

The Practical Standpoint on Procreation*

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Abstract:

Derek Parfit's non-identity problem has put the possibility of procreative harm at the forefront of procreative ethics. The focus on harm tends toward two extreme positions: either procreative harming is impossible and we can never wrong our offspring by creating them, or procreative harming is possible, and we may always harm our offspring by creating them. Yet, neither extreme captures our ordinary experience of procreation as morally serious but not necessarily morally pernicious. I employ Kant's distinction between the theoretical and practical standpoints to develop a non-harm-based moral framework for procreation that better captures our ordinary experience of procreation. I argue that the non-identity problem is only a *moral* problem if we think of procreation as issuing in biological creatures, individuated by their unique genetics. If we instead look at procreation as an imputable action of persons that puts them in a special relation of duty to their offspring, then the moral relevance of their future offspring's indeterminate genetic identity falls away. From the practical standpoint, our obligations to children, both present and future, shouldn't simply be to avoid harming them; we should instead aim to facilitate their moral or practical viability in the world.

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In my Midwestern Protestant community, it wasn't uncommon for people (even teenagers!) to talk about the hopes and dreams they had for their future children, to pray for them, and to sometimes write them letters. (My own father wrote me a blessing which my mother later turned into a cross stitch.) And while it was more common for expecting parents to talk explicitly about their love for their as-of-yet unborn children, it wasn't strange for persons who

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weren't expecting a child—persons who were years away from wanting to have a child at all—to think about their future children as appropriate objects of their care and attention.

The attitudes that these prospective procreators held toward their future children can represent a kind of ideal parental attitude. Their hopes are held behind a Rawlsian veil of ignorance: they don't know what their children will be like, only that their children will be *theirs* (Rawls 1971). They're able to imagine a wide array of paths that would be valuable for *any* child, untethered to the expectations we attach to persons with particular genetic features (e.g., what females are capable of, what athletic or artistic persons can hope to aspire to, etc.). The future they imagine for their child is open in a way that can be hard to maintain after their particular bundle of joy is here. To these prospective procreators, their future children are persons whose future existence holds a special place in their thinking, a place which has the power to guide the very actions they take to create those persons in the future.¹

Derek Parfit argues that if some version of genetic essentialism is true, that is, if a person's identity depends on the particular sperm and egg from which she originated, then what procreators do will also determine *which* person they create (Parfit 1984). That procreators cannot act differently without creating a different child altogether is the crux of what Parfit calls the non-identity problem. Whatever steps prospective procreators take on behalf of their future child—finding a suitable parenting partner, waiting until they are financially secure, screening embryos

¹ In my church community growing up this was also a common practice to do for one's future spouse. One's future spouse could turn out to be any number of people, but in another sense, as *one's future spouse*, that person could serve as a kind of regulative end over the process by which one comes to meet and be with that person in the future. It was not uncommon to write a letter to one's future spouse, espousing one's hopes for him or her and your future together.

for congenital diseases—all affect the identity of the person they eventually create. Procreators can alter *which* person comes into existence, but there is no future child whose identity is determinate and whose wellbeing they can rationally hope to improve by their actions. If genetic essentialism is true, then the practice of writing to (or harboring hopes for) one's future child is incoherent.² There is no determinate person that prospective procreators are writing to, no determinate object, yet, of their hopes and prayers. It's a mistake, then, for prospective procreators to think about their future child as guiding the very choices that will determine *which* person becomes their child in the future.

That people may be engaged in an incoherent practice wouldn't itself be a surprise. What's striking is that the prevailing problem in procreative ethics blocks our even beginning to account for some of the actual attitudes and practices associated with procreation. The choice to begin our moral investigation with the metaphysics of personal identity and harm belies a prior consequentialist commitment: the morality of what procreators do turns on the outcome of what they do, or the consequences of their actions, for their offspring.³ The presupposition of the non-

² Though my focus is on forward-looking attitudes, much of the non-identity literature has also focused on the rationality of backward-looking attitudes (Harman 2009; Setiya 2014; Parfit 1984; Wallace 2013). For example, we might ask whether it is rational to regret an action that was necessary for the existence of a person one loves.

³ Gregory Kavka calls the combination of genetic essentialism, the contingencies of human reproduction, and the view that our moral obligation is to avoid making persons worse off (the person-affecting moral principle) the paradox of future individuals. This combination is a paradox because it leads to counter intuitive results about our moral obligations. His fix, in line with Robert Adams, is a new moral principle that, while still about people, is not owed to one's particular offspring. Our moral responsibility is simply to avoid bringing about a worse world (for people in general) to live in. A world where persons live restricted lives is worse than one where they don't live

identity problem is that creating a person can only wrong them if they have been badly affected by their creation. For Parfit, the surprising conclusion is that a person *cannot* be badly affected by her own creation, because being created can never make a person worse off than *she* would have been.⁴

The focus on harm as the locus of moral inquiry can quickly lead to one of two extreme positions. If we accept the conclusion of Parfit's non-identity problem, that it's impossible to harm and so impossible to wrong someone by creating her, then, at least with respect to their offspring, procreators can do no wrong. Parfit allows that procreation is morally serious, even morally hazardous, but only when we account for procreators' actions from within an impersonal, utilitarian framework. Yet, if procreation is morally serious for anyone, surely it's serious, and sometimes hazardous, for the very person brought into existence. If we instead accept that it's possible to harm someone by creating her (e.g., if harm includes some non-comparative bads), then it's difficult to see how a person wouldn't *always* be harmed, or at least put at risk of harm, by her creation.⁵ After all, the so-called gift of life is at best a "mixed bag" – human beings will inevitably suffer pain, disease, and injury, and even the best lives will

restricted lives, so procreators should avoid creating persons with restricted lives *even if* it's not worse for their particular child (Kavka 1982; Adams 1972).

⁴ Their offspring not worse off than they were before they were created, because before they were created they didn't exist at all. They're also not worse off than *they* would have been had their procreators acted differently. Had their procreators acted differently, a different sperm and/or egg would've combined to form a different person. Their existence depends on their procreators' acting exactly as they did (Parfit 1984).

⁵ Seana Shiffrin, for example, argues that a person can be harmed by her creation if she suffers some non-comparative or absolute bad when that person faces some obstacle to her autonomy (Shiffrin 1999).

eventually end in death. If a person's procreators are accountable for any of these ills, then it may often (if not always) be wrong to procreate.⁶

On one extreme, procreators can do no wrong, and on the other, they can't but do wrong. Yet, neither extreme is borne out in our ordinary experience of procreation. And though the facts about what's true aren't held hostage to our actual practices, when we're asking how we should think about those practices, it's not helpful when our philosophical account of them makes a serious moral evaluation a non-starter. That both extreme positions fail to track our actual experience of procreation and the place of procreation in our lives isn't yet an argument against them, but it does give us reason to look for a philosophical account of procreation that can make sense of those practices while also providing a framework for their moral evaluation.

My aim in this paper is to build an account of procreation that can explain why the Midwestern parents weren't making a mistake. Even if it seems strange or extreme to pray for or write to your future child, there is still a sense in which we can think of the decision to procreate as a decision about *someone* in particular. My conclusion is a surprising one: when one sets out to create a person, that person *already exists* as a moral constraint on one's procreative actions. One's future child may not have had a determinate biological or genetic identity, but they have a determinate *practical* identity as the child one is creating. Their practical identity, in turn, serves as a constraint, or regulative end, over the process by which they are created.

My account of procreation is Kantian in spirit. I borrow a distinction Kant makes between taking up the theoretical and practical standpoints and show that we can make progress in our procreative ethics by taking up the *practical* standpoint on procreation. The case of

⁶ David Benatar argues for a global anti-natalist position, or that procreation is *always* wrong, because he thinks that procreators are on the hook for *all* of the harms their offspring eventually suffer (Benatar 2006).

procreation reveals an underappreciated aspect of Kantian moral obligations: their source lies in the person who is obligated, not the person to whom the obligation is owed. If our obligations to others have their source in the activity of already existing persons, then it should not be surprising that we can have obligations to future persons even before those persons exist. The only person that needs to exist to get the obligation going is the person *under* the obligation.

What's more, once we're in the practical standpoint on procreation, we can better understand the nature of those procreative obligations. Though a harm principle makes sense of the obligations we have to other adult persons, it does not sufficiently capture what we owe to persons who we are *en route* to becoming adult persons. I will show not only that we have obligations to our future children, but that those obligations are structurally similar to the obligations we have to *ourselves*. Our guiding aim for children, both present and future, isn't simply to avoid harming them; our aim is to facilitate their practical viability in the world.

My strategy is one of mutual illumination. By taking on board Kant's standpoint distinction, I'll show that we can get traction on some difficult procreative issues, and, in turn, we gain a better understanding of what his theory requires. If, in the end, a Kantian account captures the moral stakes of procreation better than harm-based accounts, then we have good practical reason to adopt a Kantian framework over an outcome or harm-based framework for procreation.

§1 The Procreation Problem

Creating a person is an important and serious endeavor that is a deeply embedded part of our lives. For many people, having a child is an integral part of what constitutes a meaningful life. It's an event to be celebrated when it happens and mourned, or a source of grief, when it doesn't. We orient individual lives, local communities, and political states around families and

family-building because families matter to us—not just the families we’re born into, but the families we build. For many people, building a family involves procreating. People go to great lengths to *create* children, not merely to become parents, which they might do by adopting already-existing children.⁷ And even when persons adopt a child or put their child up for adoption, it’s not uncommon (and we don’t think it strange) when they want to find or meet their biological parents or child. We are profoundly shaped by our creators, not just genetically, but by their presence or absence in our lives.

There seems to be a practical significance to creating a person that goes beyond the morality of harms and benefits. That we often care about the persons who created us and the persons we ourselves create is clear. The moral question is whether there is any normative basis for the importance many people assign both to their creators and to their offspring. That is, whatever psychological mechanism explains why we in fact care about the procreator-offspring relation, we can still ask whether we *should* care.

On Kant’s account of parental duties and rights, the procreator-offspring relation matters because procreation puts procreators in a relation of duty to the persons they create. In Kant’s (brief) discussion of parents and children in the “Doctrine of Right,” he doesn’t challenge the

⁷ David Velleman makes this point well. Not only do people go to great lengths to have biologically related children, but they are prepared to do so in a way that will block their offspring from knowing one of *their* biological parents. He explains the importance we attach to the procreator-offspring relation in terms of a person’s self-knowledge (Velleman 2005). Velleman is right to see value in the role that our genetic relatives play in helping us understand ourselves, but self-knowledge alone cannot be the complete story, nor is it the most basic explanation for why the relation between procreators and their offspring matters. We care about knowing our procreators simply to know *them*. They are, and always will be, the persons who brought us into existence, and we will always be the persons they created, regardless of whether they are the persons who parent us.

permissibility of procreation, but he does make it clear that procreation is morally hazardous for the persons who are created. We are not free to create persons and destroy them or leave their fate to chance, because what we have created is a free being, or a person.

For Kant, “person” picks out a “subject whose actions can be imputed to him,” or someone who can be considered the author of their actions (*DR*, 6:223).⁸ An action can be imputed to a subject when it is the product of a subject’s *free choice*, or when the subject is not determined to action by impulse or inclination (though human beings can and will be affected by inclination) (*DR*, 6:213). A person, then, is someone who can act from their judgment about what would be good to do, where that judgment is constrained by standards of good reasoning (*G*, 4:448).⁹

⁸ All references to Kant’s texts are from Immanuel Kant, *Practical Philosophy*, ed. Mary Gregor (Cambridge University Press, 1996), with the exception of references to Kant’s *Lectures on Ethics*, which refers to Immanuel Kant, *Kant: Lectures on Ethics*, (Hackett Publishing Company, 1980). For ease of reference, page numbers refer to the standard Prussian Academy edition numbering, with references to the *Critique of Pure Reason* referring to page numbers in both the original first (A) and second (B) editions. I will use the following abbreviations: G, *The Groundwork of the Metaphysics of Morals*; CPR, *Critique of Pure Reason*; DR, the “Doctrine of Right” in *The Metaphysics of Morals*, and LE, *The Lectures on Ethics*.

⁹ Insofar as we take our actions to be *ours*, we must think they come from our own reason. Kant puts it this way: “Now, one cannot possibly think of a reason that would consciously receive direction from any other quarter with respect to its judgments, since the subject would then attribute the determination of his judgment not to his reason but to an impulse. Reason must regard itself as the author of its principles independently of alien influences; consequently, as practical reason or as the will of a rational being it must be regarded of itself as free, that is, the will of such a being cannot be a will of his own except under the idea of freedom, and such a will must in a practical respect thus be attributed to every rational being” (*G*, 4:448).

Morality, in turn, demands that we treat persons *as* persons, or as beings who can determine their own lives (their beliefs, values, and actions) for themselves. This obligation is captured by Kant's second formula of the categorical imperative: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (G, 4:429). Kant's formula has a kind of intuitive appeal. There seems to be something morally problematic about using persons merely for one's own ends or one's own gain—potentially even *creating* a person merely to serve one's own interests.

Behind Kant's second formula is the idea that persons *exist* as ends in themselves. Persons have what Kant calls absolute worth, or worth that doesn't depend on (or isn't conditioned on) their usefulness as a means to some other end.¹⁰ If a person's existence has absolute worth, and if persons must be treated as ends, then you might think that we ought to create *more* persons.¹¹ On Kant's account, however, the value of persons is regulative, not additive. You don't realize the value of persons by making more of them, the way you might realize the value of happiness by bringing it about that people are either happier or that more people are happy. You realize the value of persons by how you *treat* them.

We aren't required to make a person's existence our productive end, or something to bring about; we are required to make a person's existence a *regulative* end, or a constraint on how

¹⁰ In his preamble to the second formula, Kant puts the point this way: "Now I say that the human being and in general every rational being *exists* as an end in itself, *not merely as a means* to be used by this or that will at its discretion; instead he must in all his actions, whether directed to himself or also to other rational beings, always be regarded *at the same time as an end*" (G, 4:428).

¹¹ The utilitarian framework for procreation, for instance, leads to what Parfit calls the repugnant conclusion, namely, that we are obligated to create more people just to increase the overall happiness that exists in the world (Parfit 1984, 385–90).

we pursue our other ends. If I have the regulative end of being frugal, for example, my end isn't to make more money; rather, I have as a constraint on my pursuit of other ends that I do so without spending too much money. If I have the further end of eating dinner, for example, then I might get groceries and cook instead of eating at an expensive restaurant. For other persons' existence to serve as a regulative end over my actions, I must (somehow) constrain my actions in light of my consideration of them as persons. If I don't, then I fail to respect the humanity *in* them. In that failure I don't just act wrongly, I wrong the persons whose existence did not serve as a regulative end or constraint over my actions.

That *existing* persons could serve as a constraint on what we should do doesn't yet explain how a being who does not yet have the capacities of a person—let alone a being who doesn't yet exist—could constrain another person's actions. The problem with applying Kant's moral theory to procreation, and what makes procreation especially difficult, is that it's not an action that's done to an *existing* person. How could a person who doesn't yet exist serve as an end that regulates some procreator's actions? Procreators may be required to act in ways that treat themselves and other, already-existing persons, as ends, but it's not clear how their actions could be constrained by the *prospective* personhood of their offspring.

This problem isn't unique to future persons. In the “Doctrine of Right,” Kant claims that parents have obligations to their (existing) children despite their children not yet having the capacity to set and pursue ends on their own. For Kant, children's claim on their procreators for their care stems from their humanity, even though they, ostensibly, don't seem to have “humanity” in them yet.¹² That parents still have obligations to their children within Kant's

¹² Tamar Schapiro argues that young children lack both proficient and attributable rationality; that is, they're neither very good at reasoning nor can their actions be imputed to them as stemming from their own principles or

framework is telling: if parents have duties to beings who don't yet have the capacities that typically ground our obligations to other persons, then there is conceptual space in Kant's theory for us to have duties to persons who do not *currently* have all the properties of persons, including, perhaps, persons who do not yet exist. In what follows, I will show that what grounds parents' obligations to their existing children in Kant's moral theory *also* grounds prospective procreators' obligations to their *future* children.

§2 The Standpoint Solution

Within Kant's framework, we can't understand the creation of persons if we think of procreation solely in terms of the biological reproduction of organisms. That procreation is an event in the sensible world (the world as we understand it through our experience of it) is not in question. But what remains a mystery is how such an event could ever give rise to a being who is *not* just a sensible thing.¹³ How could a free being, a being whose actions are *not* necessarily determined by any antecedent cause, be created *from* an antecedent cause (a natural event)? That such a being is created through a physical process in time seems to give rise to a contradiction – the person is both determined by an antecedent cause and *free* from determination by any antecedent cause.¹⁴

values. If a child's humanity grounds our obligations to her, then her humanity can't be fully understood in terms of *her own* rational capacities, because she doesn't adequately possess them (in either sense) (Schapiro 2003, 575–94).

¹³ Kant writes, "For the offspring is a *person*, and it is impossible to form a concept of the production of a being endowed with freedom through a physical operation" (*DR*, 6:280).

¹⁴ For Kant, this isn't just a problem for human procreation. It's also a problem for our understanding of how God could create free beings (*DR*, 6:280).

We can recast Kant's puzzlement about the creation of metaphysically free beings into a more straightforwardly practical question: how is it that a biological process issues in the creation of a new *moral being*? That is, how can a physical process produce a being that both has moral claims on others and is eventually subject to the moral claims of others? Looking just to the biological process of reproduction doesn't obviously settle this question, because the question is not fundamentally about what the world *is like*, but what the world *should be*. The science of human reproduction can describe how we create new biological organisms, but it does not, on its own, speak to the new moral relations that result from that process.

The limits of what we can learn from doing the science of human reproduction reveals which facts matter when we're trying to figure out our procreative obligations. When reasoning is aimed at different ends, different kinds of facts are made more or less salient. When we're doing science, or studying what the world is like, we're in what Kant calls the *theoretical standpoint*. When we're trying to figure what to do or what we owe one another, we are in the *practical standpoint*. The difficulty of explaining how a person's non-existence could regulate how she's created only gets traction because we're looking at procreation from within the theoretical standpoint. That is, we're trying to understand how a physical or biological process could issue in a new *moral* subject, rather than seeing procreation as an activity undertaken *by* persons who have made another person their productive end. Whatever we make of Kant's ultimate reconciliation of the two standpoints with respect to our metaphysical freedom, his use of the two standpoints nevertheless points us in a helpful direction: we cannot adequately address a practical question about our obligations to the persons we create from within the theoretical standpoint alone.

2.1 The Theoretical Standpoint on Procreation

The theoretical use of reason is aimed at understanding the laws that govern the nature of objects, or the kind of reasoning we do when doing science (*CPR*, A823/B851; A633/B661).¹⁵ For Kant, theoretical cognition must depend, at least in part, on sensible intuition, or our experience of the world. Our understanding of procreation from a medical or scientific point of view, or from the theoretical standpoint, depends on our *experience* of procreation. From this standpoint, procreation is just the physiological process by which human beings reproduce. Human reproduction can be understood in terms of our sexual anatomy, the genetic contribution of each sex via sperm and egg cells which combine to form a new organism with predictable development stages (zygote, embryo, fetus, newborn infant)—all driven by an evolutionary drive to propagate the species.

The person created, in turn, is understood in terms of their biology. They don't meaningfully exist until there is some biological organism with a particular genetic identity that counts as *them*. In the theoretical standpoint, it doesn't make sense to talk about some particular

¹⁵ In Kant's *Critique of Pure Reason*, he distinguishes between different uses of reason, where each use has a different aim and, correspondingly, a different standard for what constitutes cognition, or well-supported objective representations about a subject matter. Speculative reason alone, or reason untethered to experience, cannot produce objectively valid *theoretical* cognition, or cognition about what exists. Such cognition must also depend, in part, on sensible intuition. The project of the *Critique of Pure Reason* is to show how you can have theoretical cognition that is both a priori and synthetic (e.g., how pure mathematics is possible). Unlike theoretical cognition, practical cognition need *not* depend on sensible intuition. For example, we can know what we must do even without theoretical cognition of our freedom. The differing limits of the theoretical and practical use of reason are most clearly seen in Kant's discussions of free will, the immortality of the soul, and the existence of God (A798/B826). About these objects, reason is merely speculative (there can be no theoretical cognition). However, reason can go further when it's aimed not at what *is* but at how things *ought to be*, that is, in practical reason (A799/B827).

future child one is benefitting (or harming) by altering one's procreative actions, because there is no one biological organism who is the patient of those actions. For Parfit, this constrains our moral reasoning about such actions: we can (and should) act in whatever way brings about some better state of affairs, but we cannot act in a way that harms or benefits some determinant future child.

What the theoretical standpoint doesn't tell us, and what for Kant it *cannot* tell us, is how the biological process of human reproduction could result in a *person*. For Kant, this is because we can't have theoretical cognition of our freedom, which is to say, we cannot determine whether a given being is actually free. That is, we can't point to particular objects, including various stages of a human organism, and say of it: okay *now* the embryo, the fetus, or the infant is a free being and so has the moral standing (and with it, the moral claims) of a person.

Again, setting aside the problem of our metaphysical freedom, the shift away from thinking about procreation as just a biological process is important for determining our procreative obligations. Insofar as we're thinking about procreation as the creation of a *person*, we're employing a practical concept in our reasoning about what to do, not a theoretical concept employed when doing science. "Human being" and "person" are not obviously coextensive. "Person" picks out beings with a rational will, not the particular biological features that make rationality possible for human beings. For Kant, we can't understand the creation of a person by appealing to biological processes that happen over time because "person" doesn't pick out a biological creature at all.

From the theoretical point of view, when we're trying to understand the world as it is under the laws of nature, we are limited to subjects that appear in the catalogue of objects that exist in the world. That is, our focus is on what the object (the created person) is like, or *when* she acquires whatever physical or developmental properties make a person. This question of when a

human organism becomes a person is famously fraught in procreative ethics. We do not have a consensus on when human life or personhood begins. Personhood might begin at conception, when the fetus becomes sentient or has some sufficient level of neural activity, when the fetus has its first detectable movement (or the quickening), when the fetus becomes viable outside the womb, when the fetus is born, or perhaps not until it has become a self-aware child.¹⁶

Our inability to settle when human organisms become persons reveals the tension that arises when we try to answer the question about what an object fundamentally *is* (as a matter of biology) while also trying to figure out what to *do*. When we try to ascribe personhood based on some physical assessment of an organism's capacities, we run into difficult questions about what threshold of rational capacities is sufficient for personhood, whether those capacities are multiply realizable, and how to account for the moral status of human beings who don't seem to meet certain thresholds of rational agency. We recognize that beings *like us* tend to be subject to and the bearer of moral claims, but there is variety among beings in our class. Not all human beings are demonstrably rational (very young infants, those with very severe cognitive disabilities or

¹⁶ The Catholic Church holds the view that life or personhood begins at conception. For a defense of this view, see Finnis and Noonan (Finnis 1973; Noonan 1968). Boonin argues that a fetus doesn't acquire moral status until it has organized cortical activity (25-52 weeks after conception) (Boonin 2002). Sekaleshfar gives a contemporary argument that personhood begins at the quickening (Sekaleshfar 2009). In *Roe v. Wade*, the Supreme Court uses fetal viability as marker for when a fetus can reasonably be the object of state protection ("Roe v. Wade, 410 U.S. 113 (1973)" n.d.). Warren lists five characteristics necessary for personhood, including self-awareness and the capacity for reasoning. Though birth doesn't bestow these characteristics on a human organism, it has its own moral significance as ushering the fetus into the moral community (Warren 1973; 1989). Tooley advocates for the position that a human organism doesn't become a person until it has a concept of the self (Tooley 1972).

brain injuries), and such persons don't neatly fit into standard accounts of the kinds of beings who have moral claims on us (Kittay 2005; McMahan 2002; 1996).

If we take seriously Kant's distinction between the theoretical and practical standpoints, the real problem is that the question of when a human organism becomes a person is an ill-formed question. Whether an organism is a person to whom we have obligations isn't fundamentally about its biology or physical development. Whether its personhood, actual or prospective, constrains other persons depends on the moral relation (if any) it has *to* those other persons. The problem, then, isn't that it's hard to know when a human organism becomes a person; the problem is that we can't answer a moral or a practical question from within the theoretical standpoint alone. For that, we need to take the *practical* standpoint on procreation.

2.2 The Practical Standpoint on Procreation

Kant explicitly says that a child's innate right against their creators for their care is a right that they have *in* their creation and *as* a person. How, then, can the practical standpoint help us make sense of that? The first step is to make it clear, as a way of ground clearing, that we're not in the business of determining whether the child is in fact a free being, when they acquire freedom, or when she attains the capacities of a person in her own right. When we take up the practical standpoint, we don't need to be able to point to a being and say its free, because our obligations do not and cannot depend on our theoretical cognition of other beings' freedom.¹⁷

¹⁷ For Kant, if our obligations depended on a prior theoretical cognition of a being's freedom, we'd never have any obligations at all because such cognition is impossible. Whether Kant's right about the possibility of determining a being's freedom, his moral theory can't consistently require it because it's not possible by the lights of his larger theory of cognition. Christine Korsgaard makes use of this distinction in her discussion about the moral

Our obligations, both to ourselves and others, start in the will of the acting agent, or the agent for whom the obligations are binding. Obligations bind persons with a rational will, or persons who *already* have some control over what they do and who can act for reasons or on a judgment about what would be good to do. So long as a person is operating in that capacity, they already have in their own reason the standards by which they must determine themselves to act. If they're constrained by other persons, it's not the theoretical assessment of their personhood that kicks in their obligations to them, it's that those persons show up as *objects in their willing*.

The problem of procreation only arises if we assume that the source of our directed duty is the object to which it is owed and then conclude that we can't be constrained until that thing appears. But to say we can't have duties to a person until that person has certain recognizable physical traits, even until they exists at all, is to smuggle the theoretical point of view into the practical use of reason. The practical import of the concept of "person" is that it shows up in the reasoning of beings who already employ that concept. That is, only persons employ the concept of "person" in their reasoning about what to do.¹⁸ The subject of my duty, considered as a

permissibility of lying to children. She writes, "We cannot say: 'children are not yet in fact fully free.' Theoretical statements about freedom have no standing. The most we could say is that children should not be treated as fully free. But the grounds for this practical statement are unclear. The pressure of the moral law is towards treating every human being as a free rational being, regardless of actual facts" (C. Korsgaard 1988, 22).

¹⁸ Michael Thompson argues that *both* the wrong-doer and the wronged must be capable of sharing the same bipolar concepts (concept of duties or wrongdoing) for one being to wrong the other in some respect (e.g., in a shared legal system, social practice, etc.). The possibility of morality writ large requires that we non-accidentally share such concepts, and so can, in principle, wrong any creature like us. He thinks Kant's account of reason best explains how we *could* share such concepts, but only if we also accept the strange metaphysics that lie behind it (Thompson 2004). My interpretation of Kant allows for a bipolar concept of duty (directed obligation) to get purchase so long as the

physical object (the human organism), isn't the ground of my duty; the ground of my duty is *my own conception* of her as a person, which has as its source the moral law within *me*.

My actions, then, are not constrained by the physical presence of other persons or even my judgment that other beings are free; my actions are constrained by my own self-regulation as a person who lives and acts among others. When I walk down the hall, I shouldn't plow into you, not because I have some theoretical cognition of your freedom, but because you come under my practical concept of a person, and so I see you as an object that isn't to-be-plowed-into. You could, for all I know, turn out to be a sophisticated android like a Replicant or Cylon.¹⁹ Though the question of your actual freedom is unknowable for me, I still act wrongly if I plow into you while *thinking* you are a person. Whether you would be wronged by my running into you may depend on whether you are in fact a person (so there may be an epistemic gap in knowing when I've wronged you or just acted wrongly), but either way, there would still be an identifiable problem on my end.

If we look at procreation from the point of view of biological reproduction, procreation is just the combination of some cells. Why would a group of cells that was formed from one of my cells generate a moral obligation for me to take care of it? If someone else created a child from one of my skin cells (which is now in the realm of possibility), would I thereby be obligated to

duty-holder's own conception of the other actor is *as* a being who can (or will be able to) share that bipolar concept.

On my interpretation, the object of my willing needs only to be able to share that concept *at some point*, not necessarily at the time of the actor's judgment.

¹⁹ These are androids from the movie *Blade Runner* and the television series *Battlestar Galactica*, respectively. Both stories challenge viewers to consider whether humans have moral obligations to non-human beings (e.g., to not torture or kill them). The humans don't know (and perhaps cannot know) whether the androids are free in Kant's sense.

care for the child, just because that child's genetic origin can be traced back to me?²⁰ As a human organism, I could be part of the genetic origin story (or efficient causal story) of a new organism, whether or not I had any intentional involvement in its creation.

That I have a demanding obligation to some child just in virtue of our genetic connection would indeed seem mysterious if we only viewed procreation from the standpoint of biology. However, there's another story we can tell that isn't about a child's biological or genetic origin, but her practical or moral origin. A created person isn't just a group of cells, and her origins aren't, for practical purposes, some sperm and egg. When humans reproduce, their actions are imputable to them as actions that they author (whether that's via sex, IVF, cloning, or some future method of assisted reproduction). The product of their actions is theirs, not necessarily in terms of legal ownership, but in moral ownership. They are morally responsible for their offspring because their offspring's existence is the result of their imputable actions, not because they are the efficient biological cause or genetic origins of some human being. From the practical standpoint, the moral claim of one's offspring doesn't depend on their unique genetics; their claim arises because their existence is the object or end of some other persons' imputable actions.

This point is not unique to Kant. We already have something like the distinction between the theoretical and practical standpoints built into our actual procreation practices. When children ask their parents where they came from, they can tell two different kinds of stories. Parents might tell their children a story about two persons who love each other, whose love led to

²⁰ Barbara Hall argues for a genetic account of parental rights by appealing to genetic parents' ownership over their own body parts (which contribute the genetic material for the child's conception). Hall's appeal to self-ownership may block someone else's *use* of my genetic material to create a child, but it doesn't by itself show moral ownership of the resulting child (Hall 1999).

her creation. They may, for the time being, leave the causal mechanisms involved unexplained, or tell a causal story that stands in for the biological story the child might not be ready for (e.g., a stork brought you to us instead of an IVF clinic, a surrogate, and a sperm or egg donor). If they don't tell the full biological story, they haven't failed to answer the child's question. They have still told the child the story of their creation, because that story isn't just about, or even primarily about, the fertilization of some egg cell. If the child's parents had only told the biological story (the journey of two cells), then the child's creation story wouldn't be complete. The birds and bees talk isn't just about biology and human anatomy, it's also about the practical relation between persons. An essential component to a child's creation is that they is the product of some creators, or persons whose creation of the child is imputable to them as moral agents (including procreators who are not biologically related to the child).

The moral landscape of procreation changes when we see it not simply as an evolutionary drive or biological imperative, but as an activity that can be self-consciously undertaken by persons. For procreators, there isn't a question about *their own* rational capacities. They only face a moral question about what to do because they are already capable of considering their procreative actions in light of their conception of what they owe other persons. What makes their future offspring the bearer of a special moral claim against them is that their offspring will be the product of *their* actions, actions "by which [some procreators] have brought a person into the world" (*DR*, 6:281). It matters, practically, that we don't get babies from storks or people-seeds implanting in our carpets.²¹ Persons create persons through their imputable actions, and it's these

²¹ Judith Thomson's thought experiment about people-seeds implanting in one's carpet reveals the limits of relying on analogies to understand procreation (Thomson 1971, 59). Procreation isn't fully analogous to anything else we do, so we cannot rely on analogies to determine what obligations constrain how we go about it.

imputable actions that issue in new moral relations between procreators and their offspring.²² We shouldn't, then, simply point to a biological process that issues in a human organism to make sense of the *practical* relation between procreators and their offspring, or to determine the moral claims offspring have on their procreators and the corresponding duties those procreators have to them.

§3 Procreation as Person-Creation

In practical reason, we understand actions in terms of what the acting agent is doing, or what an agent's end or purpose is, because an action is understood as event in the world that is connected to an author.²³ I'm not merely moving my fingers, I'm typing, or better, I'm writing a paper. You're not just looking at some shapes on a page or screen, you're reading this paper. Whatever norms apply to our respective activities, they apply in virtue of what we're doing, practically understood, not merely in virtue of the movements of our bodies as physical objects. When we're trying to understand the moral stakes of procreation, we can't simply point to the physical mechanisms of reproduction. We need to ask: what would it take for person-creation to go well if we consider it, not as a biological imperative of human animals, but as an activity

²² From a caregiving ethics framework, Virginia Held criticizes Kantian ethics for requiring total impartiality and thereby excluding special obligations one might have to loved ones (children, spouse, friends) (Held 2006). Held's criticism does not reflect the special obligations found in Kant's *Metaphysics of Morals*. One can come to have obligations to one's child, spouse, or friend on the basis of those relations. For one's child, in particular, the moral obligation you incur in creating a child is in turn the grounds of one's legal rights and responsibilities as a parent. Special obligations are not excluded by our more general obligations to persons; rather those special or relational obligations can be understood as grounded *in* our more general obligations to persons.

²³ See Anscombe's influential discussion of intentions and action descriptions (Anscombe 1957).

intentionally undertaken by persons with a rational will? That is, what are the relevant norms or standards of procreation, given that it's an activity undertaken *by* persons that has as its object the production of *another* person?

From the practical standpoint, a person's creation is an event that's brought about in a distinct way. Persons don't merely cause the existence of new persons; their procreating is imputable to them as *their* actions.²⁴ It's an activity we can and do undertake on purpose. Created persons, then, aren't just the effect of their procreators' actions, they are their *productive end*, or the aim of their procreators' actions (even if that end is not taken up until after a pregnancy has begun).²⁵ Future children don't need to physically exist to bear on how their procreators' come to act, because those procreators have willed the end of person-creation, they have already committed themselves to take whatever means are necessary to bring that end about. Once procreators have a person's creation as their productive end, that person's existence must *already* serve as a regulative end over their creation. That is, once persons take up the end of person-creation, they are already subject to whatever standards capture what it takes to successfully create a person.

²⁴ What distinguishes the practical standpoint from other genetic or causal accounts of parental obligations is that persons don't have any parental obligations to some offspring in cases where they are not implicated by *their own* imputable action. A child that results from rape, or the misuse of someone's sperm or eggs, will not have special claim on their biological or genetic parent if that connection is *merely* biological.

²⁵ Elsewhere I argue that, in the case of an unplanned pregnancy, a pregnant person does not yet stand in this relation to a fetus until they make the practical commitment to continue the pregnancy (Chambers 2020). The moral standing of early fetuses, then, can differ depending on their relation to other persons who have (or have not) committed to creating a person.

Whether the object I take as my productive end should have the standing of a person (as a regulative end or a constraint) in my willing is a *practical* question, not a theoretical one. Suppose we didn't take children—actual or prospective—to have the standing of beings whose value regulates their creation and rearing. If we treated children merely as *things* up until they showed signs of personhood, then we would risk undermining their development in ways that hinder (or preclude) their ever becoming beings who can set and pursue ends of their own in the future.²⁶ We would, in effect, undermine our own person-creation unless we took ourselves to be creating persons, where the nature of what we're creating both guides and constrains how we go about it.

We can see the moral pieces of the puzzle, not in spite of the metaphysics of procreation, but as the practical consequence of procreation understood from the practical standpoint. You needn't create a person to begin with, but if you do commit to creating a person, you have to take seriously the fact that you're creating a *person*, where the moral value of the being to-be-created casts a kind of moral shadow backward on the very process by which they're created. You don't need to wait on the metaphysics of freedom or personhood to be constrained, because the constraint comes from within your own practical reason, not from the subject to whom your obligations are owed.

We can also now explain why the relation between procreators and their offspring is important, not in terms of their biological connection, but because persons never cease to be the

²⁶ Christine Korsgaard makes a similar point about the different perspectives we can take on the same person. We can see her as a determined product of her upbringing, or as a free person. Reciprocity requires that we take the latter point of view (C. M. Korsgaard 1992, 305–32).

product of their procreators' actions, regardless of who raises them.²⁷ The moral relation of creator-created never changes or transfers. There may be cases where procreators can only ensure that the child is adequately cared for by relinquishing the child to the care of someone else. But even if procreators transfer legal responsibility for a child to someone else through adoption, their moral responsibility for the child is not *fully* transferred, because they can't fully alienate their responsibility to the person they created as a result of their own actions. That procreators always have some responsibility for their offspring doesn't entail that they will or should hold a special emotional place in the lives of their offspring, nor does it entail that their offspring's adoptive parents don't stand in an important moral relation to the child. But this relation can explain why we sometimes attach an importance to the persons we create or who were involved in our own creation, even when we do not otherwise have a personal connection to them as the children we raised or the parents who raised us.

3.1 The Non-Identity Problem

The practical standpoint preserves the idea that the person being created is crucial to the explanation of what procreators are required to do. To see how, consider one of Parfit's non-identity cases, the 14-year-old girl who wants to conceive a child now. Most people think the girl should wait until she's better prepared to parent a child. Parfit accepts that before she has the

²⁷ The moral responsibility procreators have for the persons their own actions help create would explain how, on this view, anonymous sperm donation might violate the rights of the children who are created as a result. The problem isn't just that children want to know themselves better, as Velleman argues (Velleman 2005). Rather, the problem is that the sperm donors helped create those children via their imputable actions. Those children, plausibly, have some moral claims against them—for their medical history if not further support.

child there is a sense in which it is better for her child if she waits, because “her child” doesn’t yet pick out a determinate person. However, once the child is born to the young mother, we can no longer say it is worse for her child that she waited, because now “her child” picks out a particular person whose existence depends on the girl’s decision to have a child now.²⁸

On Parfit’s account, if the girl conceives now, she acts wrongly because she has failed to bring about the better of two possible states of affairs. She hasn’t, however, wronged her child, because *that* child wouldn’t have been created if she had waited. Nor, if she waits, could she benefit the child she would have conceived now, because that child will not exist if she waits. For Parfit, the point is not just about the metaphysics of identity, it’s about how she should think of her choice. If what matters morally is a person’s biological or genetic identity, then the girl should think of her choice as a *different child* choice, and it’s a mistake to think of one’s procreative decisions as making life better or worse for some determinate child in the future (the mistake made by the Midwestern parents).

²⁸ Kumar makes a similar move by appealing the distinction between one’s *de dicto* and *de re* child, arguing that prospective parents are bound by the same moral principle with respect to their *de dicto* (future but not yet determinate) child as they would be to their *de re* (existing and determinate) child (Kumar 2003). On the practical standpoint, though the *subject* of one’s obligations remains fixed (the child, future or actual), the content of our obligations to that child can change, or shift, over time. By contrast, Kumar argues that because parents have an obligation to prevent their existing children from being injured or disabled, procreators must also avoid knowingly or purposefully creating a child with a disability. However, it’s not obvious that the same principle that applies to existing children also regulates how children are created. In what follows, I will show that the content of parental obligations is determined by the end of parenting, namely, the practical or moral viability of the child. It’s at least possible in principle that the means necessary to achieve this end may be different at different stages of the person-creation timeline.

On the practical standpoint, however, what matters is the child's *moral* or *practical* identity as the object or productive end of the girl's will. Just by having the child as her productive end, the girl is already required to take *that child's* prospective existence as a regulative end over her actions. If she doesn't, then we can make sense of the intuition that she wrongs her child, not because that child has been made worse off than they otherwise would have been, but because the child already stood in a moral relation to her just in virtue of her decision to procreate. That the child would have had a different *genetic* identity had the girl chosen differently doesn't change the fact that there is *someone* who already serves as a regulative end over the girl's decision. That this someone's genetic identity is indeterminate does not entail that their moral or practical identity *as the object of their mother's creation* is also indeterminate.

The non-identity problem is only a moral problem if the morally salient feature of the child is her genetic identity. If, however, the morally salient feature of the child is her relation to the will of some procreator, then the non-identity problem doesn't even arise. For practical purposes, the girl should think of her decision as a *same child* choice: what action will be better for my future child (whoever that turns out to be)? If she is ill-equipped to adequately parent the child now, then it's better for her child if she waits. Though the child will have a different genetic identity depending on when she conceives (and with whom), the child will have the same *practical* identity as her productive end. On the practical standpoint, if the girl isn't yet in a position to successfully take on the extended project of person-creation, or even if she simply hasn't considered what responsibilities that entails, she wrongs the child she creates.²⁹ The girl makes

²⁹ I don't think it's obvious that, just because she is young, she either must be unable to parent the child adequately or that she will be a substantially better parent in the future. However, if she hasn't at least considered whether she is

this mistake *even if* the child she creates is not harmed, because the wrong is not in the harming, it's in the girl's *willing*. She should not both decide to create a person and fail to consider whether she is able to fulfill the obligations she will incur by doing so.

§4 Duties to One's Child akin to Duties to Oneself

Even if procreators don't face the non-identity problem, that doesn't yet tell us the nature of their obligations to their future children. To get a better sense of *what* procreators owe their offspring, I'm going to return to the passage in Kant's political theory about parental rights. That procreators have obligations to the persons they create isn't controversial from the ordinary or common-sense view of procreation, in which biological parents are first in line to parent their offspring (which is their duty if not also their right). Kant's interesting move is the further claim that procreators have the authority to *author* their offspring, analogous to the authority (and responsibility) they have to author their own actions.³⁰ That is, their obligations to their child are more like the obligations they have to themselves than the obligations they have to others.

Kant's discussion of a child's claim against her parents for their care appears in his elucidation of a peculiar kind of right: *the right to a person akin to a thing*. On his account, parents have a right to control their children, to direct their upbringing and have them brought back to

able to fulfill her pending parental responsibilities, then she will have failed to treat her future child as she should (Chambers 2019).

³⁰ I am using "author" here to denote the relation of responsibility that persons have over their *own* actions, which I argue also extends to one's offspring. Notice the etymological connection here between authority and authorship: Latin 'auctor' means the originator or promoter. Authority here needn't be seen as controlling, but rather, something like how an author *creates*. I think it's useful to think of procreative authority as a kind of person-authorship, where authority isn't a license to do as one pleases, but a responsibility to author or to create *well*.

their care, because parents cannot discharge their duty to care for their offspring without it. Parenting or child-rearing requires having a unique kind of practical authority over the child that, when all goes well, eventually shifts to the grown child. That authority makes the creator-created relation different from other ways we relate to one another: the creator has the authority to act as the stand-in agent for the child until the child can manage her own life.

The right to a person akin to a thing is neither a right *to* a thing (a property right, or control over an object) nor a right *against* a person (a contract right, or a right to coerce a person to some action). It is a right that allows a person to, under the law, have another person treated *as if* that person were one's property.³¹ The possibility that someone could hold a right to another person *as if* they were a thing seems to contradict the underlying moral foundation of Kant's political doctrine. The state's moral ground is our moral equality and freedom as independent persons. The state is meant to provide the moral backdrop that enables individuals to treat one another as *ends in themselves*, or as moral equals who are capable of and free to determine their

³¹ Kant also claims that spouses have this right to one another (reciprocally held), and masters have this right to their servants. The right seems to amount to the legal ability to have a spouse or contracted servant brought back to them, but the right does *not* entail a right to "use them up" or to act as if one fully owned them (*DR*, 6:283). In both cases the other party has entered a contract: in the case of marriage, a contract to the exclusive and reciprocal use of one another's body sexually, and in the case of servants, a contract whereby one person commands and the other obeys. Servants cannot contract themselves to a lifetime of servitude because the contract cannot involve a complete renunciation of one's freedom. At most, you can enter a contract for an unspecified length of time with the provision that either party can give the other notice for its termination. I won't defend the plausibility of this third category of property rights, including in the case of children. I am interested only in the duty to one's child that seems to be its ground.

own lives. In such a moral framework, what place is there for a property-like right to another person? What possible moral justification could it have?

In what follows, my aim isn't to defend Kant's particular conception of the right to a person akin to a thing. Rather, I will draw out an insight behind that right that sheds light on what we owe the persons we create. The right to a child akin to a thing reflects a special kind of obligation we can have to another person: to treat her *as if* her needs and interests are one's own. Parents aren't simply permitted to be partial to their children, or to care more about their needs and interests than they do for other persons. Parents are obligated to count their children's needs and interests *as their own*. Similarly, procreators' obligations to their future children don't look like the obligations we have to other (adult) persons. Their procreative obligations will instead mirror the obligations they have to themselves, obligations that aren't well-captured by a harm-based framework.

Parental obligations are meant to offset to the moral risks of procreation. Procreation is morally risky because when a child is born, she is vulnerable in a special way. At birth, a child has not yet "mastered the use of [her] members or of her understanding" (*DR*, 6:281).³² For a considerable time after birth, children are not yet able to act for themselves. They don't yet have their own point of view, and they can't be held responsible for their actions (Schapiro 2003). At the same time, children can *become* persons who can act for themselves and who can be held responsible for their actions. They just can't do it on their own. They need our help to get there.

³² Tamar Schapiro puts it this way, "...[T]he condition of childhood is one in which the agent is not yet in a position to speak in her own voice because there is no voice which counts as hers." Schapiro argues that Kant provides an ideal of mature agency against which children count as undeveloped agents, or a deviation from the ideal (Schapiro 1999, 729).

What's more, children don't get into this predicament on her own. Other persons put them there *by* procreating. Parents have duties to their children once they're born because person-creation isn't finished at a child's birth. You cannot, by your own initiative and without their consent, put a person into the dependent condition of childhood *and* be indifferent to it. To be indifferent to the condition of one's offspring is to make a mistake about what one has done. You, through your imputable action, created a person who is not yet in a position to manage herself. Insofar as you've created a person, you're not finished creating her until she is a person in the fullest sense, that is, until she becomes her own master of her body and her mind (*DR*, 6:282). You are responsible for seeing your action through, which is to say, you're responsible for caring for the child you create up until she can operate in the world as her own person.

Herein lies Kant's justification for codifying a scheme of parental rights: parents must have the legal authority to control their children, to direct their upbringing and have them brought back to their care, because parents cannot discharge their duties to their offspring without it. Parenting or child-rearing requires having a unique kind of practical authority over the child that, when all goes well, eventually shifts to the grown child. That authority makes the creator-created relation different from other ways we relate to one another: the creator has authority over the child, not to do whatever they want with her, but to be responsible for acting as the child's stand-in agent until she can act for herself.

Kant describes the right to a person akin to a thing as "the right of a human being to have a *person* other than himself as *his own*," where 'one's own' is understood "in the sense of usufruct..., to make direct use of a person as of a thing, as a means to my end, but still without infringing upon his personality" (*DR*, 6:359). Unlike the right spouses have to one another, the

right parents have to their children is not reciprocally held by their children.³³ Parents and children are not equals, because only parents determine the course of the family. This inequality raises an important question: how could equally valuable persons have a relationship characterized by inequality without thereby violating the humanity of the child?

The answer, at least for Kant, is that the parent-child relation serves an important purpose which makes the non-reciprocal use of a child “akin to a thing” legitimate. Kant goes on to add, “but [the parents’] end, the condition under which such use is legitimate, must be morally necessary” (*DR*, 6:359). This morally necessary end, at least in the case of parents and their children, is the maintenance of the child until they reach maturity or independence from their parents, or until they are able to act as a person who can set ends for themselves. Procreation, then, is an act *whereby* persons make themselves the author, or the stand-in agents, of another person. Procreators’ authority to control the child as *their own*, or as if their child is part of themselves, depends on the necessity of their end: to take responsibility for that child’s care until the child reaches maturity (*DR*, 6:360). Persons cannot, by their actions, both create a new person and fail to take responsibility for the extended creation of that person over time—authoring the child’s life until the child can author their life for themselves (*DR*, 6:282).

³³ In the case of marriage, that Kant casts the relationship between spouses as a matter of property rights over each other’s bodies obscures a potential insight in his discussion. Barbara Herman argues, for example, that there may be some common ground between Kant’s views on sex and marriage and the views of feminists like Andrea Dworkin and Catherine MacKinnon, namely, that our sexuality is socially influenced (if not constructed), and even for well-meaning persons sex can be morally risky. Though Dworkin and MacKinnon emphasize the pernicious effects of socialization on our sexual relations, perhaps we can harness the power of our social and political institutions (like marriage) to positively transform those same relations (Herman 1993). Herman is doubtful that marriage as we (or Kant) know it could do the job, but it’s possible some reformed version of marriage could.

The language Kant uses here—treating the child as one’s own—suggests that procreators’ duties to the children they create is more like the duties they have to themselves than the duties they have to others. For example, though a person has authority over her own body, her body is not her property to do with whatever she pleases. She still has duties to herself with respect to how she treats her body: she has a duty of self-preservation (4:429), a duty to develop her physical and mental talents (4:429; 6:386-387), which includes a duty to work toward her (moral) perfection (6:387). Procreators, likewise, are on the hook for their child’s preservation, the development of the child’s physical and mental talents (4:415), and even the child’s moral education (*DR*, 6:281).³⁴

By contrast, our duties to others tend toward: don’t interfere with their external freedom (*DR*, 6:230-231), and, as a wide or imperfect duty, take their ends as one’s own (or to take their happiness as one’s end) (*G*, 4:430; *DR*, 6:387-388).³⁵ These duties to others are not unlike the harm-based framework that underlies both Parfit’s non-identity problem and some anti-natalist positions: if what we owe others is to avoid harming them and to benefit them when we can, then *that* is what we also owe our offspring (if we owe them anything at all). On a harm-based framework, whether one should conceive now or later, select some trait or not, even have a child at all depends, at least in part, on the net harm or benefit to the child (even if, as Parfit argues, no benefit or harm is possible).

The moral permissibility of reproductive selection, for instance, has been cast as a question about the value or disvalue of particular traits, from a person’s biological sex to their

³⁴ See, for example, Kate Moran’s discussion of the place of moral education in Kant’s moral theory (Moran 2009).

³⁵ We can only take the happiness of others as our end, not their perfection, because another’s perfection just is their own ability to set ends in accordance with duty, or to act in accordance with duty (6:386).

chromosomal abnormalities. What those discussions are missing, and what a Kantian framework highlights, is that a harm-based framework doesn't adequately capture the moral stakes of creating *persons*. What we owe our children isn't simply to avoid harming them and to benefit them when we can. We are responsible for *authoring* our children, or managing them so that they can come to manage themselves. We aren't required to avoid harm at all cost, especially if the cost is the child's practical development.

In this respect Kant's view isn't far from a natural way many parents think of their children. Parents don't treat their children as fully separate individuals; they treat them as part of themselves (especially when they are very young). We massively intervene in children's lives by controlling their bodies, their whereabouts, their access to information, etc. And especially early on, but even as they mature, we don't take *their* ends as ours, we set ends for them.³⁶ This practical connection is especially salient between the gestational parent and their offspring during pregnancy, but even after their child is born, caring for a child is akin to caring for oneself in its priority, importance, and level of invasiveness. It's not weird to choose for myself what I eat, when I go to bed, etc., though it'd be strange to have that kind of control over another person, even over someone else's child. Why, then, is it not strange to have this authority over one's own child? Because, for a time, the child I create is an extension of me, or part of my agential purview, in a way that other people are not and cannot be. I cannot have this control even over

³⁶ We can't set ends for other adult persons, because no one can will an end *for* someone else. Yet, insofar as parents are the stand-in agents for their children, they can set ends for them, because their own will *is* the child's will, until the child can will for themselves.

other people's children, who are as needy as (or more needy than) my own, because I don't stand in the same relation to them that makes them part of me (or part of my agential domain).³⁷

Parenting is no small undertaking. Children aren't like pets or friends—they're not like any other family relation. To parent a child is to, for a time, include that child as part of one's own person, to author both your lives in tandem. Parents' interests aren't subordinated to their children's, because their interests aren't fully separable. Their child's interests *are* their interests, so what's required for the child's survival, care, and education is in the parents' own interest to provide. Far from granting parents too much license over their children, parents instead incur a great responsibility: to care for their child as if *they* are that child.³⁸

We can think of a child's upbringing as something like the practical analog of physical gestation. When a person is pregnant, they treat the fetus *as if* they are one person (the pregnant person acts for both of them), but all the while, the fetus is growing into a being that is physically viable on its own. In a similar way, once a child is born, they require a kind of moral or practical gestation.³⁹ Their parents must care for them as if they are caring for themselves. If all goes well, then while the child is in care of their parents, they are also developing into a being who will be

³⁷ Adoptive parents may also step into this role and take on those obligations, especially if a child's procreators are unable or unwilling to discharge those obligations. In doing so, they also become *creators*, because the child's creation into a person has only just begun at birth.

³⁸ Paternalism to children isn't a problem on this view of children so long as it's coming *from the child's parents*. In that case, the parents are the acting-agents for the child. They don't overrule or usurp children's practical authority; they are the custodians of that practical authority until children are capable of taking over for themselves. For a further discussion of paternalism toward children in a Kantian framework, see Tamar Schapiro's "What is a child?" and "Childhood and Personhood" (Schapiro 1999; 2003).

³⁹ I am indebted to Jorah Dannenberg for the analogy.

morally or practically viable on her own. The success condition for person-creation isn't birth, it's the child's becoming a self-managing person, someone who not only has moral claims on others, but is eventually subject to the moral claims of others.

Now we're in a position to see the payoff of taking up the practical standpoint. Whether or not the concept of "person" should be applied to children is itself a practical question, not a theoretical one. It's a practical question because what we're trying to figure out is not what children *are*, metaphysically, but what moral relation they stand in to other persons. If children are put in a state of dependence by the actions of other persons, a state they cannot exit without help, then they have a claim on those persons for the care they need to get out of their predicament. Parents, in turn, should not treat their children the same way they should treat *adult* persons, because doing so will not enable their children to reach practical viability, or agential independence. Parents are instead responsible for their children in the way they are responsible for themselves—to look after their preservation, their physical and mental development, and their moral education. The morally salient question for procreators, then, isn't whether some action would harm one's future child, but whether some action will hinder the future child's *moral* or *practical viability*.⁴⁰

⁴⁰ In Caspar Hare's use of the *de dicto/de re* distinction, procreators have an impersonal responsibility to show concern for the health of their future child, but that concern is not owed *to* their offspring (Hare 2007). Procreators are obligated to show general parental concern in their procreating, but they are not obligated to make their *de re* child better off. The practical standpoint differs from the *de dicto/de re* strategy in an important way: procreators should think of their choices as being about their *particular* child, not some indeterminate child. Though the child's genetics are indeterminate, their moral identity is fixed by their relation to their procreators as their productive end. Their offspring have standing for complaint if their procreators have failed to act for the sake of their practical viability.

4.2 Practical viability as the end of procreation

Reproductive technology has expanded the choices available to potential procreators. We can do more than simply create a person: we can control when or if we have children (both by preventing unwanted pregnancies and by extending fertility), we can use or be genetic donors, and we can test both embryos and early fetuses for desired (or undesired) genetic traits.⁴¹ However procreation is accomplished, it's still an imputable act of creation that puts procreators in a special moral relation to their offspring.⁴² That relation is, in the act itself, already *between* persons—not as a matter of biological relation, but as a practical description of the relation between the creator(s) and their offspring.

Kant's moral theory provides the groundwork for working out the content of procreators' obligations to their offspring. I have argued that, from within the practical standpoint, the end of procreative choices should be the future child's eventual moral or practical viability. Once we recognize that person-creation is aimed at moral or practical viability, we can see that the very process over which "person" is a regulative ideal can start well before birth. It starts as soon as procreators undertake the creation of a person. If practical viability is the success condition for person-creation, then it is *that end*, and not harm-avoidance, that should anchor our procreative obligations. And while I haven't given an account of the specific content of procreators' obligations to their offspring, we are now in a position to see what issues we *won't* need to settle

⁴¹ The "we" here is limited to those with access to these tests and treatments. There's an important question about the fairness of that access, but I won't pursue it here.

⁴² Though I won't explore the topic here, this account raises further questions about the extent to which persons who assist in the procreative process are responsible for (and to) the persons they help create, from genetic donors to medical professionals. The practical standpoint widens the net of who has obligations to future children, insofar as they must also take the child-to-be as a constraint on their own actions.

before we can do so. First, we don't need to vindicate the possibility that creating a person can harm them in order to explain how a person could be wronged by their creation. Whether a created person has been wronged by their creation depends on whether their procreators have authored them well, which in turn depends on how they came to act, not whether their offspring has been made better or worse off by their creation. Second, even if creating a person *does* inevitably harm them (whatever other good it brings), that alone doesn't settle the question of procreation's permissibility. The possibility of harm isn't irrelevant to the morality of what procreators do, but if their end is the future child's *practical viability*, then some harm might be justified *when and if* it is a necessary cost of reaching that end.

What we should ask, then, is whether procreators seriously consider that their actions will issue in the creation of a person, and, importantly, whether they treat their child's existence (and eventual practical viability) as a regulative end over their creation of her. At the very least, are they prepared (and willing) to *care* for the person they create?⁴³ That procreating is the *beginning* of the parent-child relation, in turn, provides additional moral context for the appropriate use of reproductive technology. For instance, whether it's permissible for procreators to use reproductive selection to determine the genetic traits of their children can't be settled just by appealing to whether it's harmful or beneficial for persons to have the trait in question. There needn't be anything inherently bad about being female or deaf for it to be wrong for procreators to select for those traits in their offspring. The authority to author one's offspring is grounded by a morally necessary end: the offspring's eventual agential maturity or independence. If procreators are selecting a trait simply because they prefer it, or because they think persons who have or lack some trait are somehow inferior, then their person-creation activity isn't guided by

⁴³ See my account of procreators' parental obligations in "Wronging Future Children" (Chambers 2019).

the very end that grounds it. Their procreative choices can be defective in virtue of *why* they're selecting some trait, even if their offspring isn't worse off because of it.

What's more, procreators' obligations to their offspring don't depend on the *personhood* status that their offspring has at the various stages of its development. How morality constrains what we do to or with embryos, for example, doesn't depend on embryos' having the capacities of a person who can set and pursue ends. What matters is what the *procreators* are doing. Are procreators selecting an embryo in order to create a person? Are procreators donating an embryo to other procreators or to researchers who will study the embryo for medical purposes? The constraints that bear on how we treat embryos when we (or others) are trying to create persons will differ from whatever constraints bear on how researchers should treat embryos that will soon be destroyed, because the persons in each case are engaged in different activities. Whatever the answers are to these questions, they are all questions about what some already-existing persons are *doing*, not the metaphysical status of the embryos themselves.

This Kantian framework for procreation enables us to preserve the intuition that it can matter, immensely, how we treat early-stage human organisms. Their import comes from what *we* are doing, not from the metaphysical status of the organisms themselves. You can think, then, that procreators aren't acting strangely when they choose to put unused embryos up for adoption rather than disposing of them, or when they choose to dispose of them rather than donate them to research, or when they go to court to prevent a former partner from using an embryo to create a child with another person. How procreators conceive of their embryos, or what they're trying to do with them, matters for the appropriateness of how they treat them.

We can make a similar point about what attitudes are appropriate to have about early stage fetuses. If a very young fetus dies, as many naturally do, it may not seem morally significant when the fetus is viewed merely as an early-stage organism (i.e., when it is viewed from the

theoretical standpoint). However, from the practical standpoint, though the young fetus was not the beginning of a child who actually came to exist, for persons who were trying to create a child, that fetus was the object of their actions, if not their love. The death of the fetus may be appropriately mourned by its procreators, not because *it* was recognizably a person, but because the fetus was, for those procreators, the child they were creating.⁴⁴

Conclusion

Applying Kant's moral framework to procreation helps us see why the Midwestern parents weren't making a mistake. There is a meaningful sense in which the decision to procreate is a decision *about* someone. If my imputable action is one of person-creation, then the very person I have as the object of my action is, in virtue of the role they have in my practical reason, a regulative end over the process by which I create them. That is, the decision to have a child already puts me in a moral relation to my future child. That future child may not have a determinate biological or genetic identity, but they do have a determinate moral identity as my productive end. It makes sense on this view, then, that the Midwesterners might have hopes and aspirations for their future children, because just by having their future children in their thoughts, those children are already morally salient over how those procreators come to create them in the future.

The account of procreation that I've offered here is not a solution to Parfit's non-identity problem; it's an argument that if we start from within Kant's moral framework, the non-identity problem doesn't even arise, at least not for the obligations that bear on prospective procreators. If

⁴⁴ See my argument that relational obligations help explain our complicated, and seemingly contradictory, attitudes toward pregnancy, fetuses, and abortion (Chambers 2020).

we look at procreation as an imputable action of persons that puts them in a special practical relation to their offspring, then the moral relevance of their future child's indeterminate genetic identity falls away. We can account for the special relation between procreators and their offspring, including the value prospective procreators attach to their future children, just by appealing to the way in which a future person can and should show up as an object of their procreators' willing. Procreators shouldn't both create a person and fail to act for the sake of their future child's moral or practical viability. That future children don't already exist with some determinate genetic identity does not mean that they cannot (or should not) play an important regulative role over the very process by which they are created. From the practical standpoint, insofar as some persons choose to create another person, the person to-be-created is already their responsibility, whoever that person turns out to be.

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