The Journal of Value Inquiry
https://doi.org/10.1007/s10790-022-09889-3

PAPER FOR FORUM

On Risk-Based Arguments for Anti-natalism

Erik Magnusson[1]

Accepted: 23 January 2022

1 Introduction

For the past two decades, David Benatar has been the leading philosophical proponent of anti-natalism, or the view that it is morally wrong to bring human beings into existence. His central case for this view is based on two distinct though mutually supporting arguments: the *asymmetry argument*, which purports to show that existence is always comparatively worse than non-existence; and the *quality of life argument*, which purports to show that existence is always non-comparatively bad.[1] Both of these arguments have been debated extensively in the secondary literature, where the majority of critics have found them wanting. For instance, critics have objected to the asymmetry argument on the grounds that it is unmotivated[2], incoherent[3], and based upon an equivocation between impersonal and person-affecting value,[4] while

[1] David Benatar. "Why it is Better Never to Come into Existence," *American Philosophical Quarterly,* 34(3) (1997): 345-355; "The Wrong of Wrongful Life," *American Philosophical Quarterly*, 37(2) (2000): 175-183; *Better Never to Have Been: The Harm of Coming into Existence* (Oxford: Oxford University Press, 2006); and "Part I: Anti-Natalism" in David Benatar and David Wasserman, *Debating Procreation: Is it Wrong to Reproduce?* (Oxford: Oxford University Press, 2015). Benatar has also recently proposed a third 'misanthropic' argument for anti-natalism that focuses on "the terrible evil that humans wreak, and on various negative characteristics of our species," including negative aesthetic characteristics, though this is a distinct type of argument that does not focus on the interests of the child who is brought into existence. For two recent iterations of this argument, see Benatar, "Anti-Natalism," chapter 4, and "The Misanthropic Argument for Anti-Natalism" in Sarah Hannan, Samantha Brennan, and Richard Vernon (eds.), *Permissible Progeny? The Morality of Procreation and Parenting* (Oxford: Oxford University Press, 2015).

[2] See, for example, David DeGrazia. "Is it Wrong to Impose the Harms of Human Life? A Reply to Benatar," *Theoretical Medicine and Bioethics*, 31 (2010): 317-332; Thaddeus Metz. "Are Lives Worth Creating?" *Philosophical Papers*, 40(2) (2011): 233-255, esp. pp. 240-243; and Rivka Weinberg. "Is Having Children Always Wrong? *South African Journal of Philosophy*, 30(1) (2012): 26-37.

[3] See, for example, Erik Magnusson. "How to Reject Benatar's Asymmetry Argument," *Bioethics*, 33(6) (2019): 674-683; and Metz, op. cit., esp. pp. 243-249.

[4] See, for example, Elizabeth Harman, "Critical Study: David Benatar. *Better Never to Have Been: The Harm of Coming into Existence* (Oxford: Oxford University Press: 2006)," *Noûs*, 43(4) (2009): 776-785, esp. pp. 779-780; Jeff McMahan, "Asymmetries in the Morality of Causing People to Exist" in Melinda

✉ Erik Magnusson
Erik.Magnusson@umanitoba.ca

[1] University of Manitoba, Winnipeg, Canada

Published online: 02 March 2022

critics have objected to the quality of life argument on the grounds that it is implausible[5], indeterminate[6], and unsupportive of the conclusion that Benatar draws from it, namely, that the quality of life is sufficiently bad to render the creation of life morally wrong.[7] In this sense, while Benatar has been undeniably successful in terms of reviving anti-natalism as a subject of philosophical inquiry, he has been markedly less successful in terms of convincing philosophers of his position.

When faced with criticism, Benatar has commonly emphasized the controversial nature of his position as a source of resistance to his arguments. He repeats this sentiment in a recent restatement of these arguments, noting "It is always difficult to convince people that a widespread practice in which they participate [i.e., procreation] is morally wrong. This is because people have difficulty believing that they and so many others could be acting immorally."[8] It is certainly true that many people have difficulty accepting Benatar's position, and this likely fuels much of the skepticism surrounding his arguments. However, it is hard to understate the controversial nature of the arguments themselves, and the foundational premises on which they are built. For example, to accept the asymmetry argument, one must accept the contentious asymmetry claim that "the absence of harm is good, even if it that good is not enjoyed by anyone; but the absence of benefit is not bad unless there is someone for whom this absence is a deprivation."[9] Similarly, to accept the quality of life argument, one must accept an assessment of life's quality that is so pessimistic it recently led one commentator to describe it as "almost comical in its histrionics."[10] Of course, the bare fact these premises are controversial does not by itself entail they are false, though it does suggest a sub-optimal strategy. If one is crafting an argument for a deeply counter-intuitive conclusion, it is better to begin with premises that are already widely accepted, rather than premises that are themselves deeply counter-intuitive.

Fortunately for Benatar, the resources for this type of strategy are already present in his existing arguments for anti-natalism. Near the end of his presentation of the

Footnote 4 (continued)

A. Roberts and David T. Wasserman (eds.), *Harming Future Persons: Ethics, Genetics, and the Nonidentity Problem* (Dordrecht: Springer, 2009), esp. pp. 61-64; David DeGrazia, *Creation Ethics: Reproduction, Genetics, and Quality of Life* (Oxford: Oxford University Press, 2012), esp. pp. 145-150; and Christine Overall, *Why Have Children? The Ethical Debate* (Cambridge, MA: MIT Press, 2012), esp. pp. 97-106.

[5] See, for example, DeGrazia, "Is It Wrong to Impose the Harms of Human Life," op. cit., pp. 324-329; Harman, op. cit., pp. 782-783; Christine Vitrano, "The Predicament that Wasn't: a Reply to Benatar," *Philosophical Papers* 49(3) (2020): 457-484; David Wasserman, "Pro-Natalism," in Benatar and Wasserman, *Debating Procreation*, op. cit., esp. pp. 155-166; and Metz, op. cit., esp. pp. 249-254.

[6] See, for example, Rivka Weinberg, *The Risk of a Lifetime: How, When, and Why Procreation May be Permissible* (Oxford: Oxford University Press, 2015), esp. pp. 121-134; and Jason Marsh, "Quality of Life Assessments, Cognitive Reliability, and Procreative Responsibility," *Philosophy and Phenomenological Research* 89(2) (2014): 436-466.

[7] See Aaron Smuts, "To Be or Never to Have Been: Anti-Natalism and a Life Worth Living," *Ethical Theory and Moral Practice* 17(4) (2014): 711-729, esp. pp. 725-727.

[8] Benatar and Wasserman, op. cit., p. 11.

[9] Ibid., p. 23. For an explanation of why this claim is incoherent, see Magnusson, op. cit., pp. 676-679.

[10] Vitrano, op. cit., p. 480.

quality of life argument, Benatar offers one further argument for those who may be skeptical of his assertion that *all* human lives are extremely bad:

> Not all quality-of-life arguments for anti-natalism must claim that the quality of *every* life is very bad. Some such arguments are based on a more limited claim—that bringing people into existence puts them *at risk* of serious harm. Terrible things can befall people. Any child you bring into existence could be assaulted, raped, tortured, or murdered. It could be sent to war. It could be kidnapped, abducted, imprisoned, or executed. It could, because of a spinal injury, a stroke, or a degenerative neurological condition, become paralyzed. It could suffer bad burns or some other mutilation or disfigurement. It could succumb to a virus or a malignancy or any of thousands of other conditions… To bring a new person into existence is to create a being that is vulnerable to these and thousands of other kinds of appalling suffering. To procreate is thus to engage in a kind of Russian roulette, but one in which the 'gun' is aimed not at oneself but instead at one's offspring. You trigger a new life and thereby subject that new life to the risk of unspeakable suffering.[11]

Benatar does not develop this risk-based argument to the same extent as his asymmetry or quality of life arguments—he dedicates only a single page to it in *Better Never to Have Been* and only a handful of pages to it in *Debating Procreation*.[12] However, there are at least two good reasons for him to pursue this type of argument further and allow it to play a more central role in his justification for anti-natalism. First, unlike the asymmetry or quality of life arguments, a risk-based argument does not need to rely on controversial premises that are unlikely to be widely accepted, but can rather follow from a plausible principle of risk imposition that is commonly employed in other contexts. Thus, focusing on the wrongness of risk imposition may offer a more fruitful argumentative strategy, particularly when directed at those who are initially skeptical of the anti-natalist position. Second, a risk-based argument also has the advantage of according with contemporary reasoning about the hazards involved in procreative decision-making. Recent empirical studies have shown that considerations of risk and uncertainty are increasingly factoring into decisions *not* to have children, particularly among younger demographics who are concerned about the impact of climate change on their hypothetical children's well-being.[13] The fact that risk-based reasoning is informing real-life anti-natal decision-making should lead advocates like Benatar to pay closer attention to it as a possible normative foundation.

In this paper, I explore the prospects for a more fully developed risk-based argument for anti-natalism. I argue that while Benatar's version is ultimately unsuccessful, a more promising version may be advanced that focuses on the lack of appropriate justification for imposing the risks of existence, namely, one that

[11] See Benatar, *Better Never to Have Been*, op. cit., p. 92, and Benatar and Wasserman, op. cit., 62-72.

[12] See Benatar, *Better Never to Have Been*, op. cit., p. 92.

[13] Matthew Schneider-Mayerson and Kit Ling Leong, "Eco-Reproductive Concerns in the Age of Climate Change," *Climatic Change*, 163 (2020): 1007-1023.

refers to the essential interests of the child on whom those risks are imposed. The paper proceeds in four parts. In Part 2, I set the stage for my discussion by clarifying the basic structure of risk-based arguments and identifying some of their important features. In Parts 3-5, I consider three distinct risk-based arguments for anti-natalism and argue that only the third, justificatory argument has the potential to be successful.

2 The Basic Structure of Risk-Based Arguments

Before addressing Benatar's own risk-based argument, it will be helpful to clarify the basic structure of risk-based arguments and to outline some of their important features. Risk-based arguments are distinct in that they seek to generate anti-natalism from the wrongness of risk imposition rather than the inevitability of serious harm. This type of argument must contain at least three steps: first, an account must be provided of the conditions under which it is impermissible to impose a risk of harm on others; second, an explanation must be provided of how the act of bringing a child into existence meets those conditions; and finally, a conclusion must be drawn about the all-things-considered permissibility of procreation. The basic structure of risk-based arguments can therefore be expressed as follows:

(1) It is impermissible to impose a risk of harm on others under *x* conditions;
(2) Bringing a child into existence involves imposing a risk of harm on the child in a way that satisfies *x* conditions; therefore,
(3) It is impermissible to bring children into existence.

There are two main ways in which this type of argument can be challenged. First, we can challenge the plausibility of the principle of risk imposition proposed in premise (1) by showing that it does not accord with our everyday judgments surrounding risk. This can be done in one of several different ways depending on the content of the principle. Normally, our views about the permissibility of risk-imposing activities depend on three main variables: (a) the seriousness or magnitude of the harm that is risked by a particular activity; (b) its probability of occurrence; and (c) the justification that can be offered for engaging in that activity in the first place. Each of these variables can provide different bases on which to object to a candidate principle of risk imposition. For example, we might object to the type of harm that a particular principle deems impermissible to risk; we might object to the level of probability that a particular principle deems impermissible to risk; or we might object to the class of reasons that a particular principle accepts as appropriate justification for imposing risk. Second, we can also challenge the account of procreative risk proposed in premise (2) by showing that bringing a child into existence does not always or even typically involve imposing the type of risk that premise (1) deems to be impermissible. This may be because

it does not present a risk of the relevant type of harm, because the probability of that type of harm occurring is within an acceptable range, or because there is an appropriate justification for imposing the risk of that type of harm under the circumstances, such that the conclusion expressed in (3) does not necessarily follow.

Different risk-based arguments vary according to how they fill out the content of premises (1) and (2), though they also share some common features that are worth taking note of. First, risk-based arguments must by definition focus on *atypical* harms, or harms of a type or magnitude that human beings will not necessarily experience over the course of their lifetimes—otherwise, the argument simply reverts to a harm-based argument, or one intended to show that bringing a child into existence is impermissible in virtue of causing that child to be harmed. To be sure, the distinction between exposing a person to harm and exposing that person to a risk of harm is not always important—we might think that both are impermissible in a particular instance when not accompanied by the appropriate type of justification—though it is potentially significant in the context of an argument that seeks to locate the wrongness of procreation in the imposition of risk, rather than in the inevitability of harm. For such an argument to succeed, it need not be the case that the risks of procreation ripen into actual harms, and it is not necessarily a defense of such an argument to insist that they will (as such a defense may simply reveal that the argument is not risk-based after all). This is in one sense an advantage for risk-based arguments, as it opens the possibility the procreation can be wrongful *even* in cases where the resultant child does not succumb to "unspeakable suffering." However, this apparent advantage also comes with a challenge, for in cases where the risks of procreation do *not* ripen into actual harms, proponents have the burden of demonstrating why these instances of "pure risking" are nevertheless impermissible.[14]

Second, the risk-based arguments considered in this paper are considered as *independent* arguments for anti-natalism that do not rely on the truth of alternative arguments, such as the asymmetry or quality of life arguments. This, I take it, is consistent with Benatar's original presentation, in which he offers his risk-based argument as an alternative to those who are unwilling to accept the more sweeping quality of life claim that all human lives are sufficiently bad to be not worth starting. Even if it were not consistent with Benatar's original presentation, however, considering risk-based arguments as independent arguments for anti-natalism is the more prudent strategy for him and others who are sympathetic to his position. Recall that one of the principal advantages of risk-based arguments is that they do not need to rely on controversial premises that are unlikely to be widely accepted, but can rather follow from a plausible principle of risk imposition that is commonly employed in other contexts. It is clear, then, that a risk-based argument would lose all of its value for Benatar if its construction or defense depended on accepting the controversial terms of his asymmetry or quality of life arguments. I clarify this at the outset because it helps to pre-empt some of Benatar's own defensive remarks in favor of

[14] For descriptions of the so-called problem of pure risking, see Judith Jarvis Thomson, "Imposing Risks" in *Rights, Restitution, and Risk* (Cambridge, MA: Harvard University Press, 1986), and John Oberdiek, *Imposing Risk: A Normative Framework* (Oxford: Oxford University Press, 2017), chapter 3.

his risk-based argument, several of which explicitly fall back on the asymmetry and quality of life arguments.[15] Keeping in mind the independence of risk-based arguments will help to show why these remarks are misguided.

Finally, the risk-based arguments considered in this paper are also considered as *categorical* arguments for anti-natalism, or arguments intended to show that procreation is always impermissible in virtue of wrongful risk imposition on the resultant child. Thus, I will assume that the relevant measure of success for these arguments is their ability to deliver on this strong claim.

3 Risk Principle #1

With these preliminaries in mind, let us turn to Benatar's own risk-based argument. Notably, Benatar does not provide a general account of the conditions under which it is impermissible to impose a risk of harm on others, though his analogy with Russian roulette suggests the following principle:

> *Risk Principle #1:* it is impermissible to non-consensually impose a risk of catastrophic harm on others when there is a high probability of occurrence.

By 'catastrophic harm' I mean harm of a type or magnitude that would cause us to question whether a person experiencing that harm could be living a worthwhile life, or a life that is of at least some value to her. Many (though perhaps not all) of the harms that Benatar enumerates in the quoted passage in the introduction may be categorized as 'catastrophic harms' in the relevant sense. By 'high probability' I simply mean a level of probability akin to the probability of encountering a live round in a game of Russian roulette. This is of course an imprecise definition that admits of a range of probabilities, though for present purposes it will be sufficient to employ a loose understanding of 'high probability' in the sense just described.

When we plug *Risk Principle #1* into the basic formula for risk-based arguments, we get the following:

(1) It is impermissible to non-consensually impose a risk of catastrophic harm on others when there is a high probability of occurrence;
(2) Bringing a child into existence involves non-consensually imposing a highly probable risk of catastrophic harm on that child; therefore,
(3) It is impermissible to bring children into existence.

Is this argument sound? Let us consider each of its premises in turn. Premise (1) initially seems plausible as a sufficient condition for the impermissibility of risk imposition, though one might attempt to challenge it by noting there are sometimes cases in which we are justified in imposing a highly probable risk of catastrophic harm on others. This might be true when doing so is necessary to secure an important

[15] See, for example, Benatar and Wasserman, op. cit., pp. 66-68.

benefit for that person. Imagine, for example, that an unconscious patient has sustained a serious head injury and requires a hazardous craniectomy in order to relieve swelling in their brain. Even if performing this operation will impose a significant risk of catastrophic harm on the patient—including death, brain death, or permanent paralysis, for example—doing so still seems justified insofar as it is necessary to save that patient's life. If this is correct, then there are sometimes valid exceptions to the principle expressed in premise (1), providing a possible line of objection to Benatar's argument.

In order for this line of objection to succeed, however, it would have to be true that in bringing a child into existence we are conferring a benefit on that child that is sufficiently important to justify the imposition of highly probable, grave risks. This is controversial, and will depend both on (a) whether we think existence itself can be beneficial, and (b) whether we think it is the right kind of benefit to justify the imposition of serious risks. If we are invoking a comparative notion of benefit—according to which a person benefits when they are made better off than they otherwise would have been—then we might doubt whether existence itself can be beneficial, for there is no person who would have been worse off absent its conferral. This marks a morally relevant distinction between the case of the patient and the case of procreation: while the patient stands to be made better off by being subject to the risks associated with the surgery, a merely possible child does not stand to be made better off by being subject to the risks associated with existence. And if there is no benefit we can point to in order to justify the imposition of risk, then bringing a child into existence would not fit the relevant class of exceptions to *Risk Principle #1*.

If, however, we are invoking a non-comparative notion of benefit—according to which a person benefits when they enjoy a state of affairs that is good for them—then we might think that existence *can* be beneficial so long as it contains a sufficient amount of good.[16] In this case, we can say that, just like the patient, a child stands to benefit as a result of being subject to the risks associated with existence, and the question then becomes whether this is the right kind of benefit to justify the imposition of those risks. This again is controversial. For instance, Seana Shiffrin identifies at least one difference between cases like the patient and the case of procreation that might lead us to answer in the negative: while the benefit of the surgery is *preventative* in the sense that it involves protecting the patient from suffering greater harm, the benefit of existence is better understood as a *pure* benefit, or a benefit that is just a good and does not also involve the prevention of or removal from harm.[17] Intuitively, preventative benefits and pure benefits have different justificatory powers. For example, while it seems permissible to non-consensually perform a risky surgery on an unconscious patient in order to save their life, it is clearly impermissible to do

[16] For a classic defense of this view, see Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), Appendix G. For more recent statements, see Krister Bykvist. "The Benefits of Coming into Existence," *Philosophical Studies*, 135(3) (2007): 335-362; Elizabeth Harman, "Can We Harm and Benefit in Creating?" *Philosophical Perspectives*, 18 (2004): 89-113; and Seana Valentine Shiffrin, "Wrongful Life, Procreative Responsibility, and the Significance of Harm," *Legal Theory,* 5(2) (1999): 117-148.

[17] Shiffrin, op. cit., pp. 124-125.

so in order to provide them with a pure benefit, such as enhanced cognitive abilities or an improved appearance. If existence is indeed a pure benefit in the sense just described, then we might doubt whether it can justify the imposition of serious risks.

I will say more about this below in connection with *Risk Principle #3*; for now, however, let us consider a second and more straightforward way of challenging Benatar's argument, which is to reject the account of procreative risk supplied in premise (2). Benatar is correct that procreation always involves an inherent risk, as some human lives are characterized by "unspeakable suffering" and we cannot guarantee ahead of time that our children will not go on to lead one of these lives. However, the analogy with Russian roulette is surely unwarranted. While firing a loaded pistol at a child presents a very high probability of a catastrophic outcome—particularly, say, if one in six chambers are loaded—the same cannot be said in good faith about procreation. We can never predict the future, but we can normally make reasonable projections about the kind of lives our children will lead based on the range of information that is available to us, including the average quality of life in the society we live in, the risks that are associated with living in that particular society, and our personal capacity to mitigate those risks and provide for our children's emotional and material well-being. In many cases, it is reasonable to conclude that the risk of the relevant catastrophe—a life so immersed in suffering as to be of questionable value to the person who leads it—is sufficiently low to render our decision to procreate justifiable on the terms of *Risk Principle #1*.

Unsurprisingly, Benatar is unimpressed with this type of optimistic projection, suggesting that it is "a manifestation of Pollyannaism, comparison and adaptation, and is refuted by a full list of all the bad things that can happen to anybody"[18] (recall that Pollyannaism, comparison, and adaptation are the psychological phenomena that Benatar discusses in the context of his quality of life argument, which he believes bias us towards optimism and prevent us from seeing how bad our lives really are).[19] However, there are at least two problems with this type of response. First, it undermines the independence of the risk-based argument by explicitly relying on the contentious terms of the quality of life argument. Recall that the risk-based argument was originally offered in response to those who are skeptical of the claim that *all* human lives are sufficiently bad to be not worth starting. Insofar as this is the case, it is a weak strategy to appeal to this very claim in defense of that argument. Not only is such a defense self-defeating insofar as it relies on the claim that was the original point of contention, but it also robs the risk-based argument of its distinctive role, which is to generate anti-natalism from the wrongness of risk imposition rather than the inevitability of serious harm. The principal advantage of this type of argument is that it does *not* require us to endorse a pessimistic view of the quality of human existence, but only a plausible principle of risk imposition combined with an irrefutable set of empirical claims, namely, (a) that some human lives

[18] David Benatar, "*Still* Better Never to Have Been: A Reply to (More) of My Critics," *Journal of Ethics*, 17(1/2) (2013): 121-151, p. 148, n. 43.

[19] See Benatar, *Better Never to Have Been*, op. cit., pp. 64-69, and Benatar and Wasserman, op. cit. 41-45.

are indeed very bad and (b) we cannot guarantee ahead of time that our children will not go on to lead one of those lives. A defense of the risk-based argument that dispenses with this advantage is fundamentally misguided.

Second, and perhaps more to the point, the response does not actually succeed in addressing the original objection. After all, a list is not an argument, and even the most comprehensive list of the bad things that might happen to us does not tell us anything about their probability of occurrence or whether risking their occurrence in light of that probability is justified all things considered. The claim, after all, is not that our children will not encounter *any* suffering throughout their lifetime—this much is guaranteed. Rather, the claim is that they are in most cases unlikely to encounter suffering of a magnitude that would render their lives to be not worth starting, and that *Risk Principle #1* would not therefore proscribe procreation in those cases. Simply listing the bad things that we might experience in our lifetimes does nothing to undermine this claim.

Of course, Benatar might attempt to undermine it in a different way by establishing that the probability of catastrophic harm is actually much higher than we tend to realize. He pursues this strategy in the most recent statement of his risk-based argument, citing cancer as an example of a "very bad" fate that awaits many of us, with as many as one in two men and one in three women likely to develop it over the course of their lifetime.[20] This strategy seems unlikely to succeed, however, for as terrible as it can be to suffer from a disease like cancer—or to witness that suffering in a loved one—it is debatable whether it falls into the category of catastrophic harms, or harms that would cause us to question whether a person experiencing them could have a worthwhile life. To test this claim, consider the following thought experiment. A cancer patient is suffering in the hospital when a group of doctors offer him an experimental drug. The drug is very likely to cure his particular type of cancer, though it comes with the side-effect of severe memory loss, such that it will cause him to forever lose memory of his family, friends, and other close relationships. If cancer were indeed a catastrophic harm in the sense required by Benatar's response, then it would be rational for the patient to accept the drug and cure himself of cancer at the expense of his relationships. However, I suspect that many would regard this as a serious error in judgment, one that overestimates the importance of harm-avoidance relative to the other goods that make existence worthwhile. Given the tragic parameters of the patient's decision, it seems perfectly reasonable for him to take the bad with the good in this instance rather than to avoid the bad at the expense of the good. Benatar suggests that this type of response is "callous," and that it "fails to appreciate just how bad it is to suffer from a condition like cancer,"[21] though this seems like an uncharitable appraisal. Rather than expressing an insensitivity to the badness of cancer, I believe it reflects a defensible weighing of values, one that suggests the good aspects of existence can sometimes be sufficiently valuable to compensate for even serious harms. If this is correct, it suggests—quite

[20] Benatar 2015a, op. cit., 68.

[21] Ibid., 69.

plausibly—that life can still be worthwhile even if it contains a serious and probable harm like cancer.

There are, of course, cases in which a child *is* more likely to suffer catastrophic harm and where the risks of procreation may be harder to justify. This might be due to genetic factors, such as a strong likelihood of inheriting a debilitating genetic condition that is incompatible with a minimally decent life, or to environmental factors such as war, famine, or the unavailability of adequate parental care. However, focusing on these types of cases would at best generate the following conditional argument for anti-natalism:

(1) It is impermissible to non-consensually impose a risk of catastrophic harm on others when there is a high probability of occurrence;
(2) Bringing a child into existence sometimes involves non-consensually imposing a highly probable risk of catastrophic harm on that child; therefore,
(3) It is impermissible to bring a child into existence in cases where that child will face a highly probable risk of catastrophic harm.

This type of argument will not proscribe procreation in cases where a child will *not* face a highly probable risk of catastrophic harm, and therefore fails as a categorical argument for anti-natalism.

4 Risk Principle #2

The failure of Benatar's risk-based argument is due in large part to the probability proviso in Risk Principle #1. If it is only impermissible to impose a risk of catastrophic harm on others when there is a *high probability* of occurrence, then this principle will only proscribe procreation in relatively rare and aberrant cases, particularly if we are setting aside pessimistic assessments of the quality of human existence. One obvious way to address this deficiency is to dispense with this proviso and propose a more stringent principle of risk imposition. Consider, then, the following principle:

> *Risk Principle #2:* it is impermissible to non-consensually impose a risk of catastrophic harm on others regardless of its probability of occurrence.

When we plug this principle into the general formula for risk-based arguments, we get the following:

(1) It is impermissible to non-consensually impose a risk of catastrophic harm on others regardless of its probability of occurrence;
(2) Bringing a child into existence involves non-consensually imposing at least some risk of catastrophic harm on that child; therefore;
(3) It is impermissible to bring children into existence.

This is essentially the line of argument advanced by Matti Häyry, who argues that it is both irrational and immoral to pursue a course of action that presents a risk of the worst possible outcome, regardless of how unlikely it is to occur. When making decisions in conditions of risk and uncertainty, Häyry argues that it is rational to choose the course of action that optimizes the worst possible outcome.[22] This view is based on the *maximin* principle that John Rawls famously defends in the context of his theory of justice.[23] In his Original Position thought experiment, Rawls imagines what kinds of social institutions hypothetical contractors would agree to from behind a 'veil of ignorance' in which they lacked information about who they are and what position they will occupy in society. In these conditions of uncertainty, Rawls thought it would be rational for the contractors to employ maximin reasoning and select the scheme of institutions that optimizes the position of the worst-off member of society, for as far as each contractor knows, they may very well end up occupying that position. Häyry argues that similar reasoning should govern prospective procreators in their decision of whether or not to create a child, claiming,

> When people consider the possibility of having children, they confront the following choice. They can decide not to have children, in which case nobody will be harmed or benefitted. The value of this choice, in terms of potential future individuals and their lives, is zero. Alternatively, they can decide to have a child, in which case a new individual will be born. If this happens, the life of the future individual can be good or bad. The eventual value of the decision, depending on the luck of the reproducers, can be positive, zero, or negative. Since it is rational to avoid the possible negative outcome, when the alternative is zero, it is rational to choose not to have children.[24]

Häyry's claim that the value of procreation can be negative is based on the assumption that some human lives are so low in quality that non-existence would be preferable. This assumption is not in dispute—let us grant for the sake of argument that some human lives contain so much suffering as to have little value for the persons who lead them, and possibly even negative value.[25] What is in dispute, however, is whether the mere possibility of such a life is sufficient to render the decision to procreate irrational on maximin grounds. This is doubtful. In Rawls' Original Position, it is rational for the hypothetical contractors to employ maximin reasoning in their choice of institutions because they are shielded from probability estimates that would otherwise enable them to make calculated gambles. For example, suppose that institutional scheme A had a slightly worse worst position than scheme B, but a much better set of positions above this. If the parties in the Original Position knew

[22] Matti Häyry. "A Rational Cure for Pre-Reproductive Stress Syndrome," *Journal of Medical Ethics*, 30(4) (2004), pp. 377-378, 377.

[23] John Rawls. *A Theory of Justice*. (Cambridge, MA: Harvard University Press, 1971), 152-157.

[24] Matti Häyry. "A Rational Cure for Pre-Reproductive Stress Syndrome," *Journal of Medical Ethics*, 30(4) (2004), pp. 377-378, 377.

[25] For a defense of this view, see Joel Feinberg, "Wrongful Life and the Counterfactual Element in Harming," in *Freedom and Fulfillment: Philosophical Essays* (Princeton: Princeton University Press, 1992).

that there was only a miniscule chance of ending up in the worst position under scheme A, they might accept that risk in exchange for the higher payoff of ending up in the better positions under scheme A. However, because they do not have this information, the contractors are forced to assign an equal probability to each outcome, which introduces a level of risk aversion into their decision-making. For all they know, there is an equal chance of ending up in the best and worst positions under either scheme, so the rational choice is to select the scheme that optimizes the worst possible outcome.

The decision to create a child is not like this. Insofar as we can make reasonable projections about the kinds of lives our children are likely to lead based on the range of information that is available to us, we are not forced to assign equal probabilities to positive and negative outcomes. In fact, because a negative outcome in this context is defined as a life so low in quality as to make non-existence preferable, we can normally proceed confidently in the knowledge that the probability of this outcome is extremely low. It is far more likely that our decision will yield an outcome that Häyry would characterize as positive, or a life that is of at least some benefit to the person who will live it. There is of course a wide range of possibilities within this class—from lives that are only marginally preferable to non-existence to the best human lives we can realistically imagine—though it is reasonable to think that producing a life within this range is considerably more likely than producing a life that is of negative value for the person who lives it.

If this argument is correct, then procreation is not a domain in which maximin reasoning is appropriate, and hence the decision to bring a child into existence is not irrational in the way that Häyry suggests. However, even if the decision to bring a child into existence is not irrational given the odds of a positive outcome, it still may be immoral given the mere possibility of a negative outcome. This, in effect, is what Häyry argues, suggesting that to create a child is to take an unacceptable gamble:

> …since potential parents cannot guarantee that the lives of their children will be better than non-existence, they can also be rightfully accused of gambling on other people's lives, whatever the outcome. Because of the uncertainties of human life, anybody's children can end up arguing that it would have been better for them not to have been born at all. The probability of this outcome does not necessarily matter. It is enough that the possibility is real, which it always is.[26]

If it is impermissible to impose the risk of catastrophic harm on others, regardless of its probability of occurrence, then procreation should indeed be regarded as a presumptively impermissible activity. However, it is difficult to defend this extremely precautionary principle. Not only would it impugn all instances of procreation—which Häyry and Benatar of course find acceptable—but it would also impugn a wide range of other activities that we normally take to be permissible. For example, if it is true that "we should not pick out policies, or courses of action,

[26] Ibid., 378.

which can realistically have disastrous consequences,"[27] then we should refrain from driving cars, flying planes, performing invasive medical procedures, or even engaging in intimate relationships. If this seems excessive, it is because the risks associated with these activities are normally thought to be justified in virtue of the benefits they make possible, combined with a sufficiently low probability of disastrous consequences.

There are, however, cases in which the probability of disaster is heightened, and where the benefits of a particular activity can no longer justify the risks that are associated with it. For example, while the risks associated with commercial air travel are normally justified in virtue of the benefits it provides, this is no longer the case if dangerous weather conditions or mechanical problems with the aircraft make a crash significantly more likely. The same reasoning applies in the case of procreation. While the decision to procreate is normally justified by the reasonable expectation that the good aspects of the child's life will sufficiently outweigh the bad, there are special cases in which this expectation is no longer reasonable. For example, if a child will be born into hopeless poverty, or with a significant likelihood of developing a medical condition that is incompatible with a minimally decent life, then a defensible principle of risk imposition may reasonably proscribe procreation in those cases. However, this qualified view is a far cry from the sweeping conclusion that such a principle condemns procreation in *all* cases.

5 Risk Principle #3

If *Risk Principle #1* and *Risk Principle #2* exhausted the possibilities for risk-based arguments, then proponents of anti-natalism would face a difficult dilemma: either endorse *Risk Principle #2* on pain of committing to an independently implausible account of the morality of risk imposition, or endorse *Risk Principle #1* on pain of accepting a much more qualified anti-natalist conclusion. Fortunately for them, however, these are not the only possibilities. One feature that has been largely overlooked by both of these principles is the importance of our *reasons* for imposing the relevant risks. This is significant, for as I noted earlier, our views about the morality of risk-imposing activities normally fluctuate on the basis of three variables: (1) the magnitude of harm that is risked by a particular activity, (2) its probability of occurrence, and (3) the justification that can be offered for engaging in that activity in the first place. For example, we saw in connection with *Risk Principle #1* that there are sometimes cases in which we are justified in imposing even highly probable risks of catastrophic harm on others. These are cases in which doing so is necessary to advance their essential interests. However, we also saw that procreation is an uncertain candidate for this type of justification, for existence is not essential in the same way as other benefits that intuitively justify the imposition of serious risks (e.g. life-saving surgery); rather, it is at best a pure benefit that can deliver significant advantages but does not also involve the prevention of or removal from more serious types

[27] Ibid., p. 377.

of harm. This suggests a possible route to anti-natalism via the following, Shiffrin-inspired principle:

> *Risk Principle #3:* it is impermissible to non-consensually impose a risk of catastrophic harm on others *unless* doing so is necessary to advance their essential interests.

I will assume that an interest is essential when its satisfaction is a necessary precondition of living a minimally decent life and of pursuing other valuable projects and aims. Following Joel Feinberg, we might think that such interests include our interest in the continuation of our lives for the foreseeable future, in minimal physical health and rigor, in the integrity and normal functioning of one's body, in the absence of extreme pain and disfigurement, in basic subsistence and material security, and in freedom from unjustified interference and coercion, among others.[28] I will assume that an action is necessary to advance a person's essential interests when the non-performance of that action is certain to leave that person worse off with respect to their essential interests. The test for necessity is therefore counterfactual, requiring a comparison of the state a person might occupy after a particular action is performed with the state that person will occupy if the action is not performed. Risky but potentially life-saving surgery is permissible, on this view, because the patient is certain to be worse off with respect to their essential interests if the risks of the surgery are not imposed, even if they are not certain to be made better off with respect to their essential interests if those risks are imposed.

When we plug *Risk Principle #3* into the general formula for risk-based arguments, we get the following:

(1) It is impermissible to non-consensually impose a risk of catastrophic harm on others *unless* doing so is necessary to advance their essential interests;
(2) Bringing a child into existence involves non-consensually imposing a risk of catastrophic harm on that child that is not necessary to advance their essential interests; therefore,
(3) It is impermissible to bring children into existence.

One of the advantages of this type of argument is that it shifts the focus from questions about the probability of a risk ripening into harm to questions about the reasons we can offer for imposing that risk in the first place. Even if a particular action presents a very low risk of catastrophic harm, this may be sufficient to render that action impermissible if there is no appropriate justification for performing it in the first place. Imagine, for example, that I can press a button that presents a one-in-ten billion chance of delivering a major electrical shock to an unsuspecting victim. The chance of causing any harm by pressing this button is remote, though if there is no good reason for pressing it to begin with, this remote chance can still ground a strong moral presumption against doing so. This presents a potentially effective rejoinder to

[28] See Joel Feinberg's description of welfare interests in Joel Feinberg, *The Moral Limits of the Criminal Law, Volume 1: Harm to Others* (Oxford: Oxford University Press, 1984), P. 37.

my earlier rejection of Benatar's own risk-based argument. Rather than continuing to insist that any child we create is likely to experience catastrophic harm, Benatar can now concede that the risk of this outcome is actually low, but nevertheless impermissible due to the absence of an appropriate justification for imposing that risk, namely, one that refers to the essential interests of the child on whom the risk is imposed.[29]

Of course, whether this argument succeeds will ultimately depend on the plausibility of premises (1) and (2), so let us consider each of them in turn. Premise (2) simply seems incontrovertible if we are taking a counterfactual approach to assessing whether the imposition of risk is necessary to advance a child's essential interests. If a child is not subject to the risk of catastrophic harm that accompanies being brought into existence, then they will not be any worse off with respect to their essential interests, for there is no child in that scenario to possess essential interests. Thus, it can never be true that imposing the risks of existence on a child is necessary to advance their essential interests.

Premise (1), on the other hand, appears vulnerable to a number of possible objections. First, one might attempt to challenge premise (1) on the grounds that there are sometimes cases in which it is permissible to impose a risk of catastrophic harm on others *even* when this is not necessary to advance their essential interests. This might be true when doing so is necessary to advance the essential interests of oneself or of certain third parties. Imagine, for example, that I am inside of my home during an armed conflict when a live grenade comes crashing through my window. On some approaches toward morality—including those that permit the expression of partiality to oneself or to one's close relations—it is permissible for me to lob the grenade back into the street in order to protect myself or my family, even though this will expose others to a risk of catastrophic harm. If this is correct, then there are at least some valid justifications for imposing a risk of catastrophic harm that are not captured by *Risk Principle #3*. These justifications could provide a possible escape route for pro-natalists if they could make a plausible case that bringing a child into existence is necessary to advance the essential interests of procreators or third parties.[30]

Second, one might attempt to challenge premise (1) by questioning its emphasis on essential interests. I have argued that bringing a child into existence cannot be necessary to advance their essential interests because they would not have been worse off with respect to their essential interests if they were never created. Thus, if

[29] Benatar does not pursue this line of argument himself, though he seems to acknowledge its appeal, noting that "When considering the interests of the prospective child, there is nothing to be lost by desisting from bringing it into existence. There is however a very serious cost if the created person suffers in one of the ways I have mentioned." See Benatar and Wasserman, op. cit., p. 67.

[30] One such case might appeal to Samuel Scheffler's 'afterlife conjecture' that the value of our life projects depend on the assumption of a 'collective afterlife', or the notion that others will continue to live on after we die. If this is correct, we might think that members of the present generation are justified in creating at least *n* children, where *n* is the minimum number required to secure a collective afterlife, despite the risk of catastrophic harm they will be exposed to. See Samuel Scheffler. *Death and the Afterlife*. Ed. Niko Kolodny. (Oxford: Oxford University Press, 2013).

non-consensually imposing a risk of catastrophic harm on a person is only permissible in cases where it is necessary to advance their *essential* interests, then procreation can never be permissible. There may be cases, however, in which we are justified in non-consensually imposing a risk of catastrophic harm on others in order to secure significant non-essential, non-comparative benefits. These kinds of cases are admittedly difficult to come up with, but the following case might come close to displaying the relevant features:

> *Child Prodigy*: Aurora is a young girl who, from a very early age, displays an incredible talent for musical composition. Eager to encourage this talent, Aurora's parents enrol her into a rigorous training program throughout her childhood where she attends a special school for musically gifted children and spends nearly all of her free time in lessons and rehearsals. Eventually, Aurora grows up to be a happy and successful pianist who develops a novel playing style and pushes the boundaries of piano composition.

By enrolling her into a rigorous training program throughout her childhood, Aurora's parents have exposed her to a risk of serious harm for the sake of delivering a significant non-essential benefit. There is a risk their decision will backfire, leaving Aurora miserable, isolated, and regretful that she did not get to experience a more carefree childhood, though there is also a chance their decision will yield a significant non-essential benefit, namely, the benefit of becoming a successful and prodigious musical talent. Notably, Aurora will not be worse off with respect to her essential interests if she is not enrolled into this training program, though in order to yield its potential benefit, the risk must be imposed while she is still very young, before she develops the capacity to meaningfully consent to it.

If it is permissible for Aurora's parents to enrol her into this type of training program, then it opens another possible escape route for pro-natalists, who can now argue that we are sometimes justified in exposing others to a risk of catastrophic harm when doing so is necessary to secure a significant non-essential benefit. I am under no illusion that this type of example is uncontroversial—it is certain to face objections from advocates of autonomy-promoting childhoods, for example, and if these objections are successful, they would offer further support for an anti-natalist argument premised on *Risk Principle #3*. However, the example of *Child Prodigy* is just one type of example that exhibits the relevant features, and there may be others that are equally or more plausible, particularly in cases where the probability is skewed more toward delivering the benefit than realizing the risk. The challenge for anti-natalists is to explain why, in these cases, it is still impermissible to bring a child into existence, despite the likelihood of that child enjoying significant, non-comparative benefits.

6 Conclusion

In this article, I have outlined three risk-based arguments for anti-natalism and argued that only the third, justificatory argument has the potential to be successful. According to this argument, procreation is impermissible because it involves

imposing a risk of catastrophic harm on the resultant child that is not necessary to advance their essential interests. This type of argument notably departs from the tenets of Benatar's other arguments for anti-natalism—it does not assume that existence is always comparative worse than non-existence nor does it assume that existence is always non-comparatively bad—though given the controversy surrounding those arguments and the subsequent need to develop an independent risk-based argument, this counts as a significant advantage. Benatar would be wise to give this type of argument further consideration and allow it to play a more central role in his justification for anti-natalism.

Acknowledgements For helpful comments on previous drafts of this paper, I am grateful to Anca Gheaus, Oliver Hallich, Michael Hauskeller, and Riccardo Spotorno.