

Creation Ethics and the harms of existence

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David DeGrazia's *Creation Ethics*¹ is a fascinating effort to present a consistent account of creation in many contexts—from reproduction, to self-creation through genetic enhancement, to the creation of entire future generations. For reasons of space, this comment addresses the related discussions of bearing children in wrongful life cases (chapter 5) and bearing children with disadvantages (chapter 6).

DeGrazia's views about moral status ground the volume: (1) our biological identity (ie, our identity as an organism, not our narrative identity) begins at a point reasonably close to fertilisation, when twinning or merger is no longer possible; (2) sentience is sufficient for moral status, but the claim that it is necessary condition is roughly as (in)defensible as that the potential for sentience is sufficient for moral status; and (3) the capacity to care about a lost future is relevant to the harm of death. At the level of political theory, DeGrazia holds that where there is reasonable ethical disagreement, the state should not impose one view on others and thus neither forbid nor use public funds to support disputed practices.

About procreative duties, DeGrazia walks similarly fine liberal lines. DeGrazia's views about biological identity imply that before postconception uniqueness, there is no individual to be harmed or wronged. Thus, any individual-affecting account of the harms or wrongs involved in procreation must rest in postconception circumstances. This point explains the difference between decisions about whether to start a child (where there is no 'before' individual on which to base comparisons) and decisions about an entity that has been started and can be harmed. Comparative or counterfactual analyses of harm—that the individual was or would have been better off in the condition of non-existence—thus cannot explain wrong life claims. Instead, an individual-affecting analysis of why a birth is wrongful might be that the birth harms the individual non-comparatively—that the individual's existence is simply bad overall and thus the

decision to create the individual is a wrong to it postexistence. On this analysis, if a life overall holds more harm than good, decisions to start that life wrong the individual whose life it is. On DeGrazia's view, there are a limited set of cases in which a life overall holds more harm than good, such as Tay Sachs disease or Lesch Nyhan syndrome or perhaps a life of inevitable and miserable slavery. (In chapter 6, without argument, DeGrazia states, "We might confidently add to the wrongful life category cases in which, say, a child will predictably be blind, deaf, profoundly retarded, and incapable of reaching adult age.") In such circumstances, DeGrazia concludes, starting the child is a wrong to the subsequent individual; as the parents' interests in liberty to procreate are weaker ethical considerations, parents have a duty not to procreate in such cases. But these cases—of a life filled with harm overall—are few.

Far more difficult theoretically for DeGrazia are cases in which much is harmful in the life of a child, but there are sufficient benefits to make the life overall worth living. These cases—DeGrazia treats cases of severely disadvantaging social circumstances such as slavery or extreme poverty, cases of significant physical or mental impairment, and cases of physical or mental impairments that in the social circumstances are irremediably severely disadvantaging as on a par—are ones not in which an existing individual is made worse off, but in which either no or a different individual comes to be. Some writers have analysed these cases in terms of asymmetries of harm and benefit, arguing that it is worse for there to be an existing individual experiencing harms than it is for there to be an absence of benefits because no individual comes to be. In David Benatar's view,² absence of benefits is different from presence of harms and decisions about whether an individual's life should continue are different from decisions about whether to start an individual. DeGrazia rejects these asymmetries as covertly rooted in assumptions that compare the situation of the existing individual to the situation of a non-existent entity, which is in his view incoherent. Appeals to impersonal states of affairs will not help with the

asymmetry because while the absence of harm is impersonally good the absence of benefit is impersonally bad construed in terms of the overall value of states of affairs. Seana Shiffrin^{3 4} defends a different approach to harm/benefit asymmetry rooted in the types of harms and their relation to autonomy; in her view, harms matter more ethically if they severely affect an agent's ability to implement his/her desires in the world. From Shiffrin's view, DeGrazia develops an antiprocreationist argument based on the premise that it is morally wrong to impose unconsented harm on an individual to procure pure benefits for that individual (in contrast to avoiding harm to that individual). DeGrazia rejects this premise as presenting at best a defeasible reason against an action that might be overridden by other moral values, for it overgeneralises in contending that all procreation causes or imposes harm. Rather than directly causing or imposing harm, he contends, procreation in favourable circumstances creates the conditions under which an individual is exposed to harm, and likewise to benefits.

But what of cases in which it is known or highly likely that the harm will exist from the moment of birth: cases in which an individual will be born with a significant disability or born into a brutal world and which thus seem far more like imposing unconsented harm to achieve whatever benefit will occur in the individual's life? DeGrazia sees these cases as very much like wrongful life cases and concludes that in such cases it is strongly pro tanto wrong to procreate—because these are cases of imposing unconsented harm to procure pure benefit. Three reasons might still override this pro tanto judgment: parental procreative liberty, benefits to the individual created and the impersonal value of bringing good into the world. The strongest of these is that imposing unconsented harm may sometimes be justified in pursuit of pure benefits. An example would be bringing a child into the world with the knowledge that that child will be blind but in circumstances that offer a reasonable prospect of a good life for the child. But DeGrazia's adherence to this view is unstable.

In DeGrazia's view, many cases in which an individual's life will on balance contain more benefit than harm are cases of wrongful procreation. Parents owe their children more: a life with resources and conditions that contribute to a decent human life. More specifically, parents owe their children at a minimum worthwhile lives in which basic needs are reasonably

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expected to be met (except when the expected failure to meet a basic need is due to external circumstances beyond the parents' control such as poverty). This exception is introduced because DeGrazia believes it is too great a restriction on parental liberty to hold that it is impermissible for those in precarious circumstances to reproduce. Basic needs include food and water, shelter and clothing, needed medical care, freedom from slavery or coercion or abuse, education and stimulation, and opportunities to play and explore one's own path in the world; although these might be overridden by parental liberties in some circumstances, one final basic need is non-negotiable for DeGrazia: the love, kindness and attention of at least one committed, reasonably competent parent. Some prospective parents are in circumstances in which they could not have a child without risks to one or more basic needs, such as serious poverty without likely prospects of alleviation. Here, although it would be 'noble' to forebear parenthood, procreative rights prevail. Other prospective parents, however, have the choice of whether to procreate genetically or to become parents by gamete donation or adoption; analysis of such cases, DeGrazia suggests, might turn on whether freedom from significant and avoidable (by the individual's non-existence) disability is also a basic need. For such cases, DeGrazia turns to a 'non-

individual affecting' sense of the parents' child: the parents could have chosen to have a child without the disability even though they could not have had a particular child without the disability. Here, DeGrazia adopts a hybrid view that both person-affecting harm and non-person-affecting harm matter ethically and carry roughly equal weight. In a postconception case of an already existing individual, the harm is person-affecting; in a different-individual case, the harm is the non-person-affecting fact of creating a world with more harm than might have existed in an alternative world. From this picture, DeGrazia concludes that when parents can choose whether to have a child with a significant disability or a different child without that disability, or when parents can choose whether to have a child in significantly disadvantaging life circumstances or to have a different child in different life circumstances (geographically, temporally or even with a different partner), procreation is wrong if one could reasonably have been expected to act so as to make the world a better place.

For disability rights advocates, this conclusion is profoundly disturbing. It assumes that a world is a better place if it lacks an individual with a significant disability and instead contains a different individual. But why should this be so if the individuals in question have the same moral status and each leads a life that in

individual-affecting terms is not harmful? The answer can only be a comparison among lives in objective terms: that the presence of a non-disabled life is objectively better than the presence of a disabled life worth living.

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