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Against Procreative Moral Rights

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ABSTRACT: Many contemporary ethical debates turn on claims about the nature and extent of our alleged procreative moral rights: moral rights to procreate or not to procreate as we choose. In this article, I argue that there are no procreative moral rights, in that generally we do not have a distinctive moral right to procreate or not to procreate as we choose. However, interference with our procreative choices usually violates our nonprocreative moral rights, such as our moral rights to bodily autonomy or to privacy. My argument presents hypothetical cases in which a state interferes with a person's procreative choices in order to promote aggregate social welfare, but this interference does not violate any of the person's nonprocreative moral rights. These cases not only undermine frequently made claims that widely recognized nonprocreative moral rights entail procreative moral rights, they also challenge the intuitively plausible claim that interference with our procreative choices as such violates our moral rights. What at first appear to be substantive moral rights are in fact a kind of illusion created by the frequent overlap of other rights, but lacking in substance beyond that overlap. While this argument against the existence of procreative moral rights has substantive implications for ongoing debates in reproductive ethics, I ultimately suggest that it is consistent with a progressive approach to reproductive justice.

Many contemporary ethical debates invoke our alleged *procreative moral rights*: moral rights to procreate or not to procreate as we choose. Various arguments about abortion, population policy, assisted reproductive technology, health care policy, gender equality, parental rights and responsibilities, and other issues of moral concern make claims about the grounds and scope of such rights. In this article, I argue that there are no procreative moral rights, in that generally we do not have a distinctive moral right to procreate or not to procreate as we choose. However, interference with our procreative choices usually violates our *non*procreative moral rights, such as our moral rights to bodily autonomy or to privacy. My argument presents hypothetical cases in which a state interferes with a person’s procreative choices in order to promote aggregate social welfare, but this interference does not violate any of the person’s nonprocreative moral rights. These cases not only undermine frequently made claims that widely recognized nonprocreative moral rights entail procreative moral rights, they also challenge the intuitively plausible claim that interference with our procreative choices *as such* violates our moral rights.

In the first two sections of this article, I review the concept of procreative moral rights and develop a plausible specification of that concept for critique. In the third and fourth sections, I present and analyze hypothetical cases that support analogous arguments against the existence of moral rights against interference with procreating and with avoiding procreating. In the fifth section, I show how the conclusions of the previous sections support an argument against the existence of moral rights to assistance with procreating and with avoiding procreating. In the final section, I consider the implications of the nonexistence of procreative moral rights for ongoing debates in reproductive ethics and for progressive approaches to reproductive justice.

***What are moral rights?***

 Moral rights are a perennial subject of debate among philosophers and political theorists. In addition to disputing the existence of various specific moral rights, scholars actively contest the form, function, grounds, and scope of moral rights.[[1]](#footnote-1) Since I cannot resolve these disagreements here, I will stipulate a conception of moral rights that prominent defenders of procreative moral rights would accept.[[2]](#footnote-2) Following Ronald Dworkin’s conception of “rights as trumps,” I propose that a *moral right* is an especially strong kind of claim against interference or failure to assist with the right-holder’s engaging in some activity.[[3]](#footnote-3) More specifically, if A has a moral right against B to do X, then it is morally wrong for B either (i) to interfere with A’s doing X or (ii) to fail to assist with A’s doing X, unless B’s interference or failure to assist with A’s doing X is necessary to keep others from suffering either (iii) very serious harms or (iv) violations of comparably important moral rights. Moral rights against interference with engaging in an activity are *negative* moral rights, while moral rights against failure to assist with (more simply, moral rights to assistance with) engaging in an activity are *positive* moral rights.

This thin conception of moral rights has several appealing features. First, it is consistent with different substantive views about moral rights’ essential function (e.g., will theory and interest theory) and grounds (e.g., consequentialist and deontological). Second, it holds that moral rights are not morally absolute, as considerations of very serious harms and violations of comparably important moral rights for others limit the scope of any single moral right. Many people believe in the existence of a negative moral right against being killed, but few would agree that this right makes it morally wrong to kill a person when doing so would save millions of lives. Third, although moral rights have limited scope according to the thin conception, they nonetheless protect their holders from having certain interests or concerns sacrificed for improvements to aggregate social welfare. The negative moral right not to be killed entails that it would be morally wrong to kill an innocent person even if doing so would improve a state’s economic efficiency or provide hours of intense pleasure to millions of people.

The thin conception of moral rights does not determine which specific moral rights people have or that they have any moral rights at all. For the purposes of argument, however, I will assume that people have at least the following negative and positive moral rights:

* *Bodily autonomy:* a moral right to control one’s own body or its parts.
* *Privacy:* a moral right to do what one wants in one’s own home with other consenting adults and/or one’s minor children.
* *Parenthood:* a moral right to become or avoid becoming a legal and social parent of a child.[[4]](#footnote-4)
* *Pregnancy:* a moral right to experience or avoid experiencing pregnancy and childbirth.[[5]](#footnote-5)

Scholars often cite moral rights to bodily autonomy and privacy as paradigm examples of the category. Moral rights to parenthood and pregnancy are more controversial, but like moral rights to bodily autonomy and privacy, they may support the existence of procreative moral rights, so I will assume that they are genuine moral rights.

***What are procreative moral rights?***

The vast majority of people highly value the freedom and ability to make choices about their reproductive lives. The United Nations Universal Declaration of Human Rights affirms a right of adults “to found a family,” a right specified in international agreements as “the basic right of all couples and individuals to decide freely and responsibly the number, spacing, and timing of their children.” [[6]](#footnote-6) This language aligns with the common view that people have *procreative moral rights*, which scholars have categorized according to two distinctions.[[7]](#footnote-7) Procreative moral rights can be moral rights *to procreate*, to bring a person into existence, or moral rights *not to procreate*, to avoid bringing a person into existence. Procreative moral rights also can be *negative* moral rights against interference with (not) procreating or *positive* moral rights to assistance with (not) procreating. These distinctions yield four subtypes of procreative moral rights: the negative moral right to procreate, the positive moral right to procreate, the negative moral right not to procreate, and the positive moral right not to procreate (see Figure 1).

|  |  |  |
| --- | --- | --- |
| ***Moral Right*** | *Against Interference* | *To Assistance* |
| *Creating a Person* | Negative Moral Right to Procreate | Positive Moral Right to Procreate |
| *Not Creating a Person* | Negative Moral Right Not to Procreate | Positive Moral Right Not to Procreate |

 *Figure 1: Procreative Moral Rights*

Procreative moral rights as I define them here are not coextensive with moral rights to (avoid) parenthood or pregnancy.[[8]](#footnote-8) Although procreation, parenthood, and pregnancy were historically bound up together and statistically remain so, the development of assisted reproductive technologies (ARTs) has facilitated the disaggregation of these activities.[[9]](#footnote-9) Gamete donation allows people to procreate without experiencing pregnancy or becoming legal or social parents for their progeny, while gestational surrogacy allows for procreation and pregnancy without parenthood. Conversely, people may become legal and social parents of a child without procreating (in the biological sense) by acquiring donated gametes and using a gestational surrogate, or by adopting an already existing child.

Scholars have offered two types of argument for the existence of procreative moral rights. One type of argument claims that people’s *non*procreative moral rights entail that they also have procreative moral rights. For example, coercive state policies aimed at controlling procreation by requiring or prohibiting sexual abstinence, contraception, or abortion historically have violated people’s (especially women’s) negative moral rights of bodily autonomy, privacy, parenthood, and pregnancy.[[10]](#footnote-10) If people have moral rights protecting these other activities, it is difficult to see how people also would not have moral rights to procreate and to avoid procreating. Another type of argument claims that procreative moral rights derive from the fact that procreating or avoiding procreating is very important to many people’s identity and sense of meaning or purpose in life.[[11]](#footnote-11) People often plan their whole lives around creating or not creating children, and judge their own existence as more or less worthwhile based on whether they fulfill their procreative desires. If our moral rights protect us from having our core interests sacrificed for aggregate social welfare, then it makes sense to suppose that we have procreative moral rights.

Before countering these arguments for the existence of procreative moral rights, I will make some charitable assumptions to make such arguments more plausible. First, I assume that moral rights to procreate do not protect creating a person who would suffer a significantly diminished quality of life, even if that person’s life would still be worth living and no other people would be negatively impacted by that person’s existence.[[12]](#footnote-12) Second, I assume that moral rights to procreate protect creating *at least one* child, but not necessarily more than one, as it would be easier to argue against a purported moral right to create an unlimited number of children.[[13]](#footnote-13) Third, I assume that procreative moral rights concern (avoiding) the creation of a late-stage fetus or newborn infant, but not the creation of a zygote, embryo, or early-stage fetus. This assumption supports intuitive inferences, such as that forcing a woman to have an abortion at 20 weeks’ gestation would violate her procreative moral rights (and other moral rights), even though she has already succeeded at creating a new human life.

***Is there a negative moral right to procreate?***

To begin answering the question of whether people have a negative moral right to procreate, consider the following hypothetical case:

*Jada*: Jada is a single woman who wants to create a biologically related child whom she can parent, but she has an incurable medical condition that prevents her from sustaining a pregnancy for more than a few weeks. She wants to procreate by paying medical professionals to create an embryo through in vitro fertilization (IVF) with one of her eggs and donor sperm, and then implant the embryo in a gestational surrogate. Jada’s society has the necessary technology and there are willing medical professionals and would-be surrogates, but the law prohibits the implantation of IVF-created embryos into surrogates for procreative purposes. (The law permits IVF for creating embryos for research purposes and allows traditional surrogacy, in which the surrogate becomes pregnant through artificial insemination and the intended parents adopt the child soon after birth.) The justification for this law is that such elaborate reproductive techniques inefficiently deploy limited health care resources and delay the adoption of orphaned children. Jada takes her case to the appeals board established for granting exceptions to the law, and after due consideration her appeal is declined. Now faced with credible threats of fines or imprisonment by the state if she carries out her plan in spite of the law, Jada sadly refrains from using IVF and a gestational surrogate to create a child.

If people have a negative moral right to procreate, then the state violates that moral right in Jada’s case. In a paradigm example of interference, the state’s credible threat of coercion prevents Jada from fulfilling her desire to create a biologically related child to parent. Crucially, Jada’s plans would not exceed the limits of a negative moral right to procreate: the law’s interference with Jada’s procreating is not necessary to prevent others from suffering very serious harms or violations of comparably important moral rights, but rather aims to improve the efficient distribution of health care resources and reduce the amount of time that orphaned children remain parentless. Even assuming that the law is necessary to achieve these worthwhile policy goals, the defining feature of moral rights is that they protect their holders from having certain interests or concerns sacrificed for such marginal improvements to aggregate social welfare.

However, there are two reasons to think that the state does not violate Jada’s moral rights by interfering with her efforts to procreate, and thus people do not have a negative moral right to procreate. The first reason is that the state does not appear to violate any of the *non*procreative moral rights usually claimed to entail a negative moral right to procreate. The law forbidding implantation of IVF-created embryos does not violate Jada’s negative moral right to bodily autonomy, since it does not interfere with her controlling her own body or its parts. The law interferes with her doing what she wants with a *product* of one of her gametes—an embryo—but that product is not plausibly a part of her body, given that it would have its own unique genetic code and always would have existed outside of her body. The law does not violate Jada’s negative moral right to privacy, as it does not prevent her from procreating in her own home with consenting adults. Rather, her medical condition requires her to use advanced technology and contractual arrangements with market actors in the public sphere to fulfill her procreative desires.

The law does not violate Jada’s negative moral right to parenthood, as it does not prevent her from becoming a legal and social parent of a child. Assuming that Jada meets the appropriate legal criteria, she may adopt an orphaned child who already exists, or she may use a sperm donor and a traditional surrogate to create a genetically unrelated child to parent. Lastly, the law does not violate her negative moral right to pregnancy, as it does not prevent her from enjoying that uniquely valuable experience. Again, her incurable medical condition prevents her from experiencing a full-term pregnancy and childbirth, not any interference by the state. The law therefore clearly interferes with Jada’s efforts to procreate, but in the process does not violate the nonprocreative moral rights to bodily autonomy, privacy, parenthood, or pregnancy.

Jada’s case provides a counterexample to the common argument that a negative moral right to procreate simply follows from nonprocreative moral rights. One might try to resist this conclusion by arguing that interfering with Jada’s efforts to procreate violates other so-called “moral rights” that entail a negative moral right to procreate. However, such rights are unlikely to qualify as genuine *moral* rights (such as a general right to liberty) or as genuinely *nonprocreative* moral rights (such as a right to perpetuate one’s genes). The objector bears the argumentative burden of identifying which nonprocreative moral right the state violates by interfering with Jada’s efforts to procreate.

The second reason to think that the state does not violate Jada’s moral rights by interfering with her efforts to procreate is that without any violation of Jada’s nonprocreative moral rights, it is not intuitively plausible that the state’s interference is morally wrong. Jada maintains her bodily autonomy and privacy and can still become a parent, while the law does not prevent her from experiencing pregnancy or childbirth. The coercive threat to enforce the law certainly burdens Jada’s autonomy and likely harms her, but it does so by applying impartial standards through fair procedures to promote aggregate social welfare. The law may be morally unjustified on balance because it fails to bring about more benefit than harm or fails to minimize harm, but these failures would not entail the violation of Jada’s or any other person’s moral rights. In other words, it may be plausible that the law’s interference with Jada’s procreating is morally wrong because it is bad policy (more information would be needed to make this judgment confidently), but not because it violates her moral rights.

One could resist this conclusion by appealing to the other type of argument for procreative moral rights, which holds that Jada has a negative moral right to procreate because of its special importance for her identity and sense of meaning or purpose in life. Even assuming that Jada’s motivations fit this description, the mere fact that some activity has such special importance for a person does not entail that interfering with their engaging in that activity is morally wrong. Many people take nonprocreative activities such as visiting world cultural sites like Machu Pichu or living in low-density neighborhoods to have special importance for their identity and sense of meaning, yet it does not seem morally wrong to enforce laws restricting tourism at delicate ruins or requiring higher-density development. The objector bears the argumentative burden of explaining why people would have a negative moral right to procreate but not to engage in other activities with special personal importance.[[14]](#footnote-14)

There is no negative moral right to procreate because the state’s coercive interference with Jada’s efforts to procreate does not violate her nonprocreative moral rights and is not morally wrong merely because it undermines her ability to engage in a personally important activity. Whether the law is morally justified overall depends on whether it effectively and fairly promotes aggregate social welfare, not on whether it violates any alleged negative moral right to procreate.

***Is there a negative moral right not to procreate?***

 To begin answering the question of whether people have a negative moral right not to procreate, consider the following hypothetical case:

*Kotone*: Kotone is a single woman who wants to avoid creating a biologically related child, but she has donated some of her gametes to a scientist to create zygotes for medical research. Due to an unforeseeable accident, one of the zygotes created with Kotone’s gametes develops into an embryo. The law in Kotone’s society requires that all unused embryos be made available for implantation in the uterus of an intended parent or gestational surrogate by anyone who is willing to take full parental responsibility for the resulting child. (Embryo donors acquire no legal obligations to any subsequent children, and have the right to keep their identities private from the children, their intended parents, and the general public.) The justification for this law is that mandating the availability of already existing embryos for implantation significantly lowers the costs of fertility medicine, stabilizes the society’s population, and promotes ethnic and racial diversity. Within days of the accidental development of the embryo, an anonymous couple invests significant time and money in order to arrange to have it implanted. Kotone takes her case to the appeals board established for granting exceptions to the law, and after due consideration her appeal is declined. Now faced with credible threats of fines or imprisonment by the state if she violates the law, Kotone sadly refrains from interfering when the anonymous couple uses the embryo to create a child.

Kotone’s case is structurally similar to Jada’s case, except that the right at issue is the negative moral right *not* to procreate. If people have such a moral right, then the state violates it in Kotone’s case, as the state’s credible threat of coercion prevents her from fulfilling her desire to avoid creating a biologically related child. Kotone’s plans would not exceed the limits of a negative moral right not to procreate, since the law’s interference with her avoiding procreating is not necessary to prevent others from suffering serious harms or violations of comparably important moral rights. The law aims to decrease fertility medicine costs while stabilizing and diversifying the society’s population, but even if it achieves these worthwhile policy goals, interests or concerns protected by moral rights cannot permissibly be sacrificed for such marginal improvements to aggregate social welfare.

As with Jada’s case, there are two reasons to think that the state does not violate Kotone’s moral rights by interfering with her efforts to avoid procreating, and thus there is no moral right not to procreate. The first reason is that the state does not appear to violate any nonprocreative moral rights of bodily autonomy, privacy, parenthood, or pregnancy. The law requiring that all unused embryos be made available for implantation does not violate Kotone’s negative moral right to bodily autonomy, since the embryo is not plausibly a part of Kotone’s body. The law does not violate Kotone’s negative moral right to privacy, as the embryo is created in the public sphere and Kotone has the option to remain fully anonymous to the resulting child and its parents. The law does not violate a negative moral right to avoid parenthood, since Kotone will not acquire any legal or social parental obligations for the resulting child.[[15]](#footnote-15) And the law does not violate a negative moral right to avoid pregnancy because Kotone never faces any risk of pregnancy.

Kotone’s case provides a counterexample to the common argument that a negative moral right not to procreate simply follows from nonprocreative moral rights. One might try to resist this conclusion by arguing that interfering with Kotone’s efforts to avoid procreating violates other so-called “moral rights” that entail a negative moral right not to procreate. However, such rights are unlikely to qualify as genuine *moral* rights (such as a general right to liberty) or as genuinely *nonprocreative* moral rights (such as a right to avoid perpetuating one’s genes). The objector bears the argumentative burden of identifying which nonprocreative moral right the state violates by interfering with Kotone’s efforts to avoid procreating.

The second reason to think that the state does not violate Kotone’s moral rights by interfering with her efforts to avoid procreating is that without any violation of Kotone’s’s nonprocreative moral rights, it is not intuitively plausible that the state’s interference is morally wrong. Kotone maintains her bodily autonomy and privacy, does not become a parent, and faces no risk of pregnancy. The law’s threat of coercion burdens Kotone’s autonomy and likely harms her, but it does so by applying impartial standards through fair procedures to promote aggregate social welfare. It may be plausible that the law’s interference with Kotone’s avoiding procreating is morally wrong because it is bad policy (more information would be needed to make this judgment confidently), but not because it violates her moral rights.

One might object that the law does violate Kotone’s negative moral right not to procreate because avoiding procreating has special importance for her identity and sense of meaning or purpose in life. Even if this is true in Kotone’s case, the fact that avoiding some activity has special importance for a person does not entail that interfering with their avoiding that activity is morally wrong. Many people take avoiding paying taxes that fund wars or international development programs to have special importance for their lives, yet it does not seem morally wrong to enforce general taxation laws. The objector must explain why negative moral rights protect the special importance of avoiding procreating but not of avoiding other activities.

There is no negative moral right not to procreate because the state’s coercive interference with Kotone’s efforts to avoid procreating does not violate her nonprocreative moral rights and is not morally wrong merely because it undermines her ability to avoid engaging in a personally important activity. Whether the law is morally justified overall depends on whether it effectively and fairly promotes aggregate social welfare, not on whether it violates any alleged negative moral right not to procreate.

***Are there positive procreative moral rights?***

 Analysis of the cases of Jada and Kotone shows that negative procreative moral rights do not exist, which in turn supports a straightforward argument that positive procreative moral rights do not exist. This conclusion follows from a general principle that lacking a negative moral right against a party entails lacking the corresponding positive moral right against that party, other factors being equal. More specifically, if A has no moral right against B’s interference with A’s doing X, then A has no moral right to B’s assistance with A’s doing X, unless there is some special relationship between A and B that is relevant to X (e.g., B once promised to assist A with X). Note that this principle concerns *moral* rights, so a person may have a legal or conventional right to a party’s assistance with some activity while lacking a right against that party’s interference with that activity (e.g., a citizen’s legal right to the state’s assistance with avoiding punishment by the state for having committed a crime).

An example can help illustrate this principle’s deep plausibility. Imagine that you and a distant acquaintance are candidates for the same prestigious, high-paying job. You know publicly reported facts about the acquaintance that would seriously damage his candidacy if shared with the prospective employer, though it would not otherwise negatively affect him. Since you have no special relationship with the acquaintance, you would not violate his moral rights by sharing the damaging facts with the employer in order to give yourself an advantage. Now, imagine that the acquaintance calls you and demands that you help him hide the damaging information from the employer, because he claims he has a positive moral right to your assistance with obtaining the job. The acquaintance’s demand based on some positive moral right is obviously absurd.

What makes the acquaintance’s claim to a moral right to your assistance absurd is not that competitors for jobs have no moral rights against each other: you do not have the moral right to defame your acquaintance or to falsely imprison him to give yourself an advantage. The claim is absurd because it implies that respect for the acquaintance’s dignity or moral status does not require you even to refrain from advancing your interests by damaging his candidacy, but somehow it does require you to actively damage your interests by advancing his candidacy. On this view, moral rights would permit you to forgo doing something easy (refraining from sharing damaging information) to advance your interests over another person’s, but at the same time require you to engage in a difficult, committed effort (hiding damaging information) to sacrifice your interests for that person’s benefit. It is implausible that morality and moral rights work this way.

 Given the arguments in this and the previous two sections, it appears that people do not have positive or negative moral rights to procreate and do not have positive or negative moral rights not to procreate. Therefore, there are no procreative moral rights.

***What are the implications of this argument?***

 The argument for the nonexistence of procreative moral rights has significant implications for a number of debates in reproductive ethics. At the same time, there may be misconceptions about the argument’s implications. This section highlights some of the argument’s ethical implications and nonimplications.

The nonexistence of a negative moral right to procreate has implications for ethical debates about population policy. Some scholars have advocated for policies that use noncoercive means, such as public health messaging or financial incentives, to influence people to have fewer children in order to mitigate risks of global climate change.[[16]](#footnote-16) One objection to such policies is that even if they do not violate moral rights of bodily autonomy or privacy, they would still systematically violate the negative moral right to procreate by interfering with people’s decisions about how many children to create and when.[[17]](#footnote-17) If there is no negative moral right to procreate, as argued above, then the mere fact that a population policy alters people’s plans to procreate does not support a rights-based moral objection to that policy.

 The nonexistence of a negative moral right not to procreate is relevant to regulations for the use of anonymously donated gametes and embryos. Jurisdictions have varying rules determining the stage at which donors may withdraw consent for other people to use their reproductive materials to create a child. Some jurisdictions and scholars support allowing donors to withdraw consent at any point prior to the implantation of an embryo, while others support restricting withdrawal of consent to before fertilization or even at the time of donation.[[18]](#footnote-18) Some argue that allowing withdrawal at later stages is necessary to respect donors’ negative moral right not to procreate, even though it can harm people seeking to create children with donated gametes or embryos. However, if there is no negative moral right not to procreate, then limiting donors’ ability to withdraw consent may be justified on public policy grounds.

 The nonexistence of a positive moral right to procreate matters for academic and political debates about public funding for certain kinds of reproductive health care. The extent to which public funds should support access to ARTs like IVF remains controversial, and some advocates for public funding appeal to the moral right to procreate to support their position.[[19]](#footnote-19) Given ongoing disagreement about costs and infertility’s status as a health condition, the fact that people do not have a moral right to assistance with procreating significantly weakens the case for public funding of ARTs for the general population.[[20]](#footnote-20)

 Finally, I want to note what is not implied by my argument against the existence of procreative moral rights. My argument does not imply that it is morally permissible for state or individual actors to coerce or manipulate other people’s procreative choices. That Jada’s and Kotone’s cases had to be so carefully constructed in order to avoid violations of moral rights to bodily autonomy, privacy, parenthood, and pregnancy underscores why interference with people’s efforts to procreate or to avoid procreating is typically morally wrong. The conclusion that there are not distinctively procreative moral rights is consistent with the view that a just society must provide strong legal protections for people engaged in procreative decision-making, and that states should consider implementing laws or policies that interfere with procreative choices only sparingly and with great caution.

Accepting that people do not have procreative moral rights as I have argued is consistent with the theory and practice of reproductive justice. Reproductive justice is a movement led by women of color that spurns a narrow, legalistic “reproductive rights” framework in favor of an intersectional approach to addressing “social justice issues such as poverty, economic justice, welfare reform, housing, prisoners’ rights, environmental justice, immigration policy, drug policies, and violence” that mutually influence people’s (and especially women’s) freedom to fulfill their desires related to sex, procreation, and parenting.[[21]](#footnote-21) Whether people have a constitutional right to abortion in specific circumstances, for example, may be less important than the broader social conditions that lead a person to pursue abortion in the first place or to suffer certain consequences when they are denied one. Although reproductive justice advocates and scholars often use the rhetoric of reproductive or procreative rights, their focus is on promoting equity and empowering marginalized groups in order to improve aspects of their lives that involve reproduction.[[22]](#footnote-22) The nonexistence of distinctively procreative moral rights does not threaten and may even help promote efforts to advance social justice and ensure that all people can securely enjoy the goods that make (not) procreating desirable.

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 I have argued that people do not have distinctively procreative moral rights: that is, we generally do not have a moral right to procreate or not to procreate as we choose. This conclusion does not significantly diminish our moral reasons to promote reproductive justice, but it does have substantive implications for specific debates about reproductive ethics, and these implications warrant additional exploration.

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7. Robertson, *op. cit.* pp. 25-26; Overall, *op. cit.* pp. 22-32. [↑](#footnote-ref-7)
8. Scholars dispute whether people have a moral right to procreate only if they are willing and able to parent the resulting children, but the following argument does not commit me to a position on this question. See Steinbock, B. (1995). A philosopher looks at assisted reproduction. *Journal of Assisted Reproduction and Genetics*,12(8), 543-551. [↑](#footnote-ref-8)
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10. Robertson, *op. cit.* pp. 24-25; Steinbock, *op. cit.* p. 549; Overall, *op. cit.* pp. 12, 30-31. [↑](#footnote-ref-10)
11. Robertson, *op. cit.* pp. 24, 30; Steinbock, *op. cit.* 549; Overall, *op cit.* pp. 20-21. [↑](#footnote-ref-11)
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14. Scholars often appeal to the special importance of parenthood or pregnancy in arguing for the existence of moral rights to engage in (or avoid) those activities (Brighouse & Swift, *op. cit.*). My objection to this type of argument for procreative moral rights poses a problem for defenders of moral rights of parenthood or pregnancy, but recall that I assumed that such rights exist in order to strengthen the case for the existence of procreative moral rights. [↑](#footnote-ref-14)
15. Kotone does become a “parent” in the bare biological sense of the term, however it is not at all clear that there is a distinctive negative moral right not to become a parent in this sense. See Quigley, M. (2010). A right to reproduce? *Bioethics*,24(8), 403-411. [↑](#footnote-ref-15)
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