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REPRODUCTION, PARTIALITY, AND THE NON-IDENTITY
PROBLEM

1. THE LIBERAL VIEW OF REPRODUCTION

Much work in contemporary bioethics defends a broadly liberal view of human reproduction. I shall take this view to comprise (but not to be exhausted by) the following four claims.¹ First, it is permissible both to reproduce and not to reproduce, either by traditional means or by means of assisted reproductive techniques such as IVF and genetic screening. Second, it is permissible either to reproduce or to adopt or otherwise foster an existing child to which one is not biologically related. Third, it is permissible either to bring into existence a child with the greatest chance of a life of maximum human flourishing or to bring into existence a child with a life worth living but with less than the greatest chance of a life of maximum human flourishing. Fourth, it is impermissible to bring into existence a child whose life is either certain or likely to fall below some baseline of a human life minimally worth living.

There is much controversy about which moral theory makes best sense of the liberal view. A number of theories currently espoused in the literature claim to cohere with the liberal view.² The measure of such coherence is arguably twofold. First, coherence

requires that the theory in question is *extensionally adequate*. In other words, its practical implications must cohere with individual judgements of permissibility or impermissibility entailed by the liberal view. In this paper, I shall make the generous assumption that all theories currently on offer can meet this constraint. Second, coherence requires that the theory is *intensionally adequate*. To be intensionally adequate a moral theory must give a reflectively coherent explanation of its practical implications for individual judgements of permissibility and impermissibility. In this paper, I argue that an important class of moral theories may struggle to meet this second constraint on coherence. This is a class of theories that take an impartial perspective of beneficence as uniquely fundamental to the ethics of human reproduction. I shall take one recent and sophisticated formulation of consequentialism as a paradigm representative of theories in this class.³ This choice is partly for ease of exposition, but also partly in response to the central place of consequentialism in contemporary moral philosophy. However, my argument will arguably also apply to other moral theories that regard some impartial perspective as uniquely fundamental. I do not wish to argue that all impartialist moral theories should be rejected in favour of a uniquely partialist moral theory. My hypothesis is that partial and impartial perspectives on ethical evaluation are both irreducibly fundamental. I therefore reject the idea of a uniquely integrated moral theory on purely partialist or impartialist terms. One consequence of this conclusion for the ethics of human reproduction is that different and incompatible perspectives may reasonably be adopted in different reproductive scenarios. In particular, I suggest that some values that reasonably govern public policy in matters of human reproduction may differ from values that reasonably govern individual reproductive choice on a smaller scale. If so, the integrated theoretical

approach favoured by many philosophers writing on the ethics of human reproduction is actually misleading and potentially misguided.

2. REPRODUCTION AND NON-IDENTITY

Reproductive choices are identity-affecting. A choice is identity affecting if it determines which among some set of possible items will actually come to exist.⁴ Reproductive choices are identity-affecting in a particularly problematic way. Many reproductive decisions involve choices between possible human lives where, depending on the choice made, different human beings will come to exist. In such cases, there is no individual person whose existence remains constant across the different choice options and about whom we can say that he or she would be better off in one scenario than in another. This claim rests on the assumption that human identity depends on genetic origin and constitution. It follows from this assumption that some of the actual spatiotemporal properties of a person's origins are essential to their identity. This assumption is rarely challenged in the literature in spite of the fact that pre-theoretical beliefs about genetics, origin, and identity are widely confused and unreliable. The genetic information embodied in the cells of one's body could be replicated and embodied in the cells of a different body. Identical twins are (near enough) genetic clones. The properties of an adult human being, including their personality and sense of identity, are not determined by their genetic constitution but are a causal product of a complex interplay of genetics, pre-natal development, and post-natal environment. Nevertheless, many people remain attached to some kind of origin essentialism about personal identity. Perhaps this is due

to difficulties of individuation arising in cases where the creation of more than one person is in question. In such cases, intuitions about identity may lose their robustness. Suppose, for example, that the parents of an only child could have had two children instead of one, each child looking pretty much identical to their actual child. Which, if any, of these possible children would be identical to their actual child? Some form of actualist essentialism about origin might be thought to offer the least painful way out of this, and related, difficulties of individuation.

Identity affecting choices include the choices of prospective parents to reproduce at a given time, with a certain partner, and in a given way. More controversially, they include the decisions of prospective parents and health professionals to select for children with given traits by means of genetic technology, either in view of the health of the resulting child or in view of the health of some existing child for whom the resulting child can act as a donor of bone-marrow or the like. Finally, identify-affecting choices include the choices of public institutions and governments to implement policies that will affect the identity and living conditions of generations to come.

The cluster of ethical difficulties that arise from identity-affecting choices underlies what has come to be known as the ‘non-identity problem’.⁵ This problem has attracted increasing amounts of attention in recent years, both in moral philosophy and elsewhere. One central aim of moral theory as applied to the non-identity problem has been to produce an integrated account of identity-affecting choices, both in the context of human reproduction and elsewhere. On an integrated account, the non-identity problem would

receive the same treatment across different domains, including the identity-affecting choices of prospective parents and groups of kin on the one hand, and governments and other public institutions on the other. The advantage promised by this strategy is obvious. A systematic and theoretically unified model of moral explanation, applicable to all scenarios where identity-affecting choices could potentially arise would simplify the intellectual challenge faced by individuals or groups when making difficult choices in which life and death are at stake. One of the most promising versions of this strategy in contemporary moral theory is that offered by sophisticated forms of consequentialism. Qua consequentialist, such theories construe right reproductive choice as some function of the good, considered impartially. Qua sophisticated, such theories construe right reproductive choice as determined by its consistency with norms or principles the near universal acceptance of which would be impartially beneficial at a given place and within a given time-frame. Such forms of sophisticated consequentialism would arguably rule out the choice of radically sub-optimal reproductive options without thereby requiring prospective parents to always reproduce for the greatest impartial benefit. They would therefore seem capable of respecting many of the partial commitments that characterise normal reproductive projects, such as the desire to have one's own child with whom one wants, when one wants, and in the way one wants (subject to generally acceptable standards of reproductive service either licensed, provided, or otherwise accommodated by the state). To this extent, a sophisticated consequentialist approach coheres with the liberal view of reproduction.

3. REPRODUCTION AND PARTIALITY

Many decisions relevant to human reproduction are normally subject to impartial constraints. Government decisions on reproductive health care policy are subject to ethical criticism if they are systematically biased in favour of one group of citizens over another. It is also natural to ask that governments consider the consequences of current reproductive policy on future generations. Other reproductive decisions relevant to human reproduction are not normally subject to comparably impartial constraints. Individual couples are not normally subject to ethical criticism for not considering the interests of all citizens equally when deciding whether to have children, with whom to have children, how many children to have, and so on. It follows that the features of options regarded as ethically most important will normally differ between general social policy on the one hand, and individual family planning on the other. This difference in ethical focus is emphasized in a recent paper by David Wasserman, who writes that “we are inclined to see the role-specific duties of parents or caretakers as quintessentially personal. After all, when philosophers attempt to justify a partiality that defies the alleged imperative to maximize aggregate welfare, they typically adduce the duties of parents to their children; the contrasting paradigm is the cold, inflexible bureaucrat”.⁶ This claim should not be taken to imply that public and familial contexts of ethical choice have no features in common. In modern liberal societies with centrally provided health-care the options available for individual reproductive choice are legally constrained by impartial considerations of potential risks and benefits. Thus, there are widely accepted restrictions on who can become a sperm donor for the purposes of IVF, for example. Nevertheless, in

many modern liberal societies reproductive decisions on a familial scale are granted a significant degree of autonomy from impartial social concerns. A sophisticated consequentialist theory will be consistent with this degree of reproductive autonomy to the extent that such autonomy has a general impartial rationale. Yet why should we think that the ethical credentials of individual reproductive autonomy are hostage to its explanation on impartial terms? What, if anything, speaks in favour of assigning unique ethical priority to impartial considerations in matters of reproductive decision-making?

One way to think of reproductive choices is to think of them as the realisation of reproductive options, where options are objects of possible desire, only some of which will ever be actualised or made real. In choosing between options, ethically serious persons will consider their ethically relevant features and realise the options that appropriately instantiate them. One central question for moral theory is therefore what makes something an ethically relevant feature of options. One set of features normally endorsed as ethically relevant is the set of features that make options good in some way. Thus, the option of having children can be good insofar as its realisation will be productive of happiness. Yet options can be good both partially and impartially. The creation of a given child may not promote happiness impartially even if it is a source of great happiness for the child or its family (or vice versa). So why think the impartial goodness of an option is uniquely fundamental?

One way to think of impartiality is as an attitude of neutrality between objects in a given domain. On this understanding, partiality consists of a preference directed toward a

proper subset of objects within that domain. Thus, a parent can be impartial with respect to the attention he gives to his children, or he can give some of his children special treatment. It is widely agreed that good parents are, in some sense, impartial between their own children (even if it is less often agreed what such impartiality requires in practice). It is also widely agreed that good parents need not be impartial towards all children. A parent would normally be expected to give special treatment to his own children, except in special circumstances, such as when overseeing an organised activity like a football-game. Different partial and impartial concerns coexist across a wide range of activities in the lives of ethically serious parents.

The distinction between partiality and impartiality is easiest to grasp where the options considered all involve actually identifiable individuals, such as existing children. In cases where the existence and identity of merely possible individuals are at stake the distinction between partiality and impartiality is harder to pin down. The difficulty derives in part from the idea of being partial or impartial with respect to an indefinite number of possible objects, not all of which are realisable together, and only some of which will actually exist while others will not. A human reproductive choice is but one example of a situation exemplifying each of these properties. Thus, it is natural to expect ethically serious persons to be partial toward those possible objects (in this case, people) that either do, or actually will, come to exist. Yet this partiality does not preclude the expectation that ethically serious persons should be impartial when deciding whom, among merely possible people, to cause to exist. A partial bias towards the actual is compatible with an impartial attitude towards the (as yet) merely possible.

Ethical impartiality consists in being disposed to realise those among possible options that would appropriately instantiate ethically relevant features. Suppose, for example, that human wellbeing were the one and only ethically relevant feature. If so, ethical impartiality might be thought to consist in realising those among possible options that would maximise human wellbeing. Ethical partiality, on the other hand, might be thought to consist in realising those among possible options that maximally instantiate some subset of human well-being, such as the wellbeing of the agent himself, his friends and loved ones, or some social group towards which the agent has a special attachment.

Some recent discussions of the ethics of human reproduction have focused on the distinction between person involving and non-person involving concerns in order to clarify the ethics of identity-affecting choices.⁷ Person involving concerns can be thought of as concerns for benefits and harms to identifiable individuals. Non-person involving concerns can be thought of as concerns for good and bad states of affairs involving individuals, regardless of whether any individuals can be antecedently identified as involved in those states of affairs. Non-person involving concerns are obviously central to the ethics of reproductive choice, given the absence from such choices of antecedently identifiable individuals to play the role of primary beneficiary or victim. Of course, reproductive choices always involve some identifiable individuals, including, most obviously, the prospective parents. Person involving concerns are therefore also always present in reproductive choices.

The centrality of non-person involving concerns in reproductive choice is neutral with respect to the relative priority of partiality and impartiality. A choice can be person involving and impartial, as when someone acts to benefit living people anywhere. A choice can also be person involving and partial, as when someone acts in favour of living members of their family. Likewise, a choice can be non-person involving and impartial, as when someone acts to leave as much as possible for future generations. Finally, a choice can be non-person involving and partial, as when someone acts to leave as much as possible for future members of his family. It follows that the potential conflict between partial and impartial concerns cannot be reduced to a conflict between person involving and non-person involving concerns. This fact is significant for the ethics of human reproduction. Thus, it might be tempting to think that the ethics of reproductive choice must be fundamentally impartial because reproductive choices are identity affecting and the values at work in identity affecting choices are fundamentally non-person involving. This would be a sound argument if all non-person involving values were fundamentally impartial. But they are not. So this line of thought is mistaken. What is arguably not mistaken is to think that, at least in a wide range of cases, the affinity between partial concerns and person involving considerations is closer than the affinity between partial concerns and non-person involving considerations. Thus, it might make more sense for prospective parents to adopt an impartial perspective when thinking about possible future children than it does for actual parents to adopt an impartial perspective when dealing with their actual children. Even so, it does not follow that all non-person involving values are fundamentally impartial. This is shown, for example, by the high value placed by many parents on the option of having a child that that is “their own” in more than the

obvious and trivial sense that applies to all parents (I am grateful to David Wasserman for pressing me on this point).

The conflict between partial and impartial values in human reproduction derives partly from the ethical significance of what is sometimes referred to as “special ties”. As we have seen, such ties cut across the distinction between person involving and non-person involving concerns, and include ties to individuals and groups, as well as to other personal or communal projects. Most moral theories give some place to special ties in an ethically good life. Nevertheless, ethical impartiality presents a challenge to the place of special ties. For on impartialist terms, the existence of special ties is hostage to the fortune of their coherent integration into a theoretical framework in which their place is at best contingent.

Conflicts between partial and impartial values are avoidable if one set of values is derivable from the other. Unfortunately, there is no prospect of such a derivation either way *a priori*. Genuine conflicts between partial and impartial values are obviously possible as a matter of logic. The prospect of some kind of *a posteriori* derivation might seem better, at least if suitably restricted in terms of time, space, and relevant personnel. As previously noted, the project embodied in sophisticated forms of consequentialism provides a paradigm instance of the strategy of deriving ethical partiality on ethically impartial terms.⁸ The project of justifying altruism on self-interested terms might be thought to provide an instance of an attempt going in the other direction.⁹ The downside of such attempts is their frequent failure to capture the explanatory ambitions of the set of

values reduced. Both partial and impartial values appear on the face of it to be ethically relevant in themselves. It is therefore *prima facie* unclear how any reductive project of this kind can be intensionally adequate. In the next two sections, I shall examine a series of arguments that favour the uniquely fundamental ethical status of either partiality or impartiality. I shall conclude that none of these arguments are successful on their own terms.

4. THE CASE AGAINST IMPARTIALITY

Let us suppose that some sophisticated consequentialist account of reproductive choice is extensionally adequate. Such an account would account for the extensional correctness of partial reproductive preferences on impartial terms. Why should anyone think that more is required in order to fully explain the partial values embodied in reproductive choice?

One argument against the impartialist project is based on the principle of “no sacrifice without compensation”.¹⁰ Thus, in the case of some intrapersonal sacrifices it can be argued that sacrificing present satisfaction for future satisfaction is justified because the agent doing the sacrificing will be compensated for the sacrifice in the future. Not so for many interpersonal sacrifices, including individual sacrifices in aid of impartial good. In the interpersonal case there will be no compensation in the absence of contingent social arrangements. To this extent, interpersonal sacrifices are ethically problematic and stand in need of special justification.

The “no sacrifice without compensation” principle does not issue in blanket support for the liberal view of reproduction. It only supports this view where making a different reproductive choice would result in significant cost to the prospective parents. In cases where prospective parents could make impartially more beneficial choices at little or no cost to themselves, their reproductive autonomy is not protected by the “no sacrifice without compensation” principle. Nevertheless, the principle does offer some protection for the reproductive autonomy of prospective parents whose reproductive interests do conflict with impartial beneficence. This principle could therefore be invoked in defence of the reproductive projects of a number of minority groups whose procreative freedom would arguably be sub-optimal from a more impartial perspective.

“No sacrifice without compensation” is a substantial and non-obvious ethical principle. Its soundness is therefore in need of explanation. The coherence of sophisticated forms of consequentialism shows that this explanation could take an impartial form. If so, the mere soundness of the principle does not support a uniquely partialist theory. Furthermore, if the explanation takes a partialist form, defenders of ethical impartiality will complain that it begs the question. Thus, in one of its more plausible formulations, the principle is explained by appealing to the idea that persons are separate entities with a unique, finite, and irreplaceable first personal perspective on the world. Yet from an impartial perspective, no person is either more or less unique, finite, or irreplaceable than any other. It is therefore unclear how the separateness of persons can be invoked in defence of ethical partiality without begging the question on the partialist’s behalf.

A more plausible argument against the impartialist project derives from the role of partial considerations in pre-theoretical ethical thought. Many choices involve an impartially disproportionate concern for special ties. Consider a parent who sees a group of children threatened by fire. The parent rushes to save his child. It might be natural to think that a sufficient explanation of why the parent saved one child rather than another is that it was *his* child: ‘It was my child’ would be taken by many to constitute a sufficient reason to both explain and justify the parent’s action. The answer: “It was my child; I care more about my child, and in this situation considerations of impartial beneficence show that to prevent people from saving those they care about most would be counterproductive” would make the parent vulnerable to the charge of having “one thought too many”.¹¹ Similar considerations apply to reproductive choices. Consider a couple who learn that any child of theirs will require a higher than average economic investment in order to attain a statistically normal level of material flourishing. The couple decide to have a child anyway. They cite their desire to have a child of their own as their explanation for not selecting an alternative way of investing in the next generation. Their desire for a child of their own would for many constitute both a sufficient explanation and justification of their partially driven reproductive choice. The answer: “It will be our own child; we have a strong desire to have our own child, and in this situation considerations of impartial beneficence show that preventing couples like us from having their own child would be counterproductive in the long run” would make the parents vulnerable to the charge that they have “one thought too many”. Just as parents care directly and partially about the lives of their children, prospective parents care directly and partially about their projects of reproduction. These direct and partial concerns for familial

projects have deep roots in pre-theoretical ethical thought. People who do not exhibit a direct and partial concern for familial projects are often regarded with suspicion (unless they deliberately isolate themselves from familial affairs in the way members of some religious orders do, for example). Any account that fails to make sense of this direct and partial element of pre-theoretical ethical thought is a non-starter.

In spite of its intuitive appeal, the argument from explanation is not decisive. At best the argument creates a presumption in favour of the fundamental status of ethical partiality. One obvious response to the argument is to distinguish between impartial beneficence as a criterion of correctness on the one hand, and impartial beneficence as an element of a deliberative procedure on the other.¹² It does not follow from the fact that there is an impartialist account of why it is better for potential parents to have partial reproductive projects that those individuals should be thinking in terms of this account in the course of explaining their reproductive choices. Impartial concerns could favour a set of deliberative norms that primarily appeal to partial values endorsed in pre-theoretical ethical thought. If so, there is no sound basis for the charge that ethical impartiality requires ethically serious people to have one thought too many. While this response gives rise to notorious issues about transparency and the potential for divided moral selves, its coherence in principle is enough to stop any *a priori* inference from the pre-theoretical centrality of partial considerations to the uniquely fundamental status of ethical partiality.

In any case, it would be mistaken to claim that pre-theoretical ethical thought is exclusively partial. A parent who showed exclusive concern for his own children would

normally not be considered as admirable as someone who, while giving priority to his own children, would also be concerned to help as many other children as the situation allows. Furthermore, a parent who after saving his own child walked serenely away without attempting to help any other children would arguably be subject to more censure than someone who would save their own child first on the condition that doing so is impartially justified. Similar concerns apply to reproductive choices where there is not as yet any identifiable other to play the role of primary beneficiary or victim. This absence of an identifiable other might tempt some to conclude that only impartial considerations are relevant to such choices. I showed in the previous section that this temptation should be resisted. Yet any couple pursuing a reproductive project regardless of impartial cost, and thus in complete disregard of its consequences for actual or potential others, would arguably be subject to social censure in a similar way to parents who show no concern for children other than their own. Insofar as it suggests otherwise, the argument from explanation fails to do justice to the pre-theoretical role of impartial values. Thus, while the argument from explanation might provide a presumptive case in favour of the fundamental status of partiality, it does not undermine the idea that impartial values are equally fundamental.

A third argument against the impartialist project derives from the indispensable role of partial considerations in all practical thought.¹³ Suppose you know that Hallvard is infertile. Unless you know that you are Hallvard you cannot use this information to benefit your family planning. Self-identification is necessary for all rational agency. Yet self-identification depends on the presence of strongly perspectival elements in thought.

The fundamental perspective of the human agent is that of an individual with personal projects, acting as *I*, from *here*, *now*. It follows that no coherent form of self-understanding can be based on purely non-perspectival thought alone. To insist that ethical thought improves in proportion to the relative absence of perspectival elements is also implausible. Yet the perspectival elements embodied in ethical thought inevitably introduce a significant element of partiality into such thought. The place of partial considerations in ethical thought about human reproduction is therefore not a matter for philosophical argument to decide. It is both fundamental and indispensable.

This is a weak argument. The indispensability of perspectival elements in all ethical thought does not entail the soundness of a fundamentally partial ethical outlook. A fundamentally impartial ethical outlook can admit the unique significance of perspectival elements in ethical thought insofar as these elements indispensably specify the origin of agency from which impartial beneficence is to be promoted. Even if human agency is essentially perspectival in conception, it does not follow that the acting individual cannot adopt a more or less impartial perspective when thinking about what to do. A prudentialist egoism is not an unavoidable feature of human agency. Any plausible account of human agency will be consistent with the fact that individuals, including prospective parents, have a range of available options regarding the partiality of their perspectivally conceived projects. We should therefore be suspicious of any attempt to establish the character of an ethical outlook on the basis of claims about the structure of practical thought alone. The indispensability of perspectival elements in practical thought might be genuinely

revealing of deep truths in semantics and the philosophy of mind. It is not thereby equally revealing of deep truths in moral philosophy.

Finally, someone might wish to defend the claim that partial values are in general more fundamental than impartial values on the grounds that impartial value exists only as a function of integrating partial values. How can partial values be ethically less fundamental than impartial values if the existence of the latter is a function of the existence of the former? It might be thought that this asymmetry gets the relationship of ethical dependence the wrong way round. Unfortunately, this argument is unconvincing. For as it stands, this argument runs together without two distinct forms of priority, namely ethical priority and metaphysical priority. It may well be true that partial value is metaphysically prior to impartial value. It does not follow without further argument that partial value is ethically prior to impartial value.

5. THE CASE AGAINST PARTIALITY

There are a number of notable responses to the claims of ethical partiality in the current literature on human reproduction. One such response, namely that some impartialist accounts are extensionally adequate, has already been discussed and considered insufficient. A more direct response in favour of ethical impartiality derives from one of the more attractive ideas embodied in the utilitarian tradition.¹⁴ Ethical impartiality is partly a function of the unbiased integration of partial evaluative perspectives. The fact that some partial evaluative perspective does not win out in the calculation of overall

goodness does not show that it has not been fairly taken account of in the process of constructing an integrated ethical perspective of beneficence. To insist that some partial perspective be given extra weight in competition with other partial perspectives is to defend an unreasonable system of selective double counting.

This argument begs the question. True, it cannot be an objection to an ethics of impartiality that some particular partial perspective fails to win out in a calculation of impartial betterness. In any conflict between perspectives, some perspective is bound to lose out on pains of inconsistency. Yet it cannot simply be assumed that the candidacy of a partial perspective to win out in ethical deliberation depends on its winning out in a process of impartial integration. Defenders of partiality deny that impartial integration is ethically exhaustive. The partialist does not need to claim either that impartial integration is impossible or that some partial values should benefit from double counting. The reasonable partialist denies that integration amounts to reduction. He will claim that the ethical significance of partial value can survive the process of impartial integration, if only at the cost of residual conflict. The potential for such conflict is arguably reflected in the dilemmas experienced by ethically serious persons who face ethical dilemmas where individual or familial concerns conflict with the impartial values of a wider social group. The reasonable partialist claims that in some such dilemmas the ethical conflict goes “all the way down”.

A third impartialist response appeals to the sub-optimality of choices that fail to maximise impartial value.¹⁵ It is natural to think it wasteful not to maximise a value, at

least when it would be possible to do so at little or no extra cost. Suppose it would be better if all people were maximally strong physically. It might then seem wasteful to bring less than maximally strong children into existence so long as children who are stronger could be caused to exist instead at little or no extra cost. To this extent, the actions of prospective parents deciding to produce less than maximally strong children could reasonably be considered ethically worse and/or wrong.

Even if it is better impartially if all children created are maximally strong, there could be partial perspectives from which it is not better that all children are created as maximally strong. Consider a currently flourishing group of less than maximally strong people who would fail to flourish in a society dominated by maximally strong people. Members of this group might prefer to live in a community where less than maximally strong people can flourish. They might prefer this to the option of being physically stronger themselves. From their perspective, it would be wasteful (or worse) to create children who are maximally strong. The intuitive idea that prospective parents should aim to maximise value is therefore ambiguous. The ethics of impartiality requires more than that prospective parents maximise value. It requires that prospective parents maximise value impartially. This claim only follows from the thought that it is wasteful to not maximise value if this thought is given an impartialist reading. The unique correctness of this reading remains to be established. Now arguably all rational agency involves the maximisation of value in some sense. Perhaps not maximising value so understood is paradigmatically irrational. Even so, maximising value so understood is only contingently

related to the maximisation of impartial value. It therefore does not follow that it is irrational to fail to maximise impartial value.

A fourth impartialist response takes account of the ambiguity exposed in the previous paragraph by appealing to a distinction between rightness on the one hand, and goodness or betterness on the other.¹⁶ Ethical goodness, on this view, is impartial. Questions of ethical goodness are settled by what is better impartially considered. Answers to such questions constitute what is sometimes called “the ethics of beneficence”.¹⁷ This claim is consistent with questions of rightness not being a simple function of goodness. Questions of rights, intention, agency, and the like may function as genuine constraints or permissions with respect to promotion of the good. If so, it does not follow from the fact that some action would be better that this action is right. Suppose it would be better if no children were born with less than maximally developed muscle strength. It does not follow that it would be wrong to have children with less than maximally developed muscle strength, provided there is a permission protecting the autonomy of prospective parents to decide whether to select for offspring with maximum muscle strength. No ethically serious person would claim that such permissions are absolute. Prospective parents should not be granted a permission to create children with severe muscle deficiency merely in order to watch them suffer. Furthermore, while it could be permissible to select for children with less than maximum muscle strength above some basic threshold, it would still be worse to do so.

Some distinction between rightness and goodness is deeply rooted in pre-theoretical ethical thought. A failure to observe it may have led some liberal-minded philosophers astray about the ethical status of impartially sub-optimal reproductive decisions. This distinction does not, however, support a fundamentally impartialist moral theory. First, some permissions and constraints on promotion of the good could have a uniquely partialist grounding. If so, the “ethics of rightness” would be fundamentally partial. Second, the notions of goodness and betterness are themselves open to partialist interpretation. Conflicts between partiality and impartiality sometimes arise because what is better from one evaluative perspective is not better from another. What is better for an individual is often not best from the more impartial perspective of his or her group, or from what Sidgwick somewhat opaquely referred to as “the point of view of the universe”.¹⁸ What is better for an individual couple, a family, an ethnic minority, or a nation is often not best from a perspective of greater impartiality. If ethical priority belongs to some maximally impartial perspective this must be established by means of an argument within the ethics of beneficence.

A fourth impartialist response claims that the idea of irreducible partiality within the ethics of beneficence is inconsistent. The argument from inconsistency is sometimes given to undermine various forms of relativism about value, whether the relativity in question obtains with respect to persons, time slices of persons, or individual projects.¹⁹ Partial value is a form of relative value, obtaining as it does relative to some less than fully integrated impartial perspective. Thus, the partial reproductive values of prospective parents may generate inconsistencies both with respect to the values of other currently

existing people and with respect to the values of future, and therefore currently only possible, people. To accept that some values are irreducibly partial is to accept that some values cannot be consistently integrated into a theory of moral betterness. For some philosophers, this is sufficient reason to reject partial values in favour of an integrated account of impartial betterness without partial residue.

Some forms of evaluative relativity are incoherent. Thus, there are radical forms of time-relativity entailing that an agent's actions are beyond rational criticism even if they are instrumentally self-defeating. This degree of value relativity is arguably irrational. Yet not all forms of value relativity have these irrational implications. Thus, the reproductive autonomy embodied by the liberal view of reproduction does not entail instrumental self-defeat. Consider a couple with less than average economic resources deciding to have their own child. Their reproductive project may conflict with values embodied by the partial perspective of possible or existing children they might help if they did not have their own child. It might also conflict with an impartial perspective of universal beneficence. Yet it does not conflict with itself. Indeed, there is nothing internally inconsistent about either this or a plethora of other partially motivated familial reproductive projects. The fact that some forms of partial value are incoherent is therefore not an argument against all forms of evaluative partiality. The fact that all forms of partial value involve conflicts with other forms of (partial or impartial) value shows only that some partial values must lose out in a process of impartial integration. As I have already shown, this does not demonstrate that impartial integration has unique ethical priority.

A fifth impartialist response claims that fundamental partiality is unethically arbitrary. The idea that some arbitrary preferences are ethically problematic is also deeply rooted in pre-theoretical ethical thought. Widely accepted claims about justice, fairness, and equality are sometimes motivated by the idea that their contraries result from making arbitrary distinctions between people who are all worthy of comparable ethical concern. This idea has obvious implications for the ethics of human reproduction. It is widely agreed in liberal societies that individuals are entitled to some degree of reproductive autonomy. Yet the value of personal autonomy applies to all citizens equally. It is therefore wrong to prioritise the autonomy of one individual over another without explanation. Any such explanation must appeal to ethically relevant features of that individual's circumstances to distinguish them from those of others. In the absence of such an explanation, the priority granted to this individual is morally wrong.

Ethically reasonable preferences are based on ethically relevant features of options. Perfect ties aside, it is only ethically reasonable to treat options differently if there is some ethically relevant difference between them. Arguably, all features of options that make them better than others are ethically relevant. Thus, it is ethically relevant that some reproductive option will increase human wellbeing. The precise location of the realisation of some reproductive option on a spatial or temporal continuum, on the other hand, is not ethically relevant, at least not intrinsically (it might become ethically relevant because of its extrinsic properties). In general, it might be thought that the more strongly perspectival the feature of an option, the less ethically relevant it is. Thus, the purely indexical truths that something will happen either *here* or *there*, *now* or *then*, to *us* or

them are arguably less ethically relevant than whether that something will involve happiness or pain to human beings, how much happiness or pain to human beings it will involve, and so on. It might therefore be thought that only features describable without the use of strongly perspectival terms such as the paradigm indexicals can reasonably explain a preference for one option over another. If so, many forms of partiality are ethically unreasonable as they stand. Such forms of partiality are ethically reasonable, if at all, only because they have a fundamentally impartial rationale. This claim can be forcefully applied to the issue of human reproduction. There are no non-perspectival features of most individual reproductive projects that distinguish them from any other actual or possible reproductive projects as candidates for ethical priority. Thus, if reproductive partiality is ethically reasonable, this must be because it has an impartialist explanation, perhaps along the lines offered by sophisticated consequentialism.

One response to the arbitrariness argument is to claim that it begs the question.²⁰ Consider the case of egoism. The egoist is accused of making an arbitrary distinction between his own interests and the interests of others as objects of ethical priority. There is no non-perspectival way for the egoist to distinguish his own projects from those of others as objects of particular concern. To this extent, the egoist's preferences are arbitrary. Yet in what sense are they unreasonably so? It is not as if the egoist denies the same privilege to anyone else. At a higher-order of reflection the egoist makes no unreasonable exception for himself, as a separate individual with projects and plans of his own. The egoist can agree that everyone else is in the same position and is therefore reasonably permitted to prioritise their own interests over those of others. Of course, it cannot be assumed that the

interests of different individuals can be impartially integrated without remainder. Yet the ethical priority of impartial integration is supposed to be the conclusion of the arbitrariness argument, not a premise of it. Analogous considerations apply to groups of individuals relative to which a set of partial values can be defined. Such groups include couples, families, and larger social groups with a sense of their own, or common, good. In each case, there is no conclusive case for ethical impartiality based on arbitrariness alone.

In any case, the arbitrariness argument is arguably too strong. Two complaints are relevant here. First, to the extent that a human perspective is a partial perspective, the arbitrariness argument entails that prioritising human benefit is an ethically unreasonable prejudice.²¹ This claim is likely to remain controversial not only in the general human case, but also in cases where ethical priorities are made on a large scale within the human domain, such as the priorities made by national governments in favour of their citizens. Given the ethical significance of considerations involving “special ties” and the like, the pluralism that follows from the apparent irreducibility of partial values to impartial values could reasonably be regarded as applying not only at the level of individuals, but also at the level of groups. Second, we have already seen that no form of ethical self-understanding is possible in the absence of some perspectival characterisation of an individual’s options. Consider the case of modality. On some accounts of the semantics of natural language, “actually” is an indexical term, fixing the reference of thoughts and sentences to the actual as opposed to merely possible worlds.²² Given this account of modals, any ethical outlook denying the explanatory role of perspectival specifications of

favoured options would entail that it is ethically unreasonable to care more about actual as opposed to merely possible people. This is not the potentially reasonable claim that we should be equally concerned with the interests of those currently non-existing people who, depending on what we do now, will come to exist in the future. On a natural interpretation, these are all actual people. The claim is rather that it is unreasonable to care more about people who either do exist or will exist in the future than about people who could possibly, but who will never actually, come to exist (the inhabitants of the merely possible worlds discussed by the modal logicians). This is not a claim that most defenders of ethical impartiality would want to be committed to merely in virtue of claiming that fundamental partiality is ethically unreasonable. Now perhaps “actually” is not best interpreted as an indexical term. Yet some terms will come out as indexical on any plausible account of their use. At least some of these terms are essential to self-identification and rational agency. The basic question is therefore which indexical characterisations of options are ethically relevant, and how. This question remains a source of ongoing controversy.

6. A PESSIMISTIC CONCLUSION?

Given the partial aspects of any humanist perspective and the vagaries of talk about (some merely possible) ethically relevant beings of the future, one might reasonably question both the determinacy and coherence of the idea of a maximally impartial ethical perspective. In this paper, I have bracketed this question by talking of “more”, “less”, and “maximally” impartial perspectives. When interpreted in this way, the arguments

considered so far suggest that the partial and impartial values at work in human reproduction are sometimes in irreducible conflict. This is in some ways a pessimistic conclusion. What follows from this conclusion for the ethics of human reproduction? One thing that does not follow is that prospective parents are ethically unconstrained to pursue their reproductive projects partially. Impartial beneficence is ethically relevant wherever it applies, including cases of identity-affecting reproductive choice. Nor does it follow that wherever partial and impartial values conflict it is always reasonable to prioritise a partial perspective. Thus, it may be reasonable for public policy makers to prioritise an impartial perspective that takes account of the interests of people in general across several generations over the partial perspectives of a small minority practising bias in favour of themselves and their own offspring. Likewise, it may be reasonable for individual couples to prioritise their own reproductive potential over impartial beneficence, at least where doing so is consistent with avoidance of serious impartial harm or the creation of children with little or no prospect of a decent human life. That doing so may be impartially sub-optimal does not show that it is thereby unreasonable. This case for ethical pluralism suggests that it is a mistake to claim that all ethical thought should make the same fundamental prioritisations between evaluative perspectives in the course of weighing up different reproductive options. Thus, whereas moral thinking on a large scale about public policy and future generations might reasonably prioritise a perspective of impartial beneficence, moral thinking on a small-scale about familial reproductive projects might reasonably prioritise a comparatively partial perspective. Such partial perspectives are arguably as ethically fundamental as any perspective of impartial beneficence.

What does follow from the pessimistic conclusion is the possibility that some conflicts between partial and impartial values are impermeable to reasonable resolution on ethical terms. Such conflicts, it might be said, are instances of the well-known phenomenon of value incommensurability.²³ While potentially misleading, there is something to be said in favour of this claim. On the one hand, we are not dealing with conflicts between values of radically different kinds (music versus skiing, for example). In the present case all the values in question are reproductive values. Nor are we dealing with a single scale on which we are unable to determinately fit the values concerned (Mozart versus Beethoven as good composers, for example). We are dealing with at least two, irreducibly distinct, scales. Nor is it simply that of two values we cannot say that either one is greater than the other or that they are equally great. Each value is both lesser and greater than the other, but from different perspectives. Nevertheless, the conflict between partial and impartial value does arguably share one feature of paradigmatic cases of value incommensurability. Even if there is a significant range of questions on which no determinate answer exists as to which set of values wins out, it is reasonable to expect there to be a non-empty set of questions outside this range on which either some partial or impartial perspective wins out, all things considered. Thus, there could be some range below which impartial sub-optimality is ethically monstrous. No ethically serious parents would want to expose either their potential offspring or anyone else to a life of unbearable suffering. (This claim is neutral with respect to the question whether or not the wrongness of exposing potential offspring to a life of unbearable suffering can be accounted for in person involving terms.²⁴) Likewise, there could be some range above which impartial sub-

optimality is ethically innocent. Thus, it is arguably unreasonable to demand that agents always maximise impartial value, no matter the cost to themselves.

The existence of irreducible ethical conflict presents a troubling challenge for the integrationist project of constructing a unified moral theory. A moral theory with nothing to say about choices between conflicting evaluative perspectives is about as good as a moral theory with nothing to say. As we have seen, however, matters are not that desperate. The existence of value incommensurability is consistent with the existence of reasonably determinate answers in a significant range of cases. It does therefore not entail that any reproductive choice is as reasonable as any other.

It is natural to expect that most reasonable reproductive choices will be based on a combination of partial and impartial values. Moreover, in some fortunate cases both partial and impartial values will favour the same conclusions. In such cases, it is reasonable to think that the combined force of partial and impartial values will be greater than the force of either partial or impartial values on their own. While nothing I have argued in this paper is inconsistent with this claim, the arguments of the previous two sections inject a heavy dose of pessimism with respect to the idea that the combined force of partial and impartial values is one that can be calculated as a matter of algorithm on a single and uniquely privileged evaluative scale. Indeed, if the arguments given above are cogent, the very idea of such a scale is inherently problematic. I have argued above that it is at least as difficult to compare partial and impartial values in cases where they conflict. Nevertheless, if some prospective parents have no time for impartial values at all, it could

still be reasonable for impartial public institutions to coerce them, provided their reproductive choices are such as to create a significant risk of great suffering to actual or potential others. Although this claim obviously constitutes a threat to the unconstrained reproductive autonomy of prospective parents, it coheres with the liberal view of reproduction as set out at the beginning of this paper.

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¹ C.f. Glover (2006).

² C.f. Buchanan et. al. (2000), McMahan (2002), Broome (2004), Mulgan (2006).

³ C.f. Mulgan (2006).

⁴ C.f. Lillehammer (2005).

⁵ C.f. Parfit (1984).

⁶ C.f. Wasserman (2005), p. 142.

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- ⁷ C.f. McMahan (2001), (2005).
- ⁸ C.f. Mulgan (2006).
- ⁹ C.f. Gauthier (1984).
- ¹⁰ C.f. Brink (1989).
- ¹¹ Williams (1973), (1981).
- ¹² C.f. Railton (1984).
- ¹³ C.f. Williams (2006).
- ¹⁴ C.f. Broome (2004).
- ¹⁵ C.f. Broome (2004).
- ¹⁶ C.f. Parfit (1982), Broome (2004).
- ¹⁷ C.f. Parfit (1982), Woodward (1986).
- ¹⁸ Sidgwick (1907), p. 382.
- ¹⁹ C.f. Broome (2004).
- ²⁰ C.f. Sidgwick (1907).
- ²¹ C.f. Williams (2006).
- ²² C.f. Lewis (1984).
- ²³ C.f. Williams (1981), Broome (2004).
- ²⁴ C.f. Roberts (1998).