agent imparts a boon on the moral patient as well as an unavoidable bane of smaller magnitude, yet it nonetheless appears that the agent owes restitution to the patient, at least in the form of an apology. Second, it seemed that the proportionality thesis made us vulnerable to the prior benefit challenge, which noted that since children are typically born with a significant chance that the boons in their lives will outweigh the banes, Causal Principle’s nonjustification condition will not be satisfied in ordinary procreation cases.

The first major aim of this chapter is to show how the proportionality thesis is in fact consistent with cases such as Bullion Drop. The problem is not that the proportionality thesis gives an incorrect account of the canceling relationship between reasons against imposing banes and reasons in favor of imparting boons. Rather, the problem is that considering an action’s
effects on the moral patient’s overall good is insufficient for determining whether that action is fully morally justified, even in cases where neither the agent nor third parties are significantly affected by the action. Consideration of respect for the moral patient’s autonomy is also necessary to determine whether an action that impacts the patient’s overall good is fully morally justified, or so I will argue. The second major aim of this chapter is to show how consideration of respect for the moral patient’s autonomy is relevant even for a class of moral patients who do not have the capacity for autonomous decision-making, including newborn infant children. This argument will then allow us to solve the prior benefit challenge to using Causal Principle as the basis of a causalist account of procreators’ parental moral reasons.

1. The Autonomy-Modulated Proportionality Thesis

To start off, let’s recall the proportionality thesis, which claimed that, for an action that both imposes a bane and imparts a boon on a moral patient (and has negligible effects on the agent or on third parties), the moral reasons against imposing the bane are fully canceled by the moral reasons in favor of imparting the boon iff (i) the bane (or a bane of equal magnitude) is an unavoidable consequence or precondition of the action’s imparting the boon (or a boon of equal magnitude), and (ii) the positive value of the boon is larger than the negative value of the bane. What was initially appealing about this thesis is that it seemed to offer a plausible explanation of why the moral agent’s action in cases like Rescue and Broken Arm did not seem to generate any special moral reasons for the agent to compensate or even apologize to the moral patient. Given the details of these cases, the agent would have such a reason only if the agent’s action satisfied the conditions of Causal Principle, and in particular the nonjustification condition (“φ-ing was not fully morally justified by some set of considerations, c”). Since it appears that considerations of the action’s effects on the patient’s overall good are the only considerations that might make a
moral difference, then the proportionality thesis’s conclusion that the banes imposed in these cases are fully canceled seems to show that the agent’s action was fully morally justified, thereby confirming our intuitive response.

So far, so good. The problem for this line of reasoning, however, is that the proportionality thesis also seemed to produce counterintuitive results in cases described by Shiffrin and Harman. In Bullion Drop, Rape, and Nazi Prisoner, the moral agent performed an action that conferred both boons and banes on the moral patient, but the boons were of greater magnitude than the banes and could not have been imparted without the banes. According to the proportionality thesis, then, the moral reasons against imposing the banes in these cases were fully canceled by the moral reasons in favor of imparting the boons. Like with Rescue and Broken Arm, it seems that the moral agent in these cases would have a moral reason to compensate or to apologize to the moral patient only if the nonjustification condition is satisfied. But if the proportionality thesis is correct, then we get the counterintuitive result that, like in Rescue and Broken Arm, the moral agent in Bullion Drop, Rape, and Nazi Prisoner has no special moral reason to offer compensation or apology for imposing the bane on the moral patient. This puts the proportionality thesis in a tough spot, and is what motivated Shiffrin and Harman to develop alternative disproportionality theses.

Do these cases really show that the proportionality thesis yields counterintuitive consequences? I think not. In cases like Bullion Drop, Rape, and Nazi Prisoner, it is true both (a) that the proportionality thesis entails that the moral reasons against the agent’s imposing the bane are fully canceled by the moral reasons in favor of imparting the boon, and (b) that it intuitively seems that the agent has special moral reasons to provide restitution to the moral patient. Given the details of these cases, this intuitive response can be accurate only if Causal Principle’s
nonjustification condition is satisfied, since otherwise there is no plausible basis on which to claim that the moral agent has any special moral reason to provide restitution. However, if the proportionality thesis is correct and the reasons against imposing the bane are fully canceled by the reasons in favor of imparting the boon, this does not entail that the nonjustification condition is not satisfied in such cases. That is, it is possible that the nonjustification condition is satisfied even though the moral reasons against imposing the bane are fully canceled. The proportionality thesis (like the disproportionality theses) is a claim about the conditions that are necessary and sufficient for moral reasons regarding a moral patient’s overall good to cancel each other out. Causal Principle’s nonjustification condition, however, is essentially about whether an action is all-things-considered morally justified. The sorts of consideration that are relevant for the proportionality thesis form only a subset of the considerations that are relevant to determining whether the nonjustification condition is satisfied in a given case.

Although the proportionality thesis puts forward necessary and sufficient conditions for determining whether the moral reasons regarding an individual’s overall good are fully canceled, considerations of an individual’s overall good are themselves merely necessary, not sufficient, for determining whether an action is fully morally justified. The proportionality thesis’s apparent inconsistency with our intuitions about Bullion Drop, Rape, and Nazi Prisoner might then be merely apparent; if there are other kinds of consideration that could undermine the moral justification for the agent’s action in such cases, then the truth of the proportionality thesis might be perfectly consistent with the satisfaction of the nonjustification condition. But what might those other considerations be, especially given that in these cases the effects on the agents or on third parties are assumed to be negligible?¹

¹ An effect is “negligible” in the sense used here and throughout this chapter if it is not sufficiently relevant to determine the all-things-considered moral justifiability of an action that causes or significantly risks that effect.
One plausible suggestion comes from philosophers who have argued against Shiffrin’s and Harman’s respective disproportionality theses but who have tried to accommodate their intuitive responses to cases like Bullion Drop, Rape, and Nazi Prisoner. Such cases, these philosophers claim, are best explained by the distinctive sort of moral reasons we have to respect the autonomy of moral patients. For instance, Bradley notes that cases such as Bullion Drop and Rape involve a violation of the moral patients’ rights to bodily autonomy, as “people have a right not to have their bodies violated in certain specific ways without permission.”

Boonin makes a similar claim in discussing Shiffrin’s disproportionality thesis: “the purported wrongness of harming a person in order to confer merely pure benefits on him depends on his being a person with the right not to be treated paternalistically.”

The suggestion here is that considerations of “respect for autonomy,” a notion which we will examine in greater detail in the following section, are also necessary for determining whether Causal Principle’s nonjustification condition is satisfied, in addition to considerations of effects on the moral patient’s overall good. Such a claim finds support in the long tradition of anti-paternalist thinking in moral philosophy, extending at least as far back as John Stuart Mill. Whether an action or policy is “paternalistic” and whether that necessarily gives moral agents a moral reason not to perform it remain contested issues. Intuitively, however, it seems that we have moral reasons against performing actions that are “paternalistic” in the sense that they involve advancing the overall good of a moral patient in a way that circumvents, disregards, or disrespects the distinctive claims that patient has in virtue of his or her capacity for personal

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2 Bradley, “Asymmetries,” 44.
3 Boonin, Non-Identity Problem, 101.
autonomy. Indeed, if there are no other relevant considerations in play (such as significant costs to others), then it intuitively seems that advancing another’s overall good while also disrespecting her autonomy is all-things-considered morally unjustified.

This sort of anti-paternalistic moral intuition seems to allow us to reconcile the proportionality thesis with common intuitions about cases such as Bullion Drop, Rape, and Nazi Prisoner. In those cases, both conditions of the proportionality thesis are satisfied, such that considerations of the action’s effect on the moral patient’s overall good do not count against the action’s all-things-considered moral justification. But the moral patient in each case is also an agent with the capacity for autonomy, and therefore plausibly has some moral claim to decide for him- or herself whether to accept the risk of physical damage (in Bullion Drop), whether to engage in sex (in Rape), or whether to live and work in a particular location (Nazi Prisoner). Had the moral patient been permitted to consider and then decide whether to accept the overall positive value that the moral agent’s action would bring, it seems likely (given what we know about ordinary human psychology) that he or she would have refused. This marks a significant difference between these cases and cases like Rescue and Broken Arm, where it seems unlikely that the moral patient would have refused to grant the moral agent permission to perform the action.6

The anti-paternalist approach to explaining the common intuitive responses to cases such as Bullion Drop, Rape, and Nazi Prisoner recommends the following thesis:

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6 Even though it’s not a typically emphasized feature in discussions of paternalism, most paternalistic actions that raise some moral concern about respect for the moral patient’s autonomy are not actions that impart only benefits to the moral patient. For example, imagine I send a friend a bouquet of sunflowers that I know will improve his mood for the day, and assume that I do this without considering whether he would have accepted my action if given the chance to consider and decide for himself. Assuming that there are no costs to my friend for receiving the flowers (e.g., he feels obliged to reciprocate with a gift), we would be puzzled at his insistence that his autonomy was disrespected by my paternalistic action. (I’m not saying this action isn’t paternalistic, but if it is, it isn’t the kind that seems to warrant moral concern.) Rather, the sorts of paternalistic action that concern us are those that involve tradeoffs, some specific cost to the moral patient that he or she would not autonomously consent to or approve of.
**Autonomy-Modulated Proportionality Thesis:** For an action that imposes both a bane and a boon on a moral patient (and has negligible effects on the agent or on third parties), the action is fully morally justified iff

(a) the moral reasons against imposing the bane are fully canceled by the moral reasons in favor of imparting the boon (which is true iff

(i) the bane is an unavoidable consequence or precondition of the action’s imparting the boon, and

(ii) the positive value of the boon is larger than the negative value of the bane),

and

(b) the action does not disrespect the autonomy of the moral patient.

This thesis incorporates the proportionality thesis in condition (a). Condition (b) incorporates a requirement of respect for autonomy that can modulate pro tanto considerations in favor of some action’s being morally justified in virtue of its effects on a moral patient’s overall good.

The autonomy-modulated proportionality thesis appears to fix the counterintuitive consequences of the proportionality thesis, such that it offers a plausible test for when Causal Principle’s nonjustification condition is satisfied in the sort of cases we have been considering. It requires some additional explication, as it is presently fairly unclear what it takes for an action to “not disrespect the autonomy of the moral patient.” We need to determine what “respect for autonomy” requires in order to see whether the autonomy-modulated proportionality thesis can help us solve the prior benefit challenge.

**2. Specifying “Respect for Autonomy”**

In the previous section, we saw that the autonomy-modulated proportionality thesis is a prima facie plausible standard for when an action that imposes both banes and boons on a moral
patient (and has negligible effects on the agent or third parties) is fully morally justified. In this section, I aim to specify condition (b) of that thesis (“the action does not disrespect the autonomy of the moral patient”) with two goals in mind. First, the autonomy-regarding condition in the autonomy-modulated proportionality thesis needs to be more specific in order to determine when Causal Principle’s nonjustification condition is satisfied in identity-preserving cases. Second, to see whether the autonomy-modulated proportionality thesis will solve the prior benefit challenge, we need to determine how the autonomy-regarding condition functions in nonidentity cases, especially ordinary cases of procreation.

One specification is suggested by the following thought about Bullion Drop, Rape, and Nazi Prisoner: if the moral patients in these cases had given their autonomous consent prior to the agent’s performing the action, then it intuitively seems the action would have been fully morally justified. If that’s the case, then perhaps respecting the autonomy of the moral patient might simply require prior autonomous consent, meaning we should specify condition (b) of the autonomy-modulated proportionality thesis as:

(b) the moral patient gives prior autonomous consent to the action.

Another potential mark in favor of (b) is that it seems to solve the prior benefit challenge. Obviously, no progeny ever gives prior autonomous consent to being created, such that even in ordinary cases where the boons in the progeny’s life will likely outweigh the banes, the autonomy-modulated proportionality thesis would not be satisfied, such that Causal Principle would entail that most procreators have parental moral reasons.

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7 Note that had the moral patient given her autonomous consent in Rape, then no rape would have occurred, but rather consensual sex. This does not preclude other ways in which the agent’s actions might have harmed the patient, however.
Before assessing the plausibility of this specification of condition (b), we need to clarify what it means for an action or decision (such as giving prior consent) to be “autonomous.” The sort of “autonomy” referred to here is not the Kantian sense of noumenally determined conformity with universal moral law.\(^8\) Rather, “autonomy” here refers to whatever sort of competence we think is necessary for one moral agent to have a strong moral reason to defer to the (self-regarding) decision of another moral agent. This sense of autonomy does not single out a particular theory about which sorts of decision require this kind of deference, though it does exclude some extremely demanding accounts, such as Kant’s. Tom Beauchamp proposes one plausible view, according to which autonomous decisions are those made “(1) intentionally, (2) with understanding, and (3) without controlling influences.”\(^9\) Roughly speaking, an action is intentional when it is guided by a representation of a goal or aim.\(^10\) It is done with understanding when the agent has enough of an epistemic grip on relevant facts about the nature of the act, its likely effects, and general background conditions, so that she can determine the action according to her desires and values.\(^11\) Finally, it is sufficiently voluntary (not externally controlled) when there are no internal or external sources of coercion or manipulation that significantly undermine the self-directedness of the agent’s own actions.\(^12\)

I am not endorsing Beauchamp’s account of the necessary and sufficient conditions for autonomous decision or action. Rather, I use Beauchamp’s account as a placeholder for the sorts of account that the autonomy-modulated proportionality thesis might be referring to in the

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\(^10\) Ibid., 66.


\(^12\) Ibid., 69-70.
various specifications of condition (b) without making the view implausibly stringent or implausibly lax. For instance, just because some individual would “consent” (in some sense of the word) under threat of physical violence or after brainwashing to another agent’s action does not seem sufficient for that action to satisfy condition (b). Conversely, just because some agent refuses to consent to another’s action despite being fully aware that it would maximize his own overall good does not disqualify that choice as autonomous; after all, some individuals might prefer to sacrifice their overall good (at least to some extent) on the basis of their own values and commitments.13 Alternatively, there might be other conditions besides the three named by Beauchamp, or these conditions might be reducible to one another, or eliminable entirely. To borrow a term from Connie Rosati, we might refer to the relevant set of conditions (whatever they might be) for a decision or action (such as consent) to count as autonomous as the “ordinary optimal conditions.”14

As a specification of condition (b), (b1) is ultimately too restrictive. Although it confirms our intuitions about Bullion Drop, Rape, and Nazi Prisoner, it produces counterintuitive results in other cases. In Rescue, Survivor is unconscious, and so does not give his prior autonomous consent to Bystander’s breaking his arm in order to save his life. In Bullion Drop 2, the only way

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13 What should we say about cases in which an agent gives his autonomous consent to another’s baneful action, or to an action that causes both boons and banes but the negative value of the banes outweighs the positive value of the boons? According to the volenti maxim (volenti non fit injuria: to a willing person, no harm is done), as long as a person gives his autonomous consent to a harmful/baneful action, such an action cannot be said to have wronged that person (Feinberg, *Harm to Others*, 35-36, 115-17). If something like the volenti maxim is true, then the autonomy-modulated proportionality thesis as I have formulated it here cannot be correct; at best, it would be limited to cases in which the moral patient does not give prior autonomous consent to the nonsatisfaction of condition (a). While I admit this limitation, it is worth noting that the volenti maxim is controversial, especially as a moral (rather than legal) principle (see, e.g., Gerald Dworkin, “Harm and the Volenti Principle,” *Social Philosophy and Policy* 29 [2012]: 309-21). It would morally permit, for instance, the abuse of a person who consents to the abuse as a result of his own deep self-loathing, and such a claim rings false. At the very least, it seems that such abuse is not fully morally justified, even if it does not wrong the self-loathing, consenting person in all the ways it would wrong a person who is not self-loathing but gives consent to suffer a harm/bane.

14 Connie S. Rosati, “Internalism and the Good for a Person,” *Ethics* 106 (1996): 297-326, 304-305. Note that Rosati is using the ordinary optimal conditions standard in a different argumentative context. Specifically, she proposes it as a constraint on a subjectivist account of an individual’s welfare.
for Wealthy to deliver the $5 billion in gold bullion to Unlucky is by dropping it in a way that severely bruises Unlucky’s pinky finger, but since there is no way for the two to communicate, Unlucky does not give his prior autonomous consent. On (b₁), the autonomy-modulated proportionality thesis would hold that Bystander’s and Wealthy’s actions are not fully morally justified, but this is implausible. Although (b₁) offers a solution to the prior benefit challenge, this solution isn’t especially plausible in light of (b₁)’s counterintuitive consequences in identity-preserving cases.¹⁵

To address these shortcomings of (b₁), we might try the following alternative specification:

(b₂) the moral patient gives autonomous prior consent or retrospective endorsement to the action.

This specification of (b) deploys the notion of autonomous “retrospective endorsement,” which is somewhat like consent in reverse: rather than autonomously agreeing or assenting to some future state of affairs, one autonomously agrees or assents to some past state of affairs. In many cases where autonomous prior consent is just not possible, it seems that the moral patient’s autonomous retrospective endorsement can resolve lingering concerns about respect for his or her autonomy. Note that (b₂) does not suggest that either prior consent or retrospective endorsement would be sufficient for full moral justification in every case. In Rape or other cases

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¹⁵ Even if the issue with counterintuitive results in identity-preserving cases could be resolved, (b₁) would have counterintuitive results in nonidentity cases, including ordinary procreation cases. First, it seems to entail that procreators have a special moral reason to mitigate all of the banes the progeny might suffer, which isn’t particularly plausible (Millum, “Parental Responsibilities,” 77). Second, it is implausible to require consent from an individual who is strictly unable to provide it due to his or her nonexistence. These and the other problems with (b₁) suggest that we should reject Lindsey Porter’s causalist account of procreators’ special moral reasons, as it rests on a similar principle (Porter, “Causal Account of Parenthood,” 196-98).

that involve a moral agent crossing the boundaries of a moral patient’s body, for instance, it seems that the agent must obtain prior consent from the moral patient, and that autonomous retrospective endorsement would not fully morally justify the action.

In cases that do not involve crossing the boundaries of the moral patient’s body, however, it seems that autonomous retrospective endorsement can make the action fully morally justified. Consider:

*Surprise Party*: Best Friend is throwing Birthday Girl a surprise party. In order to keep Birthday Girl from entering her apartment before everything is ready, Best Friend must impose on Birthday Girl the bane of an anxiety-inducing dispute that lasts several minutes. Since the compensating boon Best Friend is trying to impart on Birthday Girl is the surprise of discovering the party, she cannot obtain Birthday Girl’s prior consent to the party or the dispute. After a few moments of fighting, they enter Birthday Girl’s apartment to find the surprise party, and Birthday Girl gives her autonomous retrospective endorsement to Best Friend’s actions. Birthday Girl is particularly overjoyed because Best Friend is usually uncomfortable and unpracticed at benevolent duplicity, so her actions emphasize her deep affection for Birthday Girl.

Even though Best Friend’s action violates (b₁), it is consistent with (b₂). This lends some support to the latter specification, as it intuitively seems that Best Friend’s action is fully morally justified, provided that she was sufficiently confident that Birthday Girl would give her autonomous retrospective endorsement, that the effects on Best Friend and third parties would be negligible, etc.¹⁷ Similarly, unlike (b₁), (b₂) is consistent with the intuitive judgment that Causal

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Principle does not generate special moral reasons to aid the moral patient in Rescue and Bullion Drop 2. In these cases, unlike in Bullion Drop, Rape, and Nazi Prisoner, we can surmise that the moral patient will give his autonomous retrospective endorsement once he is in a position to do so (e.g., after he has regained consciousness, or after his startle response has dissipated).

Despite its advantages over \((b_1)\), \((b_2)\) yields intuitively incorrect results in other sorts of cases. Consider, for instance:

\textit{Surprise Party 2}: The details are almost the same as Surprise Party, except that after experiencing the joy of discovering that her friends and family have surprised her with a party (and that Best Friend has been so selflessly devious), Birthday Girl suffers a massive stroke (not caused by her current circumstances). Just before she can formulate the thoughts that would have constituted her autonomous retrospective endorsement of Best Friend’s actions, Birthday girl falls into an irreversible coma.\(^{18}\)

In this version of Surprise Party, the moral patient never gives her autonomous retrospective endorsement to the moral agent’s action, so \((b_2)\) would entail that Best Friend’s actions are not fully justified according to the autonomy-modulated proportionality thesis. But this result is highly counterintuitive. Similarly, \((b_2)\) entails that creating progeny with a decent chance of having a life worth living might be not fully morally justified due to seemingly irrelevant factors, such as if the progeny dies before she is able to give autonomous retrospective endorsement to being created, or if (as is the case for many people), the progeny lives a full life but happens never to think too deeply one way or another about the actions that brought him into existence.

\(^{18}\) This modification of the case and the subsequent argument follows Douglas N. Husak’s criticism of Dworkin’s claims about future-oriented consent (“Paternalism and Autonomy,” \textit{Philosophy and Public Affairs} 10 [1981]: 27-46, 32-34).
As with \( (b_1) \), specifying the autonomy-modulated proportionality thesis’s autonomy-regarding condition along the lines of \( (b_2) \) produces counterintuitive results in certain cases. The basic problem with \( (b_1) \) and \( (b_2) \) is that they fail to exclude intuitively irrelevant factors (such as temporary unconsciousness, unexpected death, epistemic failures, and so on) that prevent a moral patient from giving autonomous prior consent or retrospective endorsement to a moral agent’s action that causes both boons and banes. We might consider a third specification of \( (b) \) to deal with this problem:

\[ (b_3) \text{ were the moral patient afforded the opportunity to do so, the moral patient would give autonomous prior consent or retrospective endorsement to the action.} \]

The first point in favor of \( (b_3) \) over the alternative specifications is that it is consistent with our intuitive responses to the cases we have considered so far. In Bullion Drop, Rape, and Nazi Prisoner, it is false that the moral patient, if given the opportunity to give autonomous prior consent or retrospective endorsement, would do either. Things are different in Broken Arm, Rescue, Bullion Drop 2, and Surprise Party, where since we surmised that the moral patient actually does retrospectively endorse the moral agent’s action, it is also true that the moral patient would do this.\(^\text{19}\) Condition \( (b_3) \) is also consistent with our intuitions about cases such as Surprise Party 2, where the moral patient gives neither autonomous prior consent nor retrospective endorsement, but it seems like she would have were it not for morally irrelevant factors. That is, in the nearest possible world in which the moral patient is under ordinary optimal conditions for giving or withholding autonomous prior consent or retrospective endorsement (e.g., the patient has sufficient time, information, understanding, attention, internal

\(^{19}\) I am here assuming the Strong Centering Thesis, which holds that a world is closer to itself than any other world is to it, and so it is true that the moral patients in the cases mentioned also would consent or retrospectively endorse on the Lewis-Stalnaker possible worlds semantics. See Choan He, “Conjunction, Connection and Counterfactuals,” *Erkenntnis* 81 (2016): 705-19.
control, etc.), she autonomously consents to or retrospectively endorses the other agent’s action.\(^{20}\)

In addition to (b\(_3\))’s intuitive merits, it also finds significant theoretical support in discussions of the notion of “substituted judgment” in philosophical bioethics. In a classic text, Allen Buchanan and Dan Brock distinguish three “guidance principles” for how moral agents may permissibly act to affect a (medical) patient’s overall good when the patient cannot give prior consent: the best interest principle, the substituted judgment principle, and the advance directive principle.\(^{21}\) Of particular interest here is the substituted judgment principle, which requires the agent’s “choosing as the incompetent individual would choose in the circumstances were he or she competent.”\(^{22}\) Buchanan and Brock see this principle as lying between the advance directive and best interest principles: where an advance directive is unavailable or not clearly applicable, the proxy should adhere to the substituted judgment principle; where there is not “sufficient evidence” for substituted judgment, then the proxy should adhere to the best interest principle and do whatever most advances the patient’s overall good. The important point here is that Buchanan and Brock’s substituted judgment principle is a highly plausible standard for proxy decision-making for medical patients who are unable to make decisions about their

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\(^{20}\) In addition to confirming our intuitive responses to the key cases we have been considering in this chapter, (b\(_3\)) yields plausible results in further variants of these cases. Suppose that in either Rescue or in Bullion Drop 2, the moral patient has atypical beliefs, desires, and psychological processes. Suppose that the moral patients in these variant cases have such a strong ideological commitment to their bodily integrity (perhaps as some important component of a larger religious or philosophical understanding of their overall good) that they would not autonomously consent to or endorse any amount of physical damage in exchange for a net positive contribution to their overall good. In these cases, it seems prima facie plausible that the moral agent’s imposing the bane is not fully morally justified, and this is precisely what (b\(_3\)) would entail.


\(^{22}\) Ibid., 112, see also 94-95. Buchanan and Brock understand “competency” as what is required in order for an action or decision to count as “autonomous” in the sense that I have borrowed from Beauchamp.
own care. Given its similarity with (b₃), that specification of the autonomy-regarding condition in the autonomy-modulated proportionality thesis shares in that plausibility.

In this section, we have seen that there are good reasons for accepting the counterfactual specification of the autonomy-modulated thesis’s condition that the moral patient’s autonomy be respected: “were the moral patient afforded the opportunity to do so (under ordinary optimal conditions), the moral patient would give autonomous prior consent or retrospective endorsement to the action.” Unlike the other options we considered, it is consistent with our intuitions in a wide range of identity-preserving cases.²³ We have yet to assess, however, the extent to which this autonomy-regarding condition shows how the autonomy-modulated proportionality thesis provides a solution to the prior benefit challenge. In the next section, we will consider an argument that although (b₃) generates plausible results in identity-preserving cases, it can do nothing to establish that Causal Principle explains procreators’ parental moral reasons.

3. Respecting the Autonomy of Never-Competent Individuals

Even if the autonomy-modulated proportionality thesis sets the standard for whether or not Causal Principle’s nonjustification condition is satisfied, this fact may bring us no closer to a solution to the prior benefit challenge. The challenge, recall, was that if the proportionality thesis is true, then a plausible causalist account of procreators’ parental moral reasons cannot be based on Causal Principle, because in ordinary procreation cases the progeny are likely to have a life in which the boons outweigh the banes even if the procreator does not provide any additional aid beyond what he or she has already provided.

²³ It is likely that condition (b₃) requires further amendments to be completely satisfactory, such as changes to allow for variation in the tensing of counterfactuals. See Anthony Wrigley, “The Problem of Counterfactuals in Substituted Judgement Decision-Making,” Journal of Applied Philosophy 28 (2011): 169-87.
It could be argued that adding condition \((b_3)\) to the original proportionality thesis cannot help solve the prior benefit challenge because that condition cannot be applied in a coherent way to cases involving never-competent moral patients, such as newborn infants. As Anthony Wrigley forcefully puts it:

I cannot see any reason why anyone would attempt to provide a substituted judgement for anyone who had never been competent. This is what Buchanan and Brock call a “fundamental” error in the application of the substituted judgement standard, on the grounds that such a “surrogate exercise of the right of self-determination is not possible” for incompetent individuals who have never been competent.\(^{24}\)

If an individual has never been “competent,” meaning capable of giving minimally autonomous prior consent or retrospective endorsement, then condition \((b_3)\) of the autonomy-modulated proportionality thesis does not make sense as a normative standard for actions that affect that individual. After all, the never-competent individual has no “value history” on which facts about what the individual gives autonomous consent or retrospective endorsement to in a nearby possible world depend; whether such individuals would consent to or retrospectively endorse an action is metaphysically underdetermined.\(^{25}\) This sort of argument is affirmed by several theorists, including those who (unlike Wrigley) endorse the moral relevance of conditions such as \((b_3)\) in cases involving previously competent moral patients.\(^{26}\)

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\(^{24}\) Wrigley, ibid., 180, quoting Buchanan and Brock, *Deciding for Others*, 113.

\(^{25}\) In the Buchanan and Brock passage cited by Wrigley (*Deciding for Others*, 113-15), they emphasize that this is not merely an epistemological worry (i.e., “We can’t determine with sufficient certainty what the individual would autonomously consent to”), but also a metaphysical worry (i.e., “There is no metaphysical grounding for facts about what the individual would consent to in nearby possible worlds”). See also Yujin Nagasawa, “Proxy Consent and Counterfactuals,” *Bioethics* 22 (2008): 16-24.

\(^{26}\) Arthur Kuflik claims that deciding for never-competent individuals on the basis of what an ordinary autonomous individual would want “is not, however, equivalent to the notion that a never-competent human being is entitled to respect for his or her autonomy. On the contrary, it expresses the thought that even someone who has always been without the capacity to choose nevertheless has the right to have his or her needs and interests carefully considered and effectively represented” (“Hypothetical Consent,” in Miller and Wertheimer, *Ethics of Consent*, 131-61, 144).
If \((b_3)\) cannot be coherently applied to cases where the moral patient has never been minimally autonomous, then the autonomy-modulated proportionality thesis cannot be coherently applied to procreation cases. Newborn human infants are barely agents at all, let alone minimally autonomous ones. In cases where the autonomy-modulated proportionality thesis is inapplicable in this way, it seems that the original proportionality thesis lays out a more appropriate moral standard: the moral agent may permissibly impose a noncomparative bane on a never-competent moral patient only if imposing this bane is an unavoidable precondition or consequence of imparting a noncomparative boon of greater magnitude. It seems, for instance, that this would be the appropriate standard in analogous cases where the moral patient is a sentient nonhuman animal. Perhaps we should say, then, that the autonomy-modulated proportionality thesis applies to cases with previously competent moral patients, while the proportionality thesis applies to cases with never-competent moral patients, meaning that the prior benefit challenge remains unsolved.

It would beg the question to argue against the claim that condition \((b_3)\) cannot apply to cases with never-competent moral patients solely because this would mean that a causalist account of procreators’ parental moral reasons based on Causal Principle is defeated by the prior benefit challenge. Luckily, there is some independent reason for thinking that, contrary to the argument given above, \((b_3)\) can be coherently applied in some such cases. To start off, consider the following case:

*Child Rescue*: Bystander is the only witness to a serious car accident, and approaches the car to see if she can help. As she approaches, she sees that the driver has been killed, but that a 3-month-old Survivor is unconscious in the back seat. The gas tank is leaking and

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will explode any minute, and the only way for Bystander to get Survivor out of the
dangerous wreckage and save his life requires cutting off his left arm below the elbow.
Bystander makes the decision to cut off Survivor’s arm and remove him from the car,
which ultimately results in his living a long and happy life (despite missing one of his
arms).

By pulling Survivor from the car, Bystander imparts a comparative benefit (in the narrow
sense) on the child (since his life goes better) as well as a noncomparative boon (his life is long
and well worth living). As a necessary part of her action, however, Bystander also imposes a
noncomparative bane on Survivor, which is the pain, physical damage, and permanent disability
of an amputated left arm. However, the negative value of this bane is smaller than the positive
value of the boon imparted by Bystander’s action. Child Rescue, then, has a similar structure to
the original Rescue case, the two differences being that the moral patient is a 3-month-old child,
rather than a normal adult, and the noncomparative evil involves a permanent disability, rather
than a temporarily broken arm.

According to the argument we have been considering in this section, the autonomy-
modulated proportionality thesis sets the appropriate normative standard for the original Rescue
case, while the proportionality thesis sets the standard for Child Rescue. In each respective
instance, the relevant standard is met: In Rescue, Bystander’s breaking Survivor’s arm imposes
an unavoidable bane as part of imparting a boon of greater magnitude, and Survivor would have
consented to this action. In Child Rescue, Bystander’s cutting off Child Survivor’s arm imposes
an unavoidable bane as part of imparting a boon of greater magnitude, and whether it is true that
Child Survivor would have consented to or retrospectively endorsed this action is irrelevant. On
both analyses, Causal Principle does not entail that the bystander has additional special moral reasons to aid the survivor. This is an intuitively adequate result.

But now consider the following case:

*Child Enhancement Surgery*: While excising a brain tumor that otherwise would have killed the 3-month-old Patient, Neurosurgeon sees that she could install an implant that would significantly enhance the child’s overall good. Patient will have more in the way of subjective and objective goods than he would have had otherwise: pleasures will be stronger, pains dulled, intimate relationships more rewarding; he will be in excellent health and grow into a strong, attractive specimen of the human species. The implant would not put Patient at any additional risk, save one: it is known to devastate executive functioning, such that the child will never develop the capacities necessary for minimally autonomous agency. Luckily, Patient has a wealthy, loving family, such that the implant would make a large, positive net contribution to his overall good, even in spite of the impairment it would cause. The parents give their informed consent to the procedure, and Neurosurgeon successfully installs the implant. Given the unique malleability of the child’s brain at this stage, had they chosen against the surgery, the opportunity would have been closed forever. Patient goes on to live a long life that is significantly happier than the one he would have otherwise lived, even though he never develops the capacity for minimally autonomous agency.27

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27 This case is inspired by and shares some features of cases developed by Clayton (“Comprehensive Enrollment,” 356-59) and Shiffrin (“Wrongful Life,” 127). The case is set in a medical context merely for ease of exposition, so we shouldn’t concern ourselves here with moral worries relating to Neurosurgeon’s special responsibilities qua medical professional. I also assume that this is an identity-preserving case, such that “Patient” does not refer to two numerically distinct individuals before and after Neurosurgeon installs the implant.
Granted, this case is on the fanciful side, perhaps even more so than the Bullion Drop cases, but it is worth our attention in spite of that. By implanting the device, Neurosurgeon imparts a comparative benefit (in the narrow sense) on the young Patient (since his life goes better) as well as a noncomparative boon (his life is very enjoyable for him, more enjoyable than most human lives are). As a necessary part of her action, however, Neurosurgeon also imposes a noncomparative bane on Patient, which is that he will never develop the capacity for minimally autonomous agency. However, the negative value of this bane is smaller than the positive value of the boon imparted by Neurosurgeon’s action. Child Enhancement Surgery, then, has a similar structure to the Child Rescue case, the only difference being that the permanent disability that afflicts the moral patient involves a stunted capacity for minimally autonomous agency rather than an amputated arm.28

According to the argument we have been considering in this section, the autonomy-modulated proportionality thesis can be coherently applied to the original Rescue case, but not to Child Rescue and Child Enhancement Surgery. Since in those cases the moral patient has never been minimally autonomous, the argument goes, the appropriate normative standard is the proportionality thesis. Given that all of these cases are similarly structured, we should expect that the relevant theses are satisfied, such that the agents’ actions are fully morally justified and Causal Principle does not entail that these agents have additional moral reasons to aid the moral patients. Intuitively, however, it seems that we end up with opposing judgments about Child Rescue and Child Enhancement Surgery: namely, while it seems that Bystander’s cutting off

28 One might argue that I am here underplaying the individual-affecting value of autonomy for Child Patient. Perhaps no matter what other comparative benefits and noncomparative boons the implant brings for him, the negative value of never realizing one’s capacities for autonomy will always swamp the positive value of those benefits and boons. I will ignore such a view for two reasons: first, I doubt it is correct, and second, if it is correct, then the conclusions I reach in the next section follow directly from it.
Child Survivor’s arm is fully morally justified, it seems that Neurosurgeon’s destroying Patient’s future capacity for autonomy is not fully morally justified. Our diverging intuitions about these highly similar cases involving never-competent moral patients suggests that there is something amiss with the argument that the proportionality thesis sets the standard for such cases while the autonomy-modulated proportionality thesis sets the standard for cases involving previously competent moral patients.

Might our diverging intuitions be due to the fact that, contrary to appearances, the proportionality thesis is actually not satisfied in Child Enhancement Surgery? Buchanan and Brock offer an argument that could support such a position. They argue that “normal” human infants have “future-oriented interests” in “becoming an agent,” where that is taken to include being having minimal capacities for personal autonomy. It is plausible that becoming an autonomous agent is noninstrumentally good for the vast majority of human beings, such that newborn infants usually have future-oriented interests in realizing those capacities. These future-oriented interests in becoming a minimally autonomous agent are also important due to the fact that their satisfaction is instrumental for the satisfaction of other sorts of interests, such as relational interests and experiential interests. Perhaps, then, Neurosurgeon’s thwarting Patient’s interest in developing minimally autonomous agency is much worse for him than Bystander’s thwarting Survivor’s interest in the integrity of his limbs, and this is what explains our diverging moral intuitions about these cases.

This argument fails, however, because it rests on a mischaracterization of Child Enhancement Surgery. In the particular circumstances of the case, the implant that imposes the bane of never developing even minimal capacities for autonomous agency on Patient does, in

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29 Buchanan and Brock, *Deciding for Others*, 248.
30 Ibid., 248–49.
fact, impart a boon of greater magnitude which could not have been imparted without Patient suffering that particular bane. Buchanan and Brock’s point that most infants have future-oriented agency interests in virtue of the noninstrumental value of autonomous functioning and because such functioning is often necessary for a life that is well worth living supports our general practice of respecting such interests. This does not, however, explain our intuitions about Child Enhancement Surgery, where we are assured that the usual relationship between the satisfaction of future-oriented agency interests and the infant’s overall good do not obtain.

It seems that Bystander’s rescuing Child Survivor is fully morally justified, but that Neurosurgeon’s “enhancing” Patient is not fully morally justified. Although it is not yet clear how to explain these diverging intuitions, the argument so far seems to suggest that, contrary to the objection raised at the beginning of this section, the proportionality thesis is not the appropriate standard for all cases involving never-competent moral patients. In the next section, I will show that, contrary to the seemingly plausible objection that respect for autonomy cannot be a normative standard for our treatment of never-competent moral patients, there is a subset of cases involving such patients for which the autonomy-modulated proportionality thesis may be coherently applied. This argument, in turn, will show how the autonomy-modulated proportionality thesis allows us to solve the prior benefit challenge.

4. The Autonomy-Modulated Proportionality Thesis and Newborn Infants

According to the view suggested at the beginning of the previous section, while the autonomy-modulated proportionality thesis applies to cases involving previously competent moral patients, an unmodulated proportionality thesis sets the normative standard for cases involving never-competent moral patients. Our diverging intuitive responses to Child Rescue and Child Enhancement surgery point to a problem with this view that is similar to the one faced by
the proportionality thesis in chapter 3. Specifically, there were some cases in which the proportionality thesis was consistent with our intuitive responses, such as Broken Arm and Rescue, but in other structurally similar cases, such as Bullion Drop, Rape, and Nazi Prisoner, the proportionality thesis yielded counterintuitive results. In this section, I will argue for a structurally similar solution to this problem: we cannot explain our diverging intuitions about these cases merely by appealing to effects on the moral patient’s overall good, so we must appeal to the concept of respect for the moral patient’s autonomy.

In this section, I will argue that the autonomy-modulated proportionality thesis applies in the limiting case in which a moral agent prevents a never-competent moral patient who has the potential to develop a capacity for autonomy from ever developing that capacity. This claim confirms our intuitive responses to both Child Rescue and Child Enhancement Surgery, and is widely compatible with important theoretical commitments about the nature and value of autonomy. Given the strong prima facie plausibility of the objection to this approach considered in the previous section, I will make the positive argument for this conclusion by responding to two ways of interpreting that objection.

As noted above, philosophers such as Wrigley and Buchanan and Brock have characterized the attempt to apply autonomy-regarding principles to cases involving never-competent moral patients as a “fundamental error” in moral reasoning.31 One kind of argument for this claim is an underdetermination objection: given that never-competent moral patients have no prior commitments, beliefs, values, or even a distinctive rational point of view, nothing can make it the case that an autonomy-regarding condition such as condition (b3) of the autonomy-modulated proportionality thesis is ever determinately satisfied or unsatisfied with

31 Wrigley, “Problem of Counterfactuals,” 180; Buchanan and Brock, Deciding for Others, 113.
respect to such patients. Note that this isn’t merely an epistemological objection, to the effect that we could not know with enough certainty whether or not a given never-competent patient would give autonomous prior consent or retrospective endorsement to another’s action. The objection is rather metaphysical: what an individual would give autonomous consent or retrospective endorsement to in the appropriate counterfactual circumstances is grounded only in facts about that individual’s actual desires, values, psychological tendencies, etc. If none of these facts obtain, however, then the relevant counterfactuals for determining whether condition (b\textsubscript{3}) is satisfied just do not obtain (i.e., there are too many or too few counterfactuals that are consistent with facts about the actual world and the relevant idealizing conditions).

To see how this underdetermination objection to condition (b\textsubscript{3}) can be overcome, I want to carefully consider whether that condition might be coherently applied to Child Rescue and Child Enhancement Surgery. The underdetermination objection is successful only if a principle like the autonomy-modulated proportionality thesis cannot vindicate our diverging moral intuitions about these cases; if that thesis explains our different intuitions, than it must have some explanatory value in cases involving never-competent moral patients. We should grant, first of all, that the never-competent moral patient in each case lacks the values, beliefs, and desires that could ground many facts about the kinds of actions to which he would give his autonomous consent or retrospective endorsement. The class of actions to which the moral patient in either case determinately would not give his autonomous prior consent or retrospective endorsement in each case is therefore severely restricted. But is it truly an empty set, as the underdetermination objection has it?

I maintain that the set of actions to which a never-competent individual would not give his or her autonomous prior consent or retrospective endorsement is not empty, and that what the
set includes marks the moral difference between Child Rescue and Child Enhancement Surgery. To begin, consider Child Enhancement Surgery. Since Patient is a typical 3-month-old human being who has never been a competent agent, it appears to be certain that, based on his extant desires and values, it is not the case that Patient would have given prior autonomous consent to Neurosurgeon’s action. After all, at no point in his existence up until the enhancement surgery has Patient had the necessary properties to autonomously consent to anything, so he obviously will not give (or refuse) autonomous prior consent to the surgery. When it comes to prior autonomous consent, then, there appears to be no indeterminacy in this case. Moreover, since a necessary consequence of installing the implant is that Patient never manifests his potential for minimally autonomous agency, any nomologically-accessible possible world in which Neurosurgeon installs the implant is one in which Patient never gives his autonomous retrospective endorsement to that action. So, it seems determinate that in no nomologically-accessible possible world does Patient give either his autonomous prior consent or his autonomous retrospective endorsement to Neurosurgeon’s action. That is, even though Patient lacks any distinctive desires or values, it seems that condition (b3) of the autonomy-modulated proportionality thesis is determinately unsatisfied in any nomologically-accessible possible world, such that Neurosurgeon’s action is not fully morally justified according to that thesis.

The argument here is transcendental: as being a minimally autonomous agent for at least some time in one’s life is a condition of possibility for giving autonomous prior consent or retrospective endorsement to anything, it is fully determinate that condition (b3) of the autonomy-modulated proportionality thesis is never satisfied with respect to an action in which

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32 The nomological accessibility restriction is meant both to include all of the possible worlds “nearest” to the actual world and to exclude those that are not plausibly morally relevant, such as a possible world in which the laws of nature permit time travel.
the bane imposed by the moral agent is that of the moral patient never manifesting his or her potential for minimally autonomous agency. The claim is not that an action that imposes an autonomy-thwarting bane could never satisfy condition (b₃), since it is possible that a previously competent agent could give prior autonomous consent to such an action. Nor is the claim that no moral patient could possibly give autonomous prior consent to having his or her future capacity for autonomy realized at a level of functioning well below what it could have been. For all we know, it might be the case that a moral patient counterfactually would, under ordinary optimal conditions, give autonomous prior consent or retrospective endorsement to having diminished autonomous agency for some (even very long) duration in exchange for some other good.³³,³⁴

Contrast this claim about Child Enhancement Surgery to what we might say about Child Rescue. In Child Rescue, the bane imposed by Bystander’s action is Survivor’s suffering the pain and permanent disability of losing much of his left arm. Since Survivor is a typical 3-month-old human being who has never been a competent agent, it appears to be certain that, based on his extant desires and values, it is not the case that Survivor would have given his prior autonomous consent to Bystander’s action. Like in Child Enhancement Surgery, there appears to be no

³³ This transcendental argument shares some important features with Christine Korsgaard’s argument in “The Right to Lie: Kant on Dealing with Evil,” in Creating the Kingdom of Ends (Cambridge: Cambridge University Press, 1996), 133-58.

³⁴ Consider another case in which the implant will delay the realization of Patient’s capacity for autonomy until the age of 85, at which point Patient would acquire minimal autonomous capacities in a few weeks. In this version of the case, it is not necessarily false that Patient would never give his autonomous retrospective endorsement to Neurosurgeon’s action, and so the transcendental argument does not support the claim that Neurosurgeon’s action is not fully morally justified. Does such a modest difference between these two cases really warrant such starkly divergent moral assessments? On my view, yes, but we need to know how the cases get fleshed out. One issue is that we would somehow need to guarantee that Patient would survive long enough to have the opportunity to give autonomous retrospective endorsement; even if the implant grants immortality, accidents do happen. If we can only assure Patient’s survival with a certain degree of certainty, then there might be a significant risk that Patient could not possibly give autonomous retrospective endorsement to Neurosurgeon’s action, and such risk might be enough to make that action not fully justified. However, if we can ensure survival with sufficient certainty, then it is not so counterintuitive that the autonomy-modulated proportionality thesis would vindicate this action: it does, after all, provide a net positive contribution to Patient’s overall good which he could very well autonomously endorse. As we will see in the next chapter, however, the situation of human newborn infants is much closer to that described in Child Enhancement Surgery than in the variant described here.
indeterminacy in this respect: in no nomologically-accessible possible world does Survivor give his prior autonomous consent to Bystander’s action. Unlike Child Enhancement Surgery, however, it is possible that Survivor will give his autonomous retrospective endorsement to Survivor’s action. Since losing one’s arm does not by itself carry a significant risk that one will never acquire a minimal capacity for autonomy, there are any number of nomologically-accessible possible worlds in which Survivor does give his autonomous retrospective endorsement to Bystander’s action. This difference in the metaphysical determinants of whether the moral patient would give his autonomous retrospective endorsement is the key to our diverging moral judgments about Child Rescue and Child Enhancement Surgery.

There are two possible explanations for the intuitive judgment that Bystander’s action in Child Rescue is fully morally justified. On the first explanation, the autonomy-modulated proportionality thesis is the appropriate normative standard: Given facts about Survivor’s limited extant psychology and its likely developmental trajectory, as well as other facts about his current and future environment, it seems that in the nearest possible worlds in which ordinary optimal conditions for giving or refraining from giving autonomous retrospective endorsement are realized, Survivor does give such endorsement to Bystander’s action. However, one might be skeptical that such facts genuinely support such a counterfactual judgment (perhaps because, e.g., human beings are radically free to form their own commitments and values apart from internal and external influences). Such a skeptic could still accept the second explanation of our intuitive response to this case, on which the proportionality thesis is the appropriate normative standard: Although it is determinate that Survivor would not give autonomous prior consent to Bystander’s action, it is (on this view) hopelessly indeterminate whether Survivor would give autonomous retrospective endorsement. Given this indeterminacy, the appropriate standard to
apply to Bystander’s action is the proportionality thesis, which supports the judgment that Bystander’s action is fully morally justified. These explanations are inconsistent with one another, but they both support our intuitive response to Child Rescue.

Contrary to the underdetermination objection, then, we can conclude that the autonomy-modulated proportionality thesis’s condition (b₃) is determinately not satisfied in Child Enhancement Surgery, and so Neurosurgeon’s action is not fully morally justified. This stands in contrast with Child Rescue, where Bystander’s actions are fully morally justified either because (1) the autonomy-modulated proportionality thesis can be coherently applied to the case and condition (b₃) is satisfied, or (2) only the proportionality thesis can be coherently applied to the case and its conditions for full moral justification are satisfied. This shows not only that the underdetermination objection is unsuccessful, but also that our diverging intuitions about these two cases can be explained by careful application of the autonomy-modulated proportionality thesis.

One might object, however, that concerns about underdetermination of counterfactuals is an excessively narrow way to put the worry raised in the previous section. Even if the autonomy-modulated proportionality thesis marks some actions that affect never-competent moral patients as not fully justified, this may be a mere technicality. Why should we think that it is coherent to apply a standard that is aimed at protecting an individual’s capacity to X when that individual does not yet have the capacity to X? The worry here is that we are inappropriately applying autonomy-regarding standards. Call this the applicability objection.

One compelling argument for the applicability objection involves the following counterexample:
Child Enhancement Surgery 2: The details are the same as in Child Enhancement Surgery, except that the bane imposed on Patient is preemptive: without the implant, a genetic abnormality would have prevented Patient from developing a minimal capacity for autonomy, anyway. As it turns out, Neurosurgeon’s installing the implant is what causes patient to be in the baneful state of never being minimally autonomous, but he isn’t any worse off with respect to that capacity than he otherwise would have been, and is better off in other respects than he would have been otherwise.35

According to my argument against the underdetermination objection, it might seem that Neurosurgeon’s action in Child Enhancement Surgery 2 is not fully justified, since it imposes the bane of Patient never developing his minimal capacities for autonomous consent and endorsement. The objector might claim that this counterintuitive result derives from a confusion about proper applicability of autonomy-regarding principles: unless we restrict the application of such principles to cases with previously competent moral patients, those principles will generate counterintuitive results such as this.

The applicability objection assumes that my position is that the autonomy-modulated proportionality thesis is coherently applicable (at least in principle) to all cases involving never-competent moral patients. This assumption is false, however, as I hold that a crucial difference between Patient in Child Enhancement Surgery 2 and his counterpart in Child Enhancement Surgery is that the latter, but not the former, has the potential for a minimal capacity for autonomy, and that this is what justifies applying autonomy-regarding standards in such cases.

Restricting the applicability of counterfactual autonomy-regarding conditions to cases in which the moral patient has the potential for autonomy has been suggested by other

35 This version of the case shares some features with Hanser’s dim vision cases (Matthew Hanser, “Still More on the Metaphysics of Harm,” Philosophy and Phenomenological Research 82 [2011]: 459-69, 466).
philosophers. At one point, Buchanan and Brock claim that their substituted judgment principle applies “to beings who have, or at least have the potential for developing, certain rather complex cognitive functions.” Similarly, at the end of his chapter on hypothetical consent, Arthur Kuflik claims that “the fact that the individual has never had (and never will have) decision-making capacity makes it difficult to talk about respect for that individual’s right to decide.” An implication of Kuflik’s claim here is that counterfactual autonomy-regarding principles might well apply in cases where the moral patient has never been competent but has the potential for minimally autonomous functioning in the future.

In addition to this potentiality restriction being consistent with our intuitions about cases, another consideration in favor of my response to the applicability objection is that moral theorizing about our autonomy-regarding moral reasons often (though not always) portrays individuals with differing degrees of autonomous functioning as being equally deserving of some form of respect or deference. That is, the decisions of a highly rational and self-aware autonomous individual merit the same protection as the decisions of someone with minimal capacities for autonomy. But the protections extend well beyond those who currently have such minimal capacities. We often extend autonomy-regarding protections to those who are

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36 Buchanan and Brock, Deciding for Others, 115, my emphasis. This also suggests that Wrigley might have misinterpreted Buchanan and Brock’s position on the applicability of the substituted judgment principle.
37 Kuflik, “Hypothetical Consent,” 158, original emphasis.
38 My claim that the autonomy-modulated proportionality thesis can be appropriately applied to never-competent but potentially autonomous moral patients should not be confused with Feinberg’s notion of “anticipatory autonomy rights” or “rights-in-trust” to autonomous functioning (Joel Feinberg, “The Child’s Right to an Open Future,” in Freedom and Fulfillment, 76-97). Feinberg’s idea is that we can violate an individual’s rights before those rights are “vested” by thwarting the development of the capacities that are necessary for the individual to have those rights. Kuflik seems to be drawing on this idea when he claims that a neurotypical child has a claim to “what rightly protects and preserves his eventual right to decide for himself what is good and what is not” (“Hypothetical Consent,” 152, original emphasis). The problem with this view is that if we are bound to respect the anticipatory autonomy rights of only those individuals whom we can safely assume will develop the capacity for minimally autonomous functioning (which seems to be Feinberg’s assumption), then this cannot support our intuitive response to Child Enhancement Surgery. In that case, once Neurosurgeon has firmly decided to install the implant, it becomes nearly impossible that Patient will ever develop the capacity for minimally autonomous functioning, such that the anticipatory rights claim dissipates. See also Husak, “Paternalism and Autonomy.”
temporarily unable to function as autonomous agents, provided that we expect them to be able to regain autonomous functioning in the future. For example, if someone is temporarily unconscious, this fact does not permit others to make decisions on that person’s behalf when such decisions could be delayed until consciousness is regained. (Anyone pushing the applicability objection faces a challenge in explaining why we are so concerned with principles such as substituted judgment for the presently incompetent.) If an individual’s autonomy is worth respecting at various stages of actualization, then it is not beyond the pale to think that this extends to individuals who have a developmental trajectory that includes the realization of autonomous capacities.\(^{39}\)

What does it mean for an individual to have the “potential” for minimal autonomy, and how is this different from it simply being possible that a given individual will develop into an autonomous agent? Although potentiality is a perennially contested concept in philosophy,\(^ {40}\) Jennifer McKittrick has developed a compelling argument that potentialities are dispositions:

“When \(x\) is potentially \(F\), one can say that \(x\) is disposed to be \(F\), where ‘being \(F\)’ is the manifestation of \(x\)’s disposition.”\(^ {41}\) Applied to the case at hand, we can say that a newborn infant is potentially a minimally autonomous agent if and only if the newborn infant is “disposed” to manifest the capacity for minimally autonomous agency.\(^ {42}\)

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\(^{39}\) Cf. John Locke: “Age or virtue may give men a just precedency; excellency of parts and merit may place others above the common level; birth may subject some, and alliance or benefits others, to pay an observance to those to whom nature, gratitude or other respects may have made it due; and yet all this consists with the equality which all men are in, in respect of jurisdiction or dominion one over another… that equal right that every man hath to his natural freedom, without being subjected to the will or authority of any other man. Children, I confess, are not born in this full state of equality, though they are born to it” (The Second Treatise of Government, in Political Writings, ed. David Wootton [Indianapolis: Hackett, 2003], sections 54-55).

\(^{40}\) For discussion, see John P. Lizza, ed., Potentiality: Metaphysical and Bioethical Dimensions (Baltimore: Johns Hopkins University Press, 2014).


\(^{42}\) As McKittrick notes, dispositions to have capacities are best understood as second-order dispositions, where the first-order disposition is for exhibiting certain behavior (here, minimally autonomous action).
What, then, is a disposition? We might say, for example, that a wine glass is *fragile* (i.e., it is disposed to shatter when struck with a certain amount of force) if and only if it has some intrinsic properties (e.g., being made of glass) which together with the stimulus of being struck with a certain amount of force would be the joint cause of its shattering. That is, under certain counterfactual conditions, an object with disposition $x$ will manifest the disposition as a causal result of those conditions obtaining and some of the object’s intrinsic properties.\(^{43}\) Applied to the case at hand, I claim that a moral patient is potentially a minimally autonomous agent if and only if the moral patient has intrinsic properties (e.g., an appropriate genetic code, a brain with a functioning cerebral cortex) such that when appropriate conditions are realized (e.g., the moral patient survives for a sufficiently long time, develops in species or life-form normative conditions, etc.), it will manifest the capacity for minimally autonomous action.\(^{44}\)

\(^{43}\) Here I adopt David Lewis’s analysis of dispositions: “Something $x$ is disposed at time $t$ to give response $r$ to stimulus $s$ iff, for some intrinsic property $B$ that $x$ has at $t$, for some time $t'$ after $t$, if $x$ were to undergo stimulus $s$ at time $t$ and retain property $B$ until $t'$, $s$ and $x$’s having of $B$ would jointly be an $x$-complete cause of $x$’s giving response $r.” See David Lewis, “Finkish Dispositions,” *Philosophical Quarterly* 47 (1997): 143-58, 157. Lewis argues for the addition of the “causal basis” to the counterfactual analysis in order to deal with the problem of finkish dispositions (143-44).

\(^{44}\) One might be concerned that applying autonomy-regarding principles to potentially autonomous creatures as I have proposed would have counterintuitive consequences. Most human embryos have genetic material that causes them to manifest the capacity for minimally autonomous agency under appropriate conditions, so does this mean that they are deserving of equal moral consideration? Michael Tooley famously introduced the superkitten example, in which a regular kitten can be said to have the potential for rational agency, provided that we inject it with a special chemical (“Abortion and Infanticide,” *Philosophy and Public Affairs* 2 [1972]: 37-65, 60-62). Does this mean that nonhuman animals such as kittens have the potential for minimally autonomous agency, such that we have moral reasons to begin developing chemicals that allow them to manifest such capacities? If either of these questions is answered in the affirmative, then the argument I have provided here would have some strongly counterintuitive consequences.

One way to respond to these worries about the potentials of embryos and nonhuman animals requires looking at the nitty-gritty details of developmental biology and the construction of thought experiments in order to contest whether these individuals actually have the relevant potentials. Early-stage human embryos actually might not have the necessary intrinsic properties, as epigenetic changes over the course of pregnancy play a significant role in determining the traits that will be expressed or suppressed as the embryo develops. Similarly with the superkitten case, different ways of constructing the case will not support the claim that ordinary kittens have the potential for minimally autonomous agency. The injection might change the kitten’s genome, or significantly alter metabolic or structural features of its central nervous system, such that it acquires new intrinsic properties necessary for minimally autonomous agency, rather than having had them all along.

An alternative, more decisive response proceeds as follows: nowhere in this chapter have I claimed that there are general moral reasons to assist individuals in realizing their potentials for minimally autonomous agency. What the autonomy-modulated proportionality thesis requires, rather, is that an individual’s potential for minimally
On this approach, individuals with the potential to develop a capacity for personal autonomy are not mere possible sites of autonomous functioning, but are in an important way disposed to autonomy. Contrary to the applicability objection, then, applying autonomy-regarding principles such as the autonomy-modulated proportionality thesis’s condition \((b_3)\) is neither arbitrary nor counterintuitive (at least as long as the satisfaction of the condition is not underdetermined). The category of “potentially autonomous” individuals can be restricted in a principled way, and this allows us to vindicate our moral intuitions about key cases such as Child Rescue, Child Enhancement Surgery, and Child Enhancement Surgery 2. While I have not offered a deductive argument for the claim that the autonomy-modulated proportionality thesis can be applied to some cases involving never-competent moral patients, I believe that this argument is principled and intuitively acceptable. Moreover, as we will see in the next section, this argument allows us to solve the prior benefit problem.

5. Solving the Prior Benefit Challenge

I have argued that the autonomy-modulated proportionality thesis sets an appropriate normative standard for some cases in which a moral patient, despite never having been competent, has the intrinsic potential to develop a minimal capacity for autonomy. This conclusion explains our diverging intuitive responses to Child Rescue and Child Enhancement Surgery, which were inexplicable on the view that an unmodulated proportionality thesis sets the normative standard for action in all cases with never-competent moral patients. As I will argue in autonomous agency can limit our options for permissibly advancing that individual’s overall good. The moral reasons, then, are conditional: if a moral agent is going to advance the overall good of a moral patient, he or she must do so in a manner such that the moral patient could give his or her autonomous prior consent or retrospective endorsement. On this sort of view, the individual’s potential for autonomy plays two moral roles: as a dimension of the individual’s overall good, which gives the moral agent a reason to promote it as a value, and as a property that confers on the individual a certain status, which gives the moral agent a reason to respect it (see, e.g., Scanlon, What We Owe, chapter 2). Neither of these moral considerations, however, provides an all-things-considered reason to manifest moral patients’ potential for minimally autonomous agency.
this section, the conclusion that the autonomy-modulated proportionality thesis can be coherently applied in such cases also provides a solution to the prior benefit challenge.

Recall the prior benefit challenge: If the proportionality thesis’s unavoidability and net benefit conditions are the only morally relevant considerations in cases where a moral agent’s action causes both banes and boons for a moral patient, then it seems that Causal Principle cannot serve as the basis of a plausible causalist account of procreators’ parental moral reasons. This is because in ordinary procreation cases, procreators have done more than any other moral agents to make it the case that their progeny will have a life in which they will have more boons than banes. Indeed, this holds even if the progeny do not go on to be adequately parented; collective rearing is often sufficient for an individual to have a life worth living. Given these conditions, it seems that Causal Principle’s nonjustification condition (”φ-ing was not fully morally justified by some set of considerations, c”) will not be satisfied in ordinary procreation cases, meaning that procreators will rarely have special moral reasons to aid their progeny that derive from their having voluntarily and foreseeably caused the progeny’s existence.

If the autonomy-modulated proportionality thesis can be coherently applied in cases that involve never-competent moral patients who have the potential for a minimal capacity for autonomy, as I have argued, then this entails that there are certain minima that procreators must ensure for their progeny if their procreative actions are to be fully morally justified. Specifically, the autonomy-modulated proportionality thesis can never be satisfied when the progeny comes to suffer the bane of never realizing even a minimal capacity for autonomous consent or retrospective endorsement. According to Causal Principle, then, all procreators have a special, retrospective moral reason to ensure that their progeny do not suffer the noncomparative bane of never realizing their capacities for basic autonomy. Were they to suffer this bane, then Causal
Principle’s nonjustification condition would be satisfied, even if the positive value of the boons the progeny receive in their lives would significantly outweigh the negative value of the banes. No matter what else a procreator ensures for his or her progeny, he or she must ensure the realization of a minimal capacity for autonomy (at least for those progeny born with the potential for such a capacity).

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In chapter 3, we considered the prior benefit challenge, which appeared to show that in ordinary procreation cases, in which the vast majority of progeny will have lives worth living, a causalist account based on Causal Principle does not support the intuition that procreators have parental moral reasons. We considered and rejected a popular response to this challenge according to which our moral reasons not to impose (unavoidable) banes are not fully canceled by our moral reasons to impart boons of greater magnitude. In this chapter, I offered an alternative solution to the prior benefit challenge. After identifying a plausible specification of what it is to respect a moral patient’s autonomy (condition (b₃)), I argued that the autonomy-modulated proportionality thesis could be meaningfully applied to certain cases in which the moral patient is not and never has been autonomous. This showed that Causal Principle entails that procreators in typical cases have retrospective moral reasons to ensure that their progeny do not suffer the bane of never developing a minimal capacity for autonomy, and that this requirement holds even though the procreators have made a greater positive contribution than any other agent to their progeny’s overall good.

We can conclude, then, that Causal Principle offers a strong basis for the claim that procreators have special moral reasons to aid their progeny in virtue of their unique causal relationship with the progeny’s coming into existence. In the next and final chapter of this
dissertation, I will extend this argument further, showing that this causalist account of procreators’ parental moral reasons supports an attractive account of procreators’ parental obligations.
Chapter 5: Defending and Extending the Causalist Account

Before proceeding, let us stop and take stock of the argument so far. In chapter 1, we began by noting that commonsense morality holds that procreators typically have special moral obligations to ensure that their progeny are adequately parented. I argued that several extant accounts of the grounds of these special moral obligations were unsatisfying in important respects. Nontransactional accounts such as biologism and the nontransactional and transactional variants of institutionalism either yield counterintuitive consequences or are inadequately explanatory. Voluntarism, a transactional account, yields counterintuitive consequences and fails to explain the directionality of procreators’ parental moral reasons. Causalism turned out to be a highly plausible transactional account, in that it has intuitive appeal, avoids the shortcomings of other accounts, and can resolve the objection that it proliferates the number of agents with parental moral reasons.

At the start of chapter 2, I introduced Causal Principle as the theoretical backbone of my causalist account of procreators’ parental moral reasons. This principle holds that voluntarily acting in a way that foreseeably results in a significant risk that a moral patient will suffer harm will, absent the satisfaction of certain justifying conditions, give the agent a special moral reason to mitigate that risk. While this principle seemed plausible in ordinary cases, it appeared to falter in nonidentity cases: since the moral patient’s existence depends on the relevant action in such cases, the action cannot risk the patient being made any worse off, and so appears not to risk any harm for the patient. Although several solutions to this challenge were unsuccessful, I argued that this challenge was in principle solvable due to the fact that identity-determining actions can impose banes on a moral patient (states of affairs that are noncomparatively, intrinsically bad for someone), such as the bane of a life not worth living, and that Causal Principle covers banes as
well as comparative harms. This argument establishes that procreators typically have strong moral reasons to ensure, at the very least, that their progeny have lives worth living.

Chapters 3 and 4 addressed a further objection to causalism about procreators’ parental moral reasons. Since most human beings will have lives worth living no matter what their procreators do following birth, it seems that procreators could reasonably object that they have done more to benefit their progeny than anyone else, such that they should be the last in line to provide additional benefits to the child. In chapter 3, I argued that one solution to this prior benefit challenge which holds that our reasons not to impose banes are stronger than our reasons to impart boons (noncomparative intrinsic goods) runs into insuperable problems. In chapter 4, I articulated a more compelling solution: actions that have no more than negligible effects on the agent or on third parties are justifiable only if (a) any bane that they impose is unavoidable for also imparting a larger boon, and (b) the action does not disrespect the autonomy of the moral patient. I further argued that voluntarily and foreseeably imposing the bane of never realizing one’s innate potential for autonomous choice is one that could be morally justified only in virtue of morally significant effects on the agent or on third parties, since it is impossible for a moral patient to autonomously accept the imposition of such a bane. This argument showed that procreators ordinarily have special moral reasons not only to ensure their progeny have lives worth living, but also to develop their potential for autonomous functioning.

In this chapter, I will show how the positions staked out in the previous chapters support a highly plausible account of our commonsense moral intuitions about procreators’ parental obligations. The first section takes up the task of explaining how the special moral reasons I have focused on here are properly understood as “parental” moral reasons. The second section notes some significant advantages that the causalist account has over other accounts of procreators’
parental obligations, particularly other causalist accounts. The third and fourth sections will consider and respond to various objections to the account, while the fifth section will consider the account’s implications for debates about procreators’ parental rights and questions about the justice of the family.

1. Procreators’ Moral Reasons and Parental Moral Reasons

The position I have been defending in this dissertation is intended to provide an account of the grounds of procreators’ special moral obligations to ensure that their progeny are adequately parented. This causalist account rests on the applicability of a moral principle and a moral thesis to ordinary cases of procreation. First:

*Causal Principle:* A moral agent, $A$, has a special moral reason to mitigate the significant risk, $r$, that a moral patient, $B$, will suffer a serious harm, $h$, if:

1. $A$ voluntarily performed an action, $\varphi$-ing, which
2. foreseeably caused the risk, $r$, that $B$ would suffer the harm, $h$, and
3. $\varphi$-ing was not fully morally justified by some set of considerations, $c$.

Causal Principle captures one important way in which a moral agent’s voluntary actions can generate a special moral reason to mitigate the significant risk that a moral patient will suffer some harm. We saw in chapter 2 that “harm” should be construed to refer to both harms in the narrow sense, which are comparative, and banes, which are noncomparative intrinsically bad states. The example used to show that Causal Principle applies even in nonidentity cases was the bane of a life not worth living, which is a life in which the individual-affecting value of the states that are intrinsically good for the individual is smaller than the individual-affecting value of the states that are intrinsically bad for the individual.
While this argument resolved the nonidentity challenge, it fell short of establishing the plausibility of causalism. One reason is that even if Causal Principle shows that procreators must ensure their progeny have lives worth living, this falls short of the goal of explaining procreators’ *parental* moral obligations. Elizabeth Brake has argued that causalist accounts that establish that procreators are on the hook only for “procreative costs” suffer from an “explanatory gap,” as we “assign parents a long support period with responsibilities for more than ensuring mere survival to independence and a minimally decent life.”\(^1\) Having a life worth living is a fairly minimal standard, and intuitively it seems that minimally adequate parents will provide more than this: they will attempt to show love and develop strong emotional bonds with their child; they will make significant sacrifices for the child’s well-being; they will incorporate the child into their broader families and social circles; they will ensure the child has a valuable and rewarding childhood, and so on.

To attempt to fill in this “explanatory gap,” in chapter 4 I argued on behalf of a second principle which determines whether a patient-affecting action is fully morally justified:

*Autonomy-Modulated Proportionality Thesis:* For an action that imposes both a bane and a boon on a moral patient (and has negligible effects on the agent or on third parties), the action is fully morally justified iff

(a) the moral reasons against imposing the bane are fully canceled by the moral reasons in favor of imparting the boon (which is true iff

(i) the bane is an unavoidable consequence or precondition of the action’s imparting the boon, and

\(^{1}\) Brake, “Willing Parents,” 160.
(ii) the positive value of the boon is larger than the negative value of the bane),

and

(b) the action does not disrespect the autonomy of the moral patient.

Condition (a) conforms to our commonsense beliefs about when harms can be justifiably imposed, including the belief that imposing the bane of a life not worth living can never be fully morally justified by considerations pertaining to the moral patient alone. Condition (b) admits of different specifications that vary depending on particular features of the case in question. For example, actions that would otherwise invade the moral patient’s bodily sovereignty seem to require prior autonomous consent. I argued that in nonidentity cases, however, where it is not possible to get autonomous prior consent and facts about autonomous retrospective endorsement are highly underdetermined, condition (b) can never be satisfied at least for the bane of never realizing one’s innate potential for autonomous choice, since it is impossible to autonomously endorse an action imposing such a bane.

If Causal Principle and the autonomy-modulated proportionality thesis are true and they apply to ordinary procreation cases in the way I have claimed, then procreators will often have special moral reasons to ensure that their progeny have lives worth living and realize their potential for autonomous functioning. Is this sufficient to fill the explanatory gap identified by Brake? One might argue that it is not on the grounds that realizing one’s potential for minimal autonomy does not require everything that we take parents to be morally obligated to provide, such as love, social identity, significant resources for well-being, an ongoing relationship, etc. We will consider this sort of mismatch between what the causalist account requires of procreators and what we intuitively think procreators are required to do in the following sections. For now, I want to consider a more extreme version of Brake’s objection, which is that the
grounds I have identified do not even support the claim that procreators have special moral obligations to ensure that their progeny are parented. After all, we have seen no reason to think that orphanages or other institutional settings couldn’t provide one’s progeny with a life worth living and autonomous functioning, so perhaps the account I have offered merely supports the claim that procreators cannot abandon their children in the wilderness or in conditions of utter squalor, but that the local orphanage (or maybe just a warm barn) will do the trick. If that is the case, then it isn’t clear what makes these obligations “parental” in the relevant sense.

Although it is possible that procreators could satisfy their moral reasons without ensuring that their progeny receive care that everyone would agree is “parental,” I do not think this poses a serious problem for my account. What we know about developmental psychology indicates that children need stable, positive relationships with adults in order to realize their potential for autonomous functioning. As cases of feral and severely isolated children show, total lack of interaction with human beings from a young age often results in a permanent inability to use language or to conform to social expectations.2 Pending significant advances in technology or therapy techniques, a total lack of human interaction is incompatible with a child’s becoming minimally autonomous.3 Psychological research shows that even when children have frequent human interaction and are not malnourished or physically abused, a lack of strong attachment relations with adults or highly disordered attachment relations can still result in long-term and even permanent stunting of the capacities necessary for minimally autonomous functioning.4

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3 For the various ways in which autonomy is scaffolded by others throughout our lifetimes, see Catriona Mackenzie and Natalie Stoljar, eds., *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (New York: Oxford University Press, 2000).
4 “Studies of psychosocial resilience support the view that human psychological development is highly buffered and self-righting. Long-lasting effects of childhood adversity are almost always related to either organic damage or
reasonably ensure minimal autonomous functioning, then, children need particular kinds of interactions with adults: namely, interactions that are compatible with stable attachment.

One might press that an obligation to provide the stable attachment relations needed for children to develop autonomous functioning still falls short of “parental” obligation: Although contemporary institutional care settings in the developed world, such as the Israeli kibbutzim, provide the resources necessary for most children to develop autonomy in a minimal sense, it is well-known that even high-quality institutional care is psychologically pathogenic for children, creating various psychological disorders that continue into adulthood. For children to grow into flourishing human beings, they need to develop not only some stable positive relationships, but rich emotional relationships with a relatively small number of caring, available adults. Since the causalist account I have defended suggests that procreators’ special moral reasons demand only that they ensure that their progeny develop their potential for autonomy to a minimal extent, it would implausibly allow procreators to place their progeny in such institutions rather than with minimally adequate parents.


See Brighouse and Swift, *Family Values*, 70-75.
This objection fails for two reasons. First, it fails to acknowledge social facts about the availability of the kind of institutions in which my account allegedly allows procreators to place their progeny. Such institutions are rare, in part because of efforts by child welfare advocates to reduce the number of children in institutional care in favor of placement in foster or adoptive homes. The vast majority of institutions in which children are placed around the world do not ensure with a reasonable degree of certainty the minima required by my account, as they are significantly underfunded and understaffed, putting the overall quality of life and the autonomous functioning of the progeny at significant risk. In most cases, then, procreators do not have the option to place their progeny in an institution that provides the minima, so to satisfy their special moral obligations they must place the child with adequate parents.

Second, the objection fails to account for other normative constraints on procreators in addition to their special moral reasons. It is plausible that children have general moral rights which entail that they ought not to be placed in institutional care when there are other options available, precisely because of the deleterious effects of such environments on their flourishing. If this is the case, then procreators have general moral reasons not to satisfy their special moral reasons to their progeny by placing them in institutions. Consider the following analogy: I promise you to resolve a debt of yours. I can do this either by paying the debt, or by killing the person holding the debt (and that person’s heirs, perhaps). I can fulfill my promissory obligation to you by taking either option, but since I have a general moral obligation not to kill the debt-holder, it is reasonable to think that my special moral obligation requires me, given the circumstances, to pay the debt. Similarly, even if the action required by a procreator’s special moral reason is either to place his progeny with an adequate parent or to place his progeny in an
adequate institution, it will very likely be the case that the special moral obligation requires him, given the circumstances, to place the child with adequate parents.

Contrary to the extreme version of Brake’s objection, then, the special moral reasons that my account attributes to procreators are properly characterized as “parental.” Granted, there might be some possible future social, technological, and organizational contexts in which autonomous robots or sophisticated institutions can do everything for children that adequate parents can do now. Although my account could not then support the claim that procreators must ensure that their progeny are “parented” in the traditional sense, I do not believe that it is obvious what sorts of care would count as “parental” in such contexts. In that case, the burden of justification should shift to those who hold that “parenthood” precisely as we understand it now, not far from a time when anything short of two married, heterosexual parents of biologically-related children was viewed as substandard, is an appropriate standard for a wide range of possible contexts. The causalism I have defended, however, provides adequate support for the commonsense belief that in the vast majority of contemporary social contexts, procreators have parental moral reasons to ensure that their progeny are adequately parented, rather than inadequately parented or reared in institutional settings.

2. Advantages of the Causalist Account

Before considering various objections to the causalist account of procreators’ parental obligations, it is worth noting its significant advantages over alternative accounts. As expected, the account satisfies the minimal requirements adduced in chapter 1 as well as any generic causalist account and avoids the explanatory shortcomings of generic causalisms. In addition, the account supports and explains several other common intuitions about procreators’ moral
situation vis-à-vis their progeny, including some intuitions that have been argued can be vindicated only with non-causalist accounts.

In chapter 1, we saw that there were four requirements that any successful account of procreators’ parental obligations must satisfy:

1. Noncoercion: the account must not entail that people who procreate due to force or fraud thereby acquire parental moral reasons.

2. Nonrefusability: the account must not entail that people who procreate can avoid acquiring parental moral reasons merely by refusing to accept that they have those reasons.

3. Fundamentality: the account must locate the grounds of procreators’ parental moral reasons in the very facts that explain those reasons, not merely features of the world that track or co-vary with the explanatory facts.

4. Directionality: the account must entail that procreators’ parental moral reasons are directional moral reasons, such that the progeny is a distinctive counterparty (and not merely a beneficiary) of parental obligations.

Like other forms of causalism, and unlike biologism, voluntarism, and institutionalism, the account I have defended here satisfies each of these requirements. Causal Principle satisfies the noncoercion requirement, as it requires that an agent act voluntarily in order to acquire the relevant moral reasons, thus proscribing the possibility of coercion. It also satisfies the nonrefusability requirement, as it makes no provision that an agent’s refusal to accept his moral reasons makes a difference to his moral situation. The autonomy-modulated proportionality thesis satisfies the fundamentality requirement, as it grounds procreators’ parental moral reasons in respect for autonomy and in the progeny’s own moral claims to well-being, and facts about
well-being and autonomy are plausible candidates for fundamental moral facts.\(^7\) It also satisfies the directionality requirement: since it is the progeny’s own claims which would be violated if a procreator were to fail to act according to her moral reasons, it seems that the progeny is the counterparty of moral obligations grounded in those reasons.

The account based on Causal Principle and the autonomy-modulated proportionality thesis is like other causalist accounts in that it satisfies these four requirements. However, it is superior to other forms of causalism in at least one important respect. Other causalist accounts either inadequately specify the grounds of procreators’ parental moral reasons or incorrectly specify the contents of those moral reasons. The first error is committed by accounts that infer a responsibility to provide care for an individual merely from responsibility for that person’s “existence,” “neediness,” “vulnerability,” or “significant moral status.”\(^8\) In both identity-preserving and nonidentity cases, an agent can be responsible for a patient’s having these properties without thereby acquiring any moral reason to give the patient further aid. Other harm- and wrong-based versions of causalism avoid this problem, but then either commit themselves to the view that procreators wrong their progeny by creating them in ordinary circumstances (as we saw in chapter 2) or fail to account for the significant benefits provided by procreators (as we saw in chapter 3). The causalist account I have defended here provides a harm-based rationale without generating these counterintuitive consequences.

My causalist account has several additional advantages over both causalist and non-causalist alternatives. One criticism that has been leveled against other forms of causalism is that

\(^7\) Perhaps the moral significance of well-being or autonomy might be reducible to the moral significance of the other. If such is the case, then the causal account might need to be modified in order to satisfy the fundamentality requirement. However, it still satisfies this account better than noncausalist alternatives such as biologism or institutionalism.

\(^8\) See chapter 1, note 58.
they cannot be reconciled with the commonsense intuition that procreators’ parental obligations diminish over time. As long as a procreator has fulfilled his obligation to his progeny into young adulthood, it seems that the moral obligations he acquired by procreating no longer apply. Some forms of causalism cannot make sense of this intuition: if causing someone to exist gives one special moral reasons to attend to that person’s needs, mitigate her vulnerability, or ensure the fulfillment of her rights, then there is no obvious reason to think the person’s aging or maturing would cancel these moral reasons. After all, we all retain our neediness, vulnerability and high moral status throughout our lives, even if we can usually fend for ourselves once we reach adulthood. Similarly, the causal relation between procreator and progeny remains in place throughout the progeny’s life. Given these facts, why would there be a sunset on procreators’ moral reasons?

While this might be a significant problem for other causalist accounts, the causalism I have defended handles it easily. Recall that according to the autonomy-modulated proportionality thesis, there are two types of banes that a procreator cannot be justified in significantly risking for her progeny: the bane of a life not worth living and the bane of never developing one’s potential for autonomous choice. Procreators qua procreators therefore have special moral reasons to ensure with a high degree of certainty that their progeny have lives worth living and realize a capacity for autonomy. In the vast majority of cases, ensuring that one’s progeny has a decent childhood under the care of adequate parents satisfies the first reason,

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9 This is not to deny that in the ordinary course of things, new obligations with similar contents might arise. In most cases, parents of adult children have special moral reasons to care for their former wards in times of crisis, just as they did when the children could not take care of themselves due to their immaturity. However, it seems that such moral reasons derive from the life-long intimate relationship between the two parties, rather than the procreator’s having caused the progeny to exist.

10 This objection to some forms of causalism is articulated by Millum, “Parental Responsibilities,” 77.
as nearly all people with decent childhoods go on to have lives worth living.\textsuperscript{11} Providing these conditions is also typically sufficient for ensuring the progeny develops a capacity for autonomy. Any moral reasons for a procreator to address further needs or vulnerabilities of the progeny would obtain in virtue of contingent facts, such as whether the procreator has made commitments to provide additional care to the progeny. Even if the progeny were to suffer an unforeseeable misfortune later in life, perhaps one that robs him of his capacity for autonomy, the procreator would have no special moral reason \textit{qua} procreator to address this situation. She was morally on the hook for ensuring the progeny had a sufficiently high chance of having a life worth living and developing a capacity for autonomy, both of which are consistent with the child eventually having a life not worth living or losing his capacity for autonomy in the future.

Another influential criticism of causalist accounts of procreators’ parental obligations is that they cannot be squared with the institutional nature of parenthood.\textsuperscript{12} According to this line of argument, the contents of parents’ moral obligations vary across time and place in virtue of how institutions distribute childrearing responsibilities. How long children need to be parented and what the goals of parenting are will be sensitive to the level of development in a society. For instance, people in pre-industrial societies need less in the way of formal education and can legitimately be required to work on family farms during their childhood, while in post-industrial societies, children need extensive formal education and are not permitted to contribute significantly to the family’s finances.\textsuperscript{13} Even among societies with similar economic and governmental systems, there is significant variation in parental responsibilities. In the

\textsuperscript{11} Granted, there will be some cases where the progeny’s physical condition or external circumstances make having a life worth living less likely, in which case the procreator might be required to do more than merely ensure a decent childhood with adequate parents.

\textsuperscript{12} Brake, “Willing Parents.”

contemporary United States, parents are viewed as being primarily morally responsible for their children’s medical care and post-secondary education, while in many parts of Europe, the state is morally responsible for providing these goods. Causalist accounts claim that procreators are morally obligated to provide for some kinds of care; but given that the kinds of care parents are obligated to provide varies so significantly, it seems likely that in some contexts causalist accounts will require too much of procreators, while in other contexts they will require too little.

One way that causalists have tried to evade this objection is by distinguishing between the obligations one has in virtue of occupying the institutionally defined role of “parent” and the obligations one has to enter that social role. An analogy here is helpful: Imagine a person who promises her cancer-stricken father that she will devote her talents to directly curing sickness and alleviating pain. As it turns out, the only way to fulfill her promissory obligation in her current context is to take on a certain social role, “doctor,” which carries with it a number of additional moral and/or institutional obligations (e.g., assisting with medical emergencies, staying informed about medical science, maintaining patient confidentiality, etc.). While she does not have any role-based moral or institutional obligations prior to taking on the role, she does have a special moral obligation to take on the role in virtue of her promise. Similarly, some causalists have argued that while procreators (qua procreators) do not have all of the special moral reasons that people in the social role of “parent” have, they do have special moral reasons to enter that role (or, more weakly, to ensure that someone enters that role) for their progeny. These obligations to enter the role are “parental” in the sense that they are closely tied to the social role, but they are not obligations that are definitive of the role itself.

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The causalist account I have defended shares this “bifurcated” structure. As we saw above, ensuring that someone takes on the role of “parent” for one’s progeny is necessary for a procreator to fulfill his moral obligations to ensure the progeny has a life worth living and develops her autonomous capacities. This bifurcated structure is part of what allows these versions of causalism to resist the line of objection from the institutional nature of parenthood. Assuming that it is necessary in a given society for a limited number of individuals to occupy the parental role for the progeny in order for the procreator to satisfy his moral reasons, the procreator will have a special moral reason to ensure someone takes on that role.

The causalist account I have defended here has a further advantage over other bifurcated accounts, however. The different constructions of the parental role across institutional contexts raises the question of how a procreator should determine whether ensuring someone takes on a given parental role for her progeny will satisfy her parental moral reasons. Other bifurcated causalisms do not have a clear way to make this determination, since on those views it seems that the procreator has a moral reason to ensure that someone takes on the local parental role for the progeny. If the local parental role is inadequate in important ways (say, for instance, it permits parents to seriously abuse their children or sell them into slavery), then this seems too permissive. My causalist account, however, sets a minimum standard that a parental role must meet in order for procreators to satisfy their parental obligations to their progeny. Namely, the parental role, when adequately carried out by the role-bearers, must ensure the child has a sufficiently high chance of having a life worth living and developing the capacity for autonomous choice. If a local parental role fails to meet this standard, then the procreator must

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15 To clarify, this is consistent with the claim that all agents capable of finding someone to fill that role for a newborn infant (including the procreator) have a general moral reason to do so.
ensure that the progeny is raised in another institutional context or must ensure that the parenting provided to the child deviates significantly from local norms.¹⁶

3. Content Objections and Responses

In this chapter, I have argued that the moral reasons the causalist account attributes to procreators merit the “parental” designation and that the account has several significant advantages over causalist and non-causalist alternatives. However, even if these arguments are correct, the account might yet offer an unsatisfying picture of procreators’ parental obligations. In this section, I will consider and respond to several arguments contending that the causalist account does not successfully represent what procreators are morally obligated to do for their progeny: that is, the account generates the wrong contents for procreators’ parental obligations.

While the account I have offered confirms the commonsense moral intuition that typical procreators’ have parental obligations, it falls short of confirming the widespread moral belief that, absent some compelling justification, procreators must parent their progeny themselves. On the causalist account, procreators ordinarily have a special moral obligation to ensure that their progeny are adequately parented. Provided that there are other agents aside from the procreators who are capable and willing to parent, it seems that on the account I have defended a given procreator is free to discharge his moral obligation by placing the progeny with those others (either through formal adoption or other means). Counterintuitively, the procreator might be free to do so even if he would make an excellent parent, would be a better parent to the child than the adoptive parents, and parenting would not negatively impact his own welfare or autonomy. Other

¹⁶ A related advantage of my account is that where local parental norms require much more than is necessary for a procreator to satisfy her parental moral reasons, the procreator would not violate her special moral reasons by ensuring her progeny is parented according to less stringent social norms. For instance, if the procreator’s community requires parents to provide their children with expensive consumer goods and fancy college educations, her parental obligations qua procreator would permit her to place her child with parents in a less wealthy but still adequate community.
causalists have argued that one of the major advantages of their views over alternatives is that they can account for this intuition that procreators have strong moral reasons, and not merely prudential reasons, to parent their own progeny, and thus social expectations that they will do so are morally defensible.17

This objection is correct that on the account I have defended, procreators’ parental obligations are to ensure that a certain state of affairs obtains, namely one in which the progeny is not at significant risk of having a life not worth living or failing to develop a capacity for autonomy. I admit that in many circumstances, bringing about these states of affairs will not require the procreators to parent their progeny themselves, even if the procreators would be more than capable of doing so. There are a few reasons, however, why this objection does not pose a serious threat to the causalist account. Historically speaking, it was rarely the case that other agents were willing or able to adequately parent the progeny if the procreators were unable or unwilling to do so. Significant taboos surrounding adoption and foundling infants meant that children who were not reared by their parents often received inadequate care and faced significant risk of abuse and even early death.18 In such contexts, procreators’ parental obligations could not reasonably be satisfied by giving their progeny over to be reared by others.

The intuitions driving this objection, however, still have some force even in contemporary societies where adoption has been normalized and where there are many individuals who are willing to parent children who are not their own progeny. While this is the case, it is also true that people who are not reared by their procreators do bear special psychological and institutional burdens, largely because “the biological family” is taken to be a

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normative standard against which adoptees measure themselves.  Procreators who lack a strong justification for having others parent their progeny will tend to have general moral reasons of beneficence to parent their progeny themselves. In addition, such procreators will usually have moral reasons not to burden other agents who are capable of parenting the progeny or the community at large with the significant and unexpected costs that come with parenting. Placing a child into the public adoption system who need not be there would often prevent another child from finding adequate parents as quickly, and contribute to additional social expense for handling paperwork, foster care for the child, background checks for the adoptive parents, etc. The procreator will then have moral reasons not to “free-ride” on the contributions of others, which would often render the decision not to parent his own progeny unjustified. Given these two additional kinds of consideration, it is likely that the balance of moral reasons will usually shake out such that procreators are morally required to parent their progeny rather than giving them over to others.

A related objection worth mentioning here is that my causalist account does not support the widespread intuition that children deserve two parents rather than merely one. If a procreator’s special moral reason is merely to ensure with some high degree of certainty that his progeny has a life worth living and develops a capacity for autonomy, then this would allow a procreator to place his child with a single parent rather than with co-parents, or would allow someone to use donated gametes and/or a gestational surrogate to become a single parent himself. As with the previous objection, the response here is to point out that in ordinary cases,


20 However, the free-riding objection might not work in situations where the procreator makes compensating contributions to other social institutions, say by donating millions of dollars to organizations that care for the poor. This suggests that the previous reason is more significant for explaining the objector’s intuition.
other normative considerations will be in play. Often, single parents lack significant resources needed to adequately parent their children, which results either in (a high risk of) inadequate parenting or in the moral community bearing greater costs than it would if the progeny had been afforded two parents. This would mean that in order to justify placing one’s progeny with a single parent, a procreator would need a better reason than mere personal preference, such as that the would-be parent has significant resources to parent by himself, or is unable to secure a suitable co-parent for the child and so is reasonably entitled to community resources.

Another objection to the causalist account is that it requires too little of procreators in terms of promoting the well-being of their progeny. Many people think that procreators have a distinctly parental duty to seek their progeny’s best interest.21 Even if, as I have argued above, the requirements that procreators ensure that their progeny have lives worth living and develop a capacity for autonomy are plausibly “parental,” one might object that this falls well short of the intuitive best-interests standard. On my view, procreators would be permitted to favor their own interests over their progeny’s, as long as they secure for them the minima of a life worth living and a capacity for autonomy.

A few responses to this objection are in order. First, recall the argument from above that there is an important distinction between procreators’ parental obligations and the special moral obligations of those who occupy the social role of “parent” in a given institutional context. It might be the case that while procreators are not obligated to seek the best interests of their progeny, those who occupy the parental role are so required, including any procreators who step

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into that role in order to satisfy their initial parental obligations.\textsuperscript{22} Even if that were the case, however, the objector would note that, on my view, a procreator might be justified in placing his progeny with social parents he knows will do a worse job promoting the child’s interests than alternative parents, even if the reason for doing so is purely self-interested.\textsuperscript{23} This version of the objection evades the first response, but falls to a second: namely, we do not hold procreators to a best-interest standard when selecting among alternative social parents for their progeny. We generally do not object to procreators who give their progeny up for adoption to friends or relatives who would be decent parents, even if there are other candidate parents who would do a better job promoting the children’s interests. Indeed, our practice of expecting procreators to parent their own progeny actively discourages procreators from considering whether to give their progeny to be parented by others in a better position to promote their overall good. The intuition here seems primarily to be about those occupying the social role of parents, as we do not in practice expect procreators to adhere to a best-interests standard with respect to their progeny.\textsuperscript{24}

The objections considered in this section make a common mistake: namely, they rest on the assumption that procreators’ parental obligations all share some common grounding. An account of the parental obligations that procreators have \textit{qua} procreators need not provide the full picture of what procreators are morally obligated to do in everyday circumstances. This

\textsuperscript{22} I will consider the claim of whether those occupying the social role of parent are required or permitted to seek the best interests of their children below.

\textsuperscript{23} For example: a procreator has the option of placing his progeny with parents in the top 5\% of parenting ability or with parents in the top 2\% of parenting ability, but the time and expense of doing the latter would inconvenience the procreator. Since both options are well beyond what the procreator is required to do by his special moral obligations and his general obligations (I assume), it seems that he is at liberty to place the progeny with the worse parents.

\textsuperscript{24} A related worry is that the causalist account focuses inappropriately on the progeny’s lifetime well-being and adult autonomy to the exclusion of the distinctive goods of childhood (see Samantha Brennan, “The Goods of Childhood and Children’s Rights,” in \textit{Family-Making: Contemporary Ethical Challenges}, ed. Francoise Baylis and Carolyn McLeod [Oxford: Oxford University Press, 2014], 29-45). I believe, however, that the account is consistent with the claim that the distinctive goods of childhood make an intrinsic contribution to the individual-affecting value of a life and an instrumental contribution to the development of autonomy.
would be like expecting an account of doctors’ obligations to their patients—duties of
beneficence, respect for autonomy, patient confidentiality, emergency aid to the public, etc.—to
all have a single, common ground. It is more likely that procreators have moral obligations
(parental and nonparental) that stem from their causal role in bringing a new human being into
existence (the obligations explained by causalism) and that they have related obligations in virtue
of other facts such as their ability to aid those in need and their membership in social and
political communities.

4. Equity Objections and Responses

A second type of objection to the causalist account of procreators’ parental obligations
maintains that the account entails a distribution of moral burdens that is objectionably
inequitable. One such equity objection is that the account both directly and indirectly
disadvantages women, given that they are ordinarily the procreators who gestate the progeny.25
Another objection is that the account unfairly disadvantages children born with significant
cognitive disabilities. It seems to be a significant mark against an account of some part of
morality if it distributes burdens on the basis of morally arbitrary features like gender and
disability, so it is important to show how the causalist account avoids these outcomes.

One might object that the causalist account places greater moral burdens on women
because they ordinarily gestate the progeny in addition to providing the necessary genetic
material for their coming into existence. According to the account, procreators have greater
moral reason than others to ensure that their progeny are adequately parented because they have
made a greater causal contribution than nonprocreators to the significant risk that the progeny

25 Although I will here refer to women and gestators interchangeably, I want to acknowledge that not all gestating
procreators are women and that not all women procreators are gestators. I focus on women as this is the group that is
most often disproportionately affected by inequitable treatment of gestation.
will suffer certain harms. One might draw a similar distinction *between* procreators based on their level of agential involvement in procreating: that an agent made a greater causal contribution to an outcome than some other agent suggests greater responsibility for that outcome.\textsuperscript{26} It seems, however, that this would entail that women typically have greater moral reason than men to ensure that the progeny are adequately parented because contributing genetic material *and* gestating the progeny does more to cause the progeny to be at risk than merely contributing genetic material. If this is right, then women have weightier special moral obligations to care for their progeny than men, such that it would be justified for men and for society more broadly to place greater burdens on women for the care of children. This contradicts the commonsense intuition that ordinary procreators have equally weighty moral obligations to ensure that their progeny are adequately parented.

While this poses a credible objection to the plausibility of the causalist account, I think it is unsuccessful. One problem is that it operates on an assumption that the woman’s gestating is always sufficiently voluntary to generate a special moral reason to aid the progeny according to Causal Principle (or a principle like it that accounts for degrees of causation). It is important to note that in a tragically high number of “ordinary” procreation cases, women do not have a real choice about whether or not to continue their pregnancies. In such cases, the additional causal contribution made by gestation to the progeny’s existence does not generate additional reasons beyond those created by the initial procreative actions. However, this response to the objection is insufficient, as there are many cases in which women not only begin pregnancy voluntarily but continue it voluntarily, choosing freely not to avail themselves of the option of abortion.

\textsuperscript{26} While Causal Principle and thus the causalist account of procreators’ parental moral reasons do not track degrees of causation, it is not obviously unreasonable to hold that, among all agents who voluntarily acted in a way that foreseeably caused a child to come into existence, the weight of their parental moral reasons would vary somewhat according to the causal influence of their actions.
To see the deeper problem with this objection, recall the prior benefit challenge from chapters 3 and 4. The challenge was that if banes and boons weigh proportionally against one another with no modulation, then in most circumstances procreators could argue for a permission not to aid their progeny because they had imparted on them the expected net boon of a life worth living. While this challenge was shown to be solvable, it has a plausible analogue in the case of gestation. At some point during the course of pregnancy, a new individual with an overall good comes into existence. Provided that the individual is likely to have a life worth living (as is ordinarily the case), then contributing to the child’s development plausibly makes the individual better off, at least by making it more likely that the individual will enjoy the various goods that come with such a life. Unlike nongestational procreators, gestational procreators impart significant comparative benefits to their progeny in ordinary cases; indeed, they provide these benefits at the price of significant risk of harm to themselves.

In ordinary cases of voluntary gestation, then, women differ from men in (a) playing a greater causal role in imparting the net boon of an expected life worth living to the progeny, (b) directly imparting significant comparative benefits to the progeny, and (c) doing so at great personal cost. Granted, the autonomy-modulated proportionality thesis shows that these benefits do not fully justify the procreative actions, such that more assistance is required, but it is plausible that gestating women’s greater causal role in risking various banes for their progeny is balanced out by their greater role in imparting additional benefits (both boons and benefits in the narrow sense). While this might not show that women and men have exactly the same parental

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27 Cases in which the progeny will likely have a life not worth living are difficult. In many of these cases, the circumstances that threaten the progeny also make it the case that the pregnancy is not voluntary (e.g., war or extreme poverty). In cases where the likelihood of a life not worth living is caused by the progeny’s intrinsic features, then I admit that the gestator might bear additional special moral responsibilities (see my “Portable Defense of the Procreation Asymmetry”).
moral reasons given their different kinds of involvement in procreating, it is likely that the weight of the moral reasons are roughly comparable, and certainly much weightier than those of agents who did not create the progeny. Since the objection was that the causalist account entails a significant, measurable disparity in the moral reasons of women and men given their different causal roles in procreation, this response is sufficient to show that the objection is mistaken.28

There is a second objection that the causalist account indirectly disadvantages women by weakening the moral case for child support. Although legal child support obligations are paid from noncustodial to custodial parents, in practice the vast majority of child support orders require payments from men to women who procreated together.29 Since the causalist account requires only that a procreator ensure that the progeny is adequately parented and single parents are usually capable of doing this, then it seems that the fact that someone procreated is a reason to hold that person accountable for child support only if the parenting the child receives would be inadequate without that support. Women who act as custodial parents would then have a moral claim to child support only in relatively rare cases of dire need. If causalism has this inequitable consequence, it is a significant mark against the account’s overall plausibility.

To see where this objection falls short, consider the following case: The local community garden will allocate new plots to residents, but it generally does so only if two people sign up to work on a given plot. Zak and Sara have no prior relationship, but they have ended up agreeing to work the same plot. Given their equal contributions to acquiring the plot, they are equally entitled to access to and benefits from the plot and are equally responsible for maintenance of the

28 Tim Bayne and Avery Kolers have defended the “parity principle,” which holds that “any condition that makes one person a parent should, biology permitting, make anyone a parent” (“Toward a Pluralist Account,” 221-42, 225). An additional virtue of my response to the gender equity objection is that it conforms to this principle.
plot. Now, if Zak wants to escape these responsibilities, it seems that he has two morally acceptable options for doing so: He could establish that the agreements that led to the allocation of the plot were somehow defective (e.g., he was woefully misinformed about the consequences of applying for a plot), or he could get Sara’s agreement to transfer his responsibilities for the plot either to another resident or to Sara herself (which the community garden permits, but does not encourage). If, however, Zak were to leave Sara holding the fertilizer bag (so to speak), it seems that this would be morally wrong of him.

The community garden case is relevantly similar to child support cases in that the two procreators are responsible for ensuring the same outcome: that their progeny be adequately parented. Even if one procreator is capable of providing the necessary care on her own, she has a claim against the other procreator that he not unfairly burden her in fulfilling their overlapping responsibility. Each procreator has a duty to the other to do his or her fair share, whether by providing half of the necessary care from his own resources (i.e., co-parenting) or by compensating her for the extra resources she contributes (i.e., child support). Just as it can be unfair to burden other members of an institution by free-riding or to burden other members of a moral community by imposing disproportionate burdens on them in carrying out general moral obligations, procreators have reasons of fairness to share the burden of fulfilling their overlapping parental obligations to their progeny.

The analysis of the community garden case suggests that, from a moral perspective, it is possible for the procreator who wishes to avoid any parental responsibility to transfer his share of the responsibilities either to the parenting procreator or to a suitable third party. It seems that such transfers are possible, provided that (a) the parenting procreator agrees to the transfer, (b)
the agreement is conscionable,\textsuperscript{30} and (c) the nonparenting procreator also forfeits any claims that arise from the parental responsibilities, such as rights to visitation or parental decision-making. If these conditions are met, it seems that the parenting procreator would have no complaint against the nonparenting procreator on the grounds of fairness, and since the responsibilities are transferred to another able party, rather than left unfulfilled, it seems that the progeny would not have a moral complaint against the nonparenting procreator either. In the vast majority of actual cases, however, these conditions are not satisfied, such that non-parenting procreators are in fact morally liable for child support.

Another objection along these lines is that the causalist account cannot vindicate our practice of requiring child support until the progeny’s majority. A procreator is morally obligated only to ensure a life worth living and a minimal capacity for autonomy, but in most cases these conditions are satisfied well before a child reaches 18, meaning that there is a gap between what the law requires and what morality requires in terms of child support. One response to this sort of objection, noted by Elizabeth Brake,\textsuperscript{31} is that our child support practices serve a number of functions, such as fostering gender equality and encouraging responsible procreation. Even if the causalist account does not support the full extent of our child support practices, these other factors can make up some of the difference. Another response is to note that in typical circumstances, procreators who pay child support also come to occupy a more robust parental role for their progeny. When a procreator not only pays child support but becomes a part of a child’s life, makes decisions about her care, and has some of the rights of parenthood, it seems

\textsuperscript{30} The conscionability of the agreement is important, especially since the difference in social power between genders means that women are much more likely to be unduly pressured into agreeing to bear the full cost of procreation. There is likely strong justification on public policy grounds not to allow non-parenting procreators to agree to bear the full cost of procreation.

\textsuperscript{31} Brake, “Willing Parents,” 173-75.
fair to impose whatever costs other occupants of the parental role are justly expected to pay. So while the objection is correct that the causalist account cannot explain the full extent of procreators’ child support obligations, it does not undermine the moral justification for such obligations in ordinary cases.\textsuperscript{32}

Another kind of equity objection has to do not with the procreators’ gender, but with the cognitive potential of the progeny. The causalist account requires that procreators provide more than merely the conditions for a life worth living for children who have an innate potential for autonomous functioning; specifically, procreators are morally obligated to ensure that the progeny realize this potential. However, not all children are born with such potential. Various genetic conditions, communicable diseases, and even environmental factors such as trauma and malnourishment can make it the case that a given child cannot realize a capacity for autonomy.\textsuperscript{33} In such cases, the objection goes, the causalist account has the incredibly counterintuitive result that procreators do not have the same moral obligations to their progeny that creators of “normal” children do. Procreators in such cases have no special moral reasons not to, say, abandon their children in minimally adequate institutions or local hospitals. Such a consequence is not only counterintuitive, but degrading and disrespectful of human beings with significant cognitive impairments.

This is a significant objection and it merits a thorough response. Indeed, the account does entail that procreators do not have the same special moral obligations to progeny with the sorts of

\textsuperscript{32} One might worry here that I have allowed the possibility that a noncustodial procreator may pay no more than his fair share of the costs of the progeny’s being ensured a life worth living and a minimal capacity for autonomy, as long as he in no way takes on the parental role or involves himself in the child’s life. I admit that this is a possibility, but note that there might still be sufficient public policy reasons for enforcing child support for the full duration of a child’s minority.

cognitive impairments that proscribe future autonomy as they do to progeny without such impairments. I contend that this is not as counterintuitive as it seems, and that it is neither degrading nor disrespectful. First, it should be noted that many children we might describe as having “severe cognitive impairments” can develop minimal autonomous functioning with proper support.\(^{34}\) Second, for those who do in fact have no real potential for autonomous functioning, the other part of procreators’ parental obligations will be very stringent. Due to their own impairments and the way social structures fail to accommodate those impairments, such children are often at much greater risk of suffering lives not worth living;\(^{35}\) indeed, this is why procreators will rarely be justified in abandoning such children in institutions, as they have a strong moral reason to prevent this outcome. Third, this in no way impugns the moral status of such children; that they are not owed the exact same special moral obligations as children with the potential for autonomous functioning in no way entails that they are not owed the same moral obligations (both special and general) to promote their overall good and to secure their moral rights.

Not only is this objection not as strong as it seems, it also captures something intuitively correct about the causalist account I have defended. While nearly all procreators do have parental obligations to their progeny, what those obligations require will be radically different for children with radically different abilities. We already believe that adequately parenting a child with severe cognitive impairments requires different skills, knowledge, resources, and character than would be required for parenting a “normal” child. People who have created such children

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\(^{34}\) A 2003 medical report on Down’s syndrome, for example, concludes: “Clearly, many individuals with Down’s syndrome lead satisfying, productive lives and are a source of pride and comfort for their families” (Nancy J. Roizen and David Patterson, “Down’s Syndrome,” The Lancet 361 [2003]: 1281-89, 1287).

have an obligation to find parents of the kind that suit their progeny, rather than a generic “good enough” parent. An account of procreators’ parental obligations that is content-invariant across progeny with different innate abilities would not be able to account for this important nuance.\textsuperscript{36}

5. Implications for Procreators’ Parental Rights and the Just Family

In defending the causalist account of procreators’ parental obligations against objections, we see that it plays a significant role in a broader explanation of the moral situation of both procreators and parents. Procreators have special moral reasons, which in most cases are all-things-considered moral reasons (i.e., obligations) to ensure that their progeny have lives worth living and develop a capacity for autonomy. These parental obligations cannot result from coercion, cannot be negated by the procreators’ refusal, and are owed directly to the progeny. Procreators likely have other moral obligations in ordinary cases, such as obligations to share medically important information with their progeny, to appropriately manage the expectations of other agents with respect to their procreative activities, and to make fair use of institutions that provide care to children. Similarly, parents have moral obligations that go beyond what procreators owe to their progeny, even when a child’s parents are also her procreators. Parents’ moral obligations are determined by material and institutional constraints, the legitimate expectations of other agents, the rights and interests of their children, considerations of distributive justice, etc. The grounds of what we might fairly call “parental obligation” are various, and the causalist account offers an explanation of a small, though important, subset of that domain of morality.

\textsuperscript{36} Another possible advantage of the causalist account in this area is that due to the fact that having a child with a severe cognitive impairment is often less reasonably foreseeable than having a “normal” child, the procreators might have additional claims to social assistance in carrying out their parental obligations. This seems to be an attractive feature of the view.
While the causalist account is limited in this way (indeed, as any plausible account of procreators’ parental obligations must be), it has significant implications for understanding the wider ethics of parenthood. On the causalist account, procreators’ parental moral reasons are a part of “natural morality,” meaning their content and application does not vary across institutional or cultural contexts.\(^3\) We can therefore use these moral reasons as a point of departure for evaluating the ethics of institutionally or culturally specific parenting practices. In this section, I want to consider the implications of the causalist account for procreators’ rights to parent their progeny and for parents’ rights to privilege their own children at the expense of social equality.

In the United States, cases arise in which one procreator (usually a gamete-providing man) contests the decision of the other procreator (usually a gamete-providing and gestating woman) to seek adoptive parents for their newborn progeny. While consent from both procreators is generally required before the progeny can legally be placed with adoptive parents, there are exceptions to this rule (e.g., the procreator has abandoned the child, has been convicted or accused of abusing the child or the other procreator) and unsanctioned deviations from this rule.\(^3\) A prominent case of unsanctioned deviation was that of Baby Veronica, whose biological mother placed her with an adoptive couple within hours of her birth in 2009. The biological mother had obtained the biological father’s informal agreement to relinquish his legal parental rights, and he had never offered support for the mother or the child. However, due to a clerical error, he received a formal notice of the adoption proceedings four months after the birth and placement of the child. The biological father then filed for custody, and at 2 years and 3 months


of age Veronica was removed from the custody of her adoptive parents and placed with the biological father. After additional court proceedings including a ruling by the U.S. Supreme Court, Veronica was returned to her adoptive parents shortly after her fourth birthday in late 2013.39

While the case of Baby Veronica involved unique considerations, such as special protections for American Indian procreators under federal law, it raises more general questions about the limits of procreators’ moral rights to parent their own progeny. There is ongoing controversy among ethicists about the grounds and contents of such rights in ordinary cases, but there is general agreement that procreators have a right of first refusal with respect to parenting their progeny.40 In cases like that of Baby Veronica, when a child has been with adoptive parents since birth and has formed a healthy parent-child relationship with them, it is difficult to determine whether or not the procreator’s parental rights are overridden by other considerations.

The causalist account of procreators’ parental obligations has some implications for social and moral debates about cases like Baby Veronica’s. This is because one of the grounds of parental rights is parental obligation. John Locke was perhaps the first philosopher to note that parents have claims against others’ interfering in their childrearing activities because such interference would undermine the parents’ ability to fulfill their moral obligations to their children.41 While Locke argued for the extreme position that all parental rights are grounded in parental obligation, there is wide agreement that parental obligation is one important ground of

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such rights.\textsuperscript{42} Other grounds might include moral rights to associate with others, to pursue important projects, to form intimate relationships, and to advance one’s own well-being.

If parental obligations serve as a ground of parental rights, as is likely the case, then the fact that procreators have parental obligations is part of the explanation of procreators’ parental rights. It is important to note, however, that different accounts of the scope of procreators’ parental obligations will generate different contents of their parental rights. For example, if it is the case that procreators’ parental obligation is to ensure the best possible lives for their progeny, then this grounds a moral right to pursue (by otherwise permissible means) the best possible lives for their progeny without interference from others. On the causalist account, a procreator’s parental obligation is to ensure that his progeny has a life worth living and develops a capacity for autonomy, which would ground a moral right to ensure (by otherwise permissible means) that these states are realized.

If the causalist account is correct, then this has implications for how we should evaluate cases like Baby Veronica’s. In that case, the progeny had been placed with adoptive parents who by all indications were in the process of providing Veronica with a life worth living and developing her into an autonomous agent. The distinctive states of affairs that procreators have special moral obligations to bring about were in the process of being fulfilled. Indeed, given the emotional attachment of Veronica to her adoptive parents and the fact that the biological father had significantly fewer resources for effective parenting, removing the child from her adoptive parents likely increased the risk that those states of affairs would not be realized (in addition to making the child worse off overall). Allowing Veronica to remain with her adoptive parents

\textsuperscript{42} See, e.g., Brighouse and Swift, \textit{Family Values}, 94, 121-22.
would not have interfered with her biological father’s fulfilling his parental obligations, since those very obligations were already in the process of being adequately fulfilled by others.

Admittedly, there might have been other grounds for the biological father’s parental rights in the Baby Veronica case, such as the unique value of the biological relationship or even the value of their shared tribal membership. In this case and cases like it, courts are tasked with balancing a number of legal and moral considerations against one another. The argument I have given here suggests that the truth of the causalist account weakens the moral rights claims of procreators in such cases: provided that the progeny is being adequately parented by others, procreators do not have a justified complaint against interference in carrying out their special moral obligations to their progeny. A further consequence is that the parental rights of procreators in cases similar to Baby Veronica’s have weaker theoretical support, as there is significant controversy about the grounds of such rights when they are not tied to parental obligation.

There is a related consequence of the causalist account for the justice of the family and the social construction of parental roles. As with other intimate relationships, there is significant philosophical debate about both the justice of parents’ partiality towards their own children at the expense of other, worse-off people and the justice of institutional and cultural norms that sanction and even enforce such partiality. If the social role of parent undermines values such as fair equality of opportunity, then might we have good moral reason to eliminate or significantly modify that role? Arguments given earlier in this chapter show that there are good reasons not

44 Rawls was well aware of this concern: “The consistent application of the principle of fair opportunity requires us to view persons independently from the influences of their social position. But how far should this tendency be carried? It seems that even when fair opportunity (as it has been defined) is satisfied, the family will lead to unequal
to eliminate the role of parent, and other philosophers have noted that there are good reasons to allow for a certain degree of parental partiality: adults and children have a special interest in having intimate relationships with one another, adults have a limited right to advance their interests in their children’s well-being without social meddling, etc. The real question, then, is not whether the parental role in itself is fundamentally just, but rather which among the possible constructions of that role are just.

Here again, the causalist account provides both some direction and some constraint on a plausible defense of the justice of the social institution of parenthood. Not only do adults have an interest in entering parental relationships and children have an interest in adults advancing their overall good in particular ways, but procreators have an interest in there being a social vehicle for reliably discharging their special moral obligations to their progeny. A parental role constituted by norms which, if followed, will ensure that children are given lives worth living and develop their capacities for autonomy gives procreators greater ability to judge which agents (themselves included) are likely to ensure a child is adequately parented. Similarly, having a system of social norms provides both social pressure and resources for those who take on the role of parent, making it more likely that whoever parents one’s progeny will be successful. Another moral constraint, then, on a just institution of parenthood is that it provides roles that allow procreators to fulfill their parental obligations, which on the causalist account are invariant across cultures and institutional contexts. This is in procreators’ interests, as most people have a strong desire to fulfill their moral obligations, and it plausibly helps to satisfy their moral rights, since an institution of parenthood that made it more difficult for procreators to fulfill their

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chances between individuals. Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction” (*Theory of Justice*, 511).
parental obligations would violate or at least burden people’s efforts to carry out their obligations without interference.

While the causalist account is consistent with the position that the social role of parent (and the family itself) is just, that support is limited in an important way. Since procreators’ parental obligations to their progeny are limited to ensuring they have lives worth living and develop a capacity for autonomy, the rights and interests of procreators in fulfilling these obligations supports only a fairly restricted parental role. They do not, for instance, support a role that permits parents to seek every advantage or benefit for their children at the expense of people who are worse off. More stringently, a role that permits parents to seek to advantage or benefit their children in ways that undermine the ability of others to secure lives worth living and autonomy for their children would be morally prohibited. This final point is significant in that it holds even for non-egalitarian conceptions of justice. Since procreators’ parental obligations are obligations to mitigate risks of harm one has caused and the corresponding rights are rights against interference, the ingredients for these constraints on the parental role are consistent with libertarianism about justice.

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I have shown how the causalist account of procreators’ parental moral reasons defended in the previous chapters supports an attractive account of procreators’ parental obligations. Given the constraints of human developmental psychology and contingent yet deeply ingrained features of societal organization, procreators can satisfy their parental moral reasons only by ensuring that their progeny are reared by adequate parents in private families. This causalist account of procreators’ parental obligations satisfies the noncoercion, nonrefusability, fundamentality, and directionality requirements, but unlike other causalist accounts, does not fall prey to the
proliferation, nonidentity, or prior benefit challenges. Further, this account withstands a variety of objections, including objections that it falls short of justifying the contents of procreators’ parental obligations and that it has troubling consequences for women and for children with significant cognitive impairments. The account also has meaningful implications for a full account of parental rights, both with respect to the rights claims of procreators and the limits of parental partiality. In short, the causalist account offers us a compelling and theoretically fertile explanation of our core intuitions about the parental responsibilities of procreators.
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