

Kant's Justification of Parental Duties

HEIKO PULS

Universität Hamburg

Email: heipuls@googlemail.com

Abstract

In his applied moral philosophy, Kant formulates the parents' duty to make their child happy. I argue that, for Kant, this duty is an *ad hoc* attempt at compensating for the parental guilt of having brought a person into the condition of existence – and hence also having created her need for happiness – on their own initiative. I argue that Kant's considerations regarding parental duties and human reproduction in general imply arguments for an ethically justified anti-natalism, but that this position is abolished in his teleology for meta-ethical reasons.

Keywords: parental duties, procreation, happiness, philosophy of law, Kant's pessimism

1. Introduction

Recent work that systematically addresses the subject of parenthood takes note of Kant's justification of parental duties (e.g. Austin 2007; Prusack 2013). The authors usually only refer to the passage in the Philosophy of Law (*MM*, 6: 280–1)¹ where Kant justifies the parents' duty to care for their child by the fact that, by procreation, they have brought a person into the world without that person's consent.² They also claim that Kant does not justify his approach. I, however, argue that the *Nachlass*, the *Lectures Feyerabend*, *Mrongovius*, *Pölitz* and *Vigilantius* contain a carefully justified theory of parental duties that is based on Kant's considerations regarding an ethics of human procreation that have, so far, hardly been investigated.

In §2 I argue that Kant emphasizes different kinds of parental duties in *MM*, 6: 280–1: on the one hand, the parental duty to materially care for the child, and on the other hand, the moral duty to ensure it is content with the condition of its existence. I argue that this position is a causal justification of parental duties, because Kant causally links the duty to satisfy the child's need for happiness with the *parents' freedom*: the child,

and hence also its needs, are the result of the ‘freedom of their community of sexes’, which Kant specifies as a freedom possessed *onerose* (HN M, 19: 470), i.e. as a burden.

In §3 I show that the justification of this problematic duty is not only based on the reference to the causation of the child’s need for happiness by the parents, but also on a strong pessimism of Kant’s concerning the chances of realizing human happiness. Kant repeatedly states that the chances of becoming happy are so small for human beings that no rational person could want to repeat his existence at the end of his life.

In §4 I investigate the consequences of these considerations for a Kantian evaluation of human reproduction from an ethical perspective: if a human being could not rationally agree to a repetition of his existence because the sum total of unhappiness outweighs that of happiness, then reproduction is, *prima facie*, morally wrong. I claim that we can also argue for a problematization of reproduction based on Kant’s view that each human being is an end in itself: a person can never be brought into existence *for her own sake*.

Finally, I show that Kant’s considerations about reproduction yield a different picture in his writings on teleology and the philosophy of history. Here Kant regards the procreations of different generations as having a *moral function* in a wider sense, because they serve towards the moral perfection of the species. I argue that this position of the reflecting judgement implies a meta-ethical argument: the *practical decision* not to abandon the idea of a meaning and end of humanity despite the individual suffering that people have already experienced and that will happen in the future.

2. An Analysis of MM, 6: 280–1 in the Light of the *Nachlass* and *Vorlesungsnachschriften*

In the *Metaphysics of Morals* section on the Philosophy of Law, a brief formulation and justification of a causal theory³ of parental duties can be found. Parents are obliged to care for their child and to raise it, because they are the cause of the existence of the child:

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. So from a *practical point of view* it is a quite correct and even necessary idea to regard the act of

procreation as one by which we have brought a person into the world without his consent and on our own initiative, for which deed the parents incur an obligation to make the child content with his condition so far as they can. (*MM*, 6: 280–1)

According to Kant, both partners' actions within this *procreation community* are characterized by freedom. This is supported by the fact that Kant calls the 'procreation in this community' in *MM* an 'act'⁴ (*MM*, 6: 280) or a 'deed' (*MM*, 6: 280). In the *Nachlass*, Kant also refers to the 'freedom of the community of sexes' (*HN M*, 19: 470). In the *Vorlesungsnachschriften zur Moralphilosophie* he explicitly emphasizes the *freedom to decide* regarding procreation:

[I]t always rests on human beings, whether they want to put themselves in the state to beget children or not, it rests merely on their inclination, on their whim. Often children are even produced in an illicit manner, when persons get on with one another out of great passion. (*LP M I*, 28: 295)

Human reproduction is according to Kant usually⁵ based on a free decision. Conceiving a child is subject to the parents' rational control. A child is not the result of an uncontrollable parental sex drive. Hence the capacity for procreation is more than a merely biological capacity, because it also has a *transcendental dimension*:

Humans' capacity to procreate is their capacity to bring a person into the world with a human being of the different sex. The means for this, or the act by which this effect can occur, is the carnal mixing of them both. (*HN VN*, 23: 357)

The conceived 'person' is the 'effect' of this specific human capacity, i.e. to 'bring a person into the world' by sexual intercourse ('carnal mixing of both') and to create a new beginning by this spontaneity.

From the 'procreation in this community' follows a duty 'to preserve and care' for the 'offspring' of this use of the freedom of man and woman. By this deed, children as persons have an 'innate right' to be cared for by their parents until they can look after themselves. For Kant, children are persons, or at least potential persons, qua having been born.⁶ In sexual intercourse, parents accept the potential conception of a person. Kant says that the reason for the child's rights against the parents is based on the parents' *use of freedom*:

A person is a being towards whom every other human has duties. Hence this mixing (called copulation) is an action by which it falls to the person allowing himself to it that he be prepared for potential obligations. Those would be to the child that could be conceived by it, and both would be responsible for its preservation if this effect took place. (HN VN, 23: 357)

If people of different sexes ‘allow themselves’ sexuality, they have to assume that, in principle, this will bring a person into the world. When performing the sexual act, they have to be prepared for ‘potential obligations’ that might become reality in the shape of duties towards the child.⁷ In the passage from the HN quoted above, Kant not only talks about a duty to care for the children, but also of potential obligations in the plural. This point is also implicitly made in the passage from the *MM* quoted at the beginning. There Kant first mentions the *legal* duty to care for the children. In the transcendental justification of this duty at the end of this section, however, he also stresses the *moral* duty to *make the child content with the condition of its existence*.⁸ The justification of this duty is: since the born child is a person and we cannot form a concept of the procreation of a being antecedently endowed with freedom, it is necessary and correct *from a practical point of view* to regard the conception as an act by which we have brought a person into the world on our own initiative and without her consent. Because of this *deed* – Kant continues – parents are obliged to ensure that the child is content with its existence.

We cannot explain theoretically, i.e. in terms of a causal connection, how freedom as a property of a biological being emerges and is possible. But we can say something about this from a *practical point of view*: we can *think of* procreation as the event by which a human, endowed with the intelligible quality of freedom, is brought ‘into the world’. From a practical point of view, for Kant, it is plausible that a person’s coming-into-existence is due to the parents’ freedom. The ‘act’, the ‘deed’, the ‘freedom of their community of sexes’ can at least be thought of as the cause of the child’s existence and freedom. Bringing a person into existence is therefore also characterised by Kant as happening *on our own initiative*. The child as a potential person is brought into existence without its own consent. Its existence is only due to a *free action of its makers*. For Kant, this use of the parents’ freedom is the reason for the duty to care for the children as the ‘offspring’ of the ‘parents’ community of sexes’, but also for the further duty *to make the existence of the child happy*. This interpretation is supported by further comments in

Kant's *Bemerkungen zur Rechtslehre* and the *Vorlesungsnachschriften zur Moralphilosophie*. In the former, Kant defines the conception of a child as the 'physical act of a couple' by which a 'human being is produced' (HN BR, 20: 445). He derives two duties from this: first, the duty 'to preserve [the child's] life' and to maintain its 'being' (HN BR, 20: 245). Second, the duty to 'help [the child] with a happy continuation of its being' and to support its 'merry enjoyment' of life (HN BR, 20: 245). Kant distinguishes even more clearly here than he does in the *MM* between the parents' legal duty to care for the child and physically preserve its life and the moral duty to make it happy. He calls the duty to materially care for the child a 'coercive duty' elsewhere (LV, 27: 670),⁹ i.e. a legal duty that can be sanctioned by the law if it is not fulfilled.

The claim that parents are obliged to make their child happy is very far-reaching. It also does not fit well with other statements of Kant's concerning the duty to promote someone else's happiness in general. In *MM*, 6: 387 he explains the moral duty to promote other people's happiness to the best of one's ability, but he also emphasizes that the possibility of doing so is rather limited, since what individual happiness consists of and whether it occurs depends on numerous uncontrollable factors. Furthermore, Kant also notes elsewhere that one can only be obliged to do something if one can, in principle, fulfil it ('ultra posse nemo obligatur', cf. LMET K2, 28: 774). So why does Kant repeatedly highlight the parents' duty towards their child – which goes far beyond the moral duty to promote other people's happiness and can, in principle, not be fulfilled?

At this point, the question arises again why the fact that two persons are the cause for another person leads to a *specific duty towards that person* that goes beyond the general moral duties towards other people.

The argument for why parents have this duty towards their children is first of all, as mentioned before, a causal argument. It is based on the parents' role as the creators of the child's existence. Because of a free decision, parents bring a potential person into the world and have to care for that person until she can take care of herself, and the parents are obliged to make that person happy. A look at Kant's definition of the act of conception and its consequence in *MM* is instructive. According to Kant, 'putting someone in the world' or 'pulling him over' into existence has to be understood as *bringing someone into a condition to begin with*. Since parents have 'put children in the world' on their own initiative, they have to make them content 'with their condition'. The condition that

children have to be made happy with is the *condition of existence*. This is the condition *the parents* have created for the child.

In our own words, we could describe this position as follows: by a free act, persons bring a person, who has no condition, into a condition – the condition of existence. This makes them responsible for satisfying the needs that arise from this person coming into this condition. Strictly speaking, the parents have not created the needs of the child, but they have created a child of which they know that, as a human being, it will have needs.

The person's needs exist as the 'effect' of a certain causality, the 'freedom of the community of sexes'. Hence the persons responsible for her existence have to make sure that these needs are satisfied. For the purpose of identifying parental duties from a purely legal perspective, this causal justificatory model is unproblematic and intuitively plausible: the person who brings a child into existence has to feed and keep warm the hungry and freezing child. The child demands the satisfaction of its needs by, for instance, screaming and crying. We would consider it a crime if parents were to let their child starve or freeze. Kant's justification of parental duties, however, goes beyond this legally definable dimension and also comprises a moral dimension that is much harder to justify. He states in *MM* that the parents are obliged to make the child content with the condition of its existence and to raise it so that it feels *content* and *pleased* with its existence. They have to help the child with happily continuing its being. The argument for the duty to make the child happy has the same justificatory structure as the argument for the parents' duty to care for and feed the child: it is because the parents are causally related to the existence of the need for happiness of the person they procreated.

How a specific duty can arise due to one person causing the need of another can be illustrated by the following example: if I see an accident where a pedestrian has been hit by a lorry, it is my duty to help to the best of my ability. It is my duty to call the police, to provide first aid for the victim and maybe to make a witness statement later. This duty to help the accident victim is a general duty that applies to every person who is part of this situation as a casual bystander. However, if I had been the driver of the lorry that caused the accident and harmed the pedestrian, I would have a duty that goes beyond this general duty to help other people in an accident or another emergency situation. In this case, I would not only have the general duty to help the injured person. As the *cause* of this harm, I would have the duty to compensate any potential needs that arise

from it. After the accident, it would be my moral duty to inquire about the victim's condition, to visit him in the hospital and to pay him compensation. His recovery and further well-being depend not only on my efforts, but on many factors such as the quality of the doctors treating him, the support by his family and the eventual recovery process. Still, because of my causality – my causing the accident – i.e. my blameworthiness for the current state of the pedestrian, I play a morally exclusive role. It is this causality, and the *guilt* that arose from it and that has to be compensated, that Kant aims at when talking about the parents' duty to the child that they have brought into existence, namely their duty to make the child happy.

Such a duty is, however, problematic, at least in its literal sense. As previously mentioned, one cannot *make* someone happy. One can only *try to promote* someone else's happiness, as Kant emphasizes in *MM*, 6: 387.

The far-reaching duty to make someone happy therefore has to be understood metaphorically, although it implies a realistic requirement. Promoting someone else's happiness can comprise different degrees of the obliged person's efforts and sacrifices. Strictly speaking, parents can merely *try* to promote their child's happiness, but the demands for this attempt are very high. The formulation 'parents have the duty to make the child happy that they have procreated' expresses, in the realistic interpretation of this claim, the highest possible demand of a duty, which, however, cannot be completely fulfilled. As in the case of the relation between the person who caused the accident and the accident victim, the obligation has a certain exclusivity and intensity. Parents have to *feel fully responsible* for supporting the child in the realization of its happiness as far as possible, and they have to be prepared to do significantly more for it than for, for example, promoting the happiness of the neighbours' child.

Even if we interpret Kant's claim that parents have to make their child happy metaphorically, as I have suggested, and hence concede that it has a content that can be realized, a number of questions and problems remain, and Kant says nothing more about them.

When promoting the child's happiness, one danger could be, for instance, that the parents merely transfer their own ideas about happiness onto the child. So they would have to guard against this. In *MM*, 6: 454, Kant notes: 'I cannot do good to anyone in accordance with my concepts of

happiness.’ ‘Young children and the insane’ (*MM*, 6: 454) are an exception, Kant writes, but the parents’ duty to make their child happy is naturally limited, since the child is a potentially autonomous being that will develop its *own* ideas about happiness. What is true of the promotion of other people’s happiness in general is also particularly true of the morally more important promotion of the happiness of one’s own child. Since its personality is just developing, the risk of a potential heteronomy concerning its happiness is even bigger.

Besides this problem, Kant also does not address the question *how far* parents should and must go in carrying out their duty. I suggest that the same limitations must apply here that Kant explains in the context of promoting other people’s happiness (*MM*, 6: 388). The parents’ duty with respect to their children’s happiness also has its limits. Despite their duty to an exclusive and intense promotion of their children’s happiness, parents must not do anything immoral to promote that happiness (cf. *MM*, 6: 280). The parental duty would have reached its limits if, for example, parents had to steal or even murder for the child’s happiness. Kant additionally notes that, in promoting someone else’s happiness, one’s own happiness also has to be taken into account. The promotion of someone else’s happiness must not lead to the ‘sacrifice of one’s own happiness’ (*MM*, 6: 393) or the ‘sacrifice [of] my ends if these are not immoral’ (*MM*, 6: 388). Parents completely renouncing their own happiness for the sake of the child’s happiness would act immorally, because they would turn themselves into mere means for fulfilling the end of making their child happy. According to Kant’s basic approach – he does not explicitly address this question – parents are thus permitted to refuse any of the child’s wishes that are obviously or indirectly – by instrumentalizing the parents – immoral, even if they would contribute to the child’s happiness. However, I assume that parents are obliged to certain sacrifices in their own happiness that go beyond the possible limitations that promoting someone else’s happiness usually entails. Surely a child cannot demand from its parents that they incur extreme debts in order to maximize the child’s happiness. However, it is the parents’ duty, for example, not to buy a new car if this money would enable the child to go to school and would therefore contribute to the child’s happiness.

Kant also only makes vague remarks on the question *until when* parents are obliged to care for the child’s material well-being. In *MM*, 6: 280, he writes that children have ‘a right to the care of their parents until they are able to look after themselves’. This duty seems to no longer apply from a

certain point of time on and could therefore contradict Kant's justification and scope of parental duties. Can a duty, which is supposed to be justified by the causality between the existence of a human being and another person's procreative behaviour, indeed be this fundamental and far-reaching if it no longer holds from a certain point of time on – which is determined by social conventions such as the age of consent?

The objection is obvious, but it does not speak to Kant's main intention in *MM*, 6: 280. The parental duty to care for the person they procreated, which *prima facie* exists due to the causal relation between the parents and their child, ends when the child's development necessitates this step. The duty can be dissolved if the child no longer needs the parents' support, for instance because of taking up a job. But I assume that Kant would also suppose that it is a sign of this person's autonomy that she starts to care for herself from a certain point onwards. Children in any case usually (although there are exceptions) want to look after themselves after a certain point of time and care for themselves. But then Kant's considerations about a possible end of the parental duty of caring for the child arguably allow for the idea that this duty – which has ended at some point due to the child's development and its ability to care for itself – applies again when the child can no longer care for itself, for instance because it has taken up a new step in its education. Kant's idea that the parental duty ends at a certain point must therefore not be understood in a final or categorical sense. It rather depends – and Kant explicitly points this out – on the development and condition of the child, i.e. on *whether* it is able to care for itself. In *HN*, 20: 465, Kant writes that the parental duty towards the child holds 'as long as the latter is unable to help [itself]'.

Kant says nothing about a possible end of the parental duty to make the child happy in *MM*, 6: 280, but I assume that he would also say here that parents are obliged to support the adult child in reaching its happiness to the best of their ability – if the child allows that. This thought is also hinted at in *HN*, 20: 465, where Kant writes that parents have the duty to care for the 'happy continuation' of the child's existence *as long* as it is incapable of doing so on its own. It cannot be excluded that there will be phases in the life of an adult child in which it will be incapable *again* of happily continuing its existence (even though it once was). In this case, the parents are obliged to support their child.

Independently of discussing the detailed problems of Kant's theory it can be said that his initially strange formulation of the parents' duty to do something that, in principle, cannot be fulfilled (but that can be translated

into a realistic content) is based on the idea that bringing a person into existence is an ethically *exceptional category* with far-reaching consequences. Kant thinks it is ethically problematic to bring persons, without their consent, into a state that is strongly characterized by needs whose fulfilment is dubious or even unlikely. This impression becomes especially clear in the *Vorlesungsnachschriften*, where Kant goes as far as to say that a person is potentially *harmed* by procreation and birth. In the *Vorlesungsnachschrift Naturrecht Feyerabend*, Kant presents a pointed formulation of this thought (that parents have to make their child happy) and stresses the consequences of neglecting this duty:

The rights of the parents against their child are based on their own obligations. They procreate it in order *to make its existence happy*. They have procreated it, this is the act; if they do not care for it, they harm it, just like someone who transports a sleeping person to an unsafe place. (LF, 27: 1380)

In this passage, again, Kant ties the act of procreation to the parents' duty to make the existence of the child happy. They conceive it in order to make its existence happy. Kant formulates the consequence of neglecting this duty: if the parents do not care for the child's happiness, they harm it. At first sight, this thought is radical and unusual, and Kant tries to illustrate it by means of this analogy: to conceive a child and then not to make it happy is comparable to transporting a sleeping person to an unsafe place. This means that the person cannot object to the change of place and cannot prevent being exposed to danger by a third person. If someone brought me into a warzone while I was asleep or under anaesthesia, I would be confronted with a situation I did not bring about by myself. The responsibility for any potential injury lies with whoever brought me there. This someone would potentially harm me by his actions, since he brought me to this place on his own initiative and without my consent. He is potentially harming me by exposing me to the risk of becoming injured in a war situation. Conceiving a child poses a similar problem: from the condition of non-existence, parents bring the child into existence and hence into a condition that is not only characterized by material needs, but also by the need for happiness. As the cause of the child, parents are also the cause of its need for happiness. This has the following consequence: if they do not do everything they can ('to the best of their ability') in order to satisfy the need that was caused by them through conception and birth, they harm their child. Just as the person who brought me into a warzone while I was asleep is responsible for protecting me from force of arms – so he will not harm me by actions

on his own initiative – parents also have to satisfy the need for happiness of the person they have created. Otherwise, they would harm their child.¹⁰ In the *Vorlesungsnachschrift Moral Mrongovius* Kant also stresses an asymmetrical relationship of obligations between children and their parents:

The procreation of children is an *actus obligatorius* by which the parents have taken on an obligation towards their children; however it remains to be proven that children are obliged to their parents due to the procreation, because being is not mandatory, and I also say: it is not happiness by itself. To be quite unhappy, one has to be there. (LM, 27: 1412)

According to this passage, the relationship of obligations between parents and their children is one-sided. By procreation, parents take on an obligation, i.e. due to this act, they have a duty towards the conceived child. Kant thinks that the reason for this asymmetry is the fact that existence is not 'mandatory', i.e. one does not necessarily exist. One could also not exist (without any disadvantages, so to say). In this respect, existence by itself is not like happiness. In order to be happy or unhappy at all ('to be quite unhappy'), one already has to exist ('has to be there').¹¹ Kant reformulates the idea from the *Vorlesungsnachschrift Naturrecht Feyerabend* here: the condition of existence – as opposed to non-existence – comprises a *harm potential* that was created by the parents on their own initiative. The parents bring the child into a condition that is neither necessary for a potential subject, nor happiness (or unhappiness) in itself. It is rather a *necessary condition* for happiness or unhappiness. For this reason, parents have severe duties towards their children, but not vice versa. Existence is not an advantage for which the child would have to be grateful to his parents, but a condition that is characterized by many needs. Being brought into existence is not a boon, as Kant explicitly stresses elsewhere:

[F]or the child, no ground for love can grow out of the fact that the parents are the cause of his physical existence; this is not a boon that engenders gratitude. (LV, 27: 670)

Kant therefore takes parental right to be a *law of obligations*. This conception can be illustrated by various remarks of his, especially from the *Reflexionen zur Rechtsphilosophie* (HN M, 19: 468–70). The act of procreation binds the parents together as if through a commonly committed offence.¹² It is a culpable act towards the child as a potential person, since

children are ‘brought into the world’ (HN M, 19: 470) by the parents this way. Kant writes: ‘Here is an example of guiltiness that is not due to someone else’s rights’ (HN M, 19: 353), and he states that ‘the parents’ duty towards children is a severe duty of guiltiness’ (HN M, 19: 97). As a duty of guiltiness, the parents’ duty goes far beyond the duty of a mother or father towards other persons.

3. A Sketch of Kant’s Pessimism about Happiness and his Justification of Parental Duties

Kant repeatedly displays a strong pessimism regarding the status of the empirical world with respect to the question of happiness and hence regarding the existence of human beings. He thinks that the prospect of becoming happy in the world is so low that no rational human, at the end of his life, would wish to exist again. In various writings, Kant even considers the idea that not to exist, and hence not to have the ability to suffer, could be an advantage over existence with its potential suffering. The presence of this idea in Kant’s writings has also been brought out by his biographer Borowski.¹³

Kant remarks on the balance of happiness and the related value of life (in analogy to a financial balance) in several of his writings. Apparently, he refers to an idea here that goes back to his reading of Maupertuis’s *Essai*.¹⁴ It can be found as early as his ‘Attempt to Introduce the Concept of Negative Magnitudes into Philosophy’ (NM, 2: 164–204). This idea is based on the attempt ‘to calculate’¹⁵ the feelings of pleasure and displeasure, i.e. to assess the balance. The idea can also be found in the *Critique of Judgement*, ‘On the Miscarriage of All Philosophical Trials in Theodicy’ and the *Nachlass*. Kant writes in the *Critique of Judgement*:

It is easy to decide what sort of value life has for us if it is assessed merely by what one enjoys (the natural end of the sum of all inclinations, happiness). Less than zero: for who would start life anew under the same conditions, or even according to a new and self-designed plan (but one still in accord with the course of nature), which would, however, still be aimed merely at enjoyment? (*CJ*, 5: 434n.)

Kant draws a balance of happiness and determines a corresponding ‘sum’. From this perspective, the value of life is easy to assess. It is negative, ‘less than zero’.¹⁶ The reason for this estimation is that no one would repeat his life. So Kant assumes that the unpleasant sensations of human beings outweigh the pleasant sensations. Suffering outweighs

happiness. As a being in need of happiness, one cannot want to exist again. This diagnosis applies to human existence in general. It also applies to a possible human life – independent of individual lives – imagined as a ‘new and self-designed plan’. Such a life is still ‘in accord with the course of nature’, i.e. the asymmetry between happiness and unhappiness that Kant takes to be constitutive of human existence. This assessment is not the potentially biased judgement of a suffering person who is turning away from life due to individual experiences, but a judgement of *reason*, and hence a rational assessment. In the ‘Miscarriage’ essay (T, 8: 253–71), Kant labels as mere sophistry the idea that the claim about the predominance of suffering in the world could be disproven by the fact that everybody would rather live than be dead – regardless of how bad his life is:

But surely the reply to this sophistry may be left to the sentence of every human being of sound mind who has lived and pondered over the value of life long enough to pass judgment, when asked, on whether he had any inclination to play the game of life once more, I do not say in the same circumstances but in any other he pleases (provided they are not of a fairy world but of this earthly world of ours). (T, 8: 259)

A human being with a ‘sound mind’, i.e. with judgement and reason, who has lived long and pondered over the value of life, will agree that there is a predominance of malady in the world and will not want to repeat his existence. Kant adds that this thought also applies to a hypothetical, imagined life that would unfold under new circumstances. Even such a biographically optimized life would be bound to the ‘earthly world’ and would have to be rejected for rational reasons.

In the *Nachlass Anthropologie* we can find further, more precise formulations of these sentiments:

In order to arrive at a judgement whether life has a positive or negative value, one does not have to consider that nobody would like to die, but whether any rational being would want to live again under the same circumstances. If this is not so, life is worth less than nothing. And indeed that is how it is. (HN A, 15: 602)

In order to question this thesis regarding a strong pessimism in Kant, one could say that these claims are only put forward to argue against hedonism. If happiness were restricted to positive sensations of pleasure,

human beings could indeed not wish to continue again, since this is a limited perspective. But happiness might have a more sophisticated dimension that is not primarily concerned with satisfying our sensual inclinations and the corresponding intensity or duration of pleasure and convenience. This happiness could come about by meeting ends that we have set, i.e. the realization of our freedom. And in fact this second aspect, a preferentialistic aspect, of happiness can be found in Kant's writings – even in close proximity to the hedonistic.¹⁷ However, this does not pose an objection to the claim that there is a deep pessimism in Kant. The fact remains that he gives an extensive account of why it is rational not to want to exist again. The 'conditions of the earthly world' in general make this hypothetical option seem irrational. One aspect here, again, is the negative balance of luck with regard to the hedonistic dimension of the concept of happiness. The 'sum of all happiness' is always negative. But a second aspect is precisely the preferentialistic aspect. Some of Kant's remarks indicate that his pessimistic assessment also applies to this aspect of happiness:

Every person forms his own plan of his destiny in this world. Skills that he wants to gain, honor and leisure in the future that he expects from them, lasting happiness in married life and a long line of joys or of ventures constitute the images of the magic lantern that he ingeniously draws and plays in vivid succession in his imagination; death, which puts an end to this shadow play, appears only in the dark distance and is made obscure and unrecognizable by the light that is shed over the more pleasant places. During these reveries our true fate leads us along completely different ways. The lot that will really be granted to us seldom looks similar to what we promised ourselves, in every step that we take we find ourselves deceived in our anticipation; nevertheless the imagination goes about its business and does not tire of drawing up new plans, until death, which still seems to be far away, suddenly brings the whole game to an end. (VS, 2: 241)¹⁸

The 'conditions of the earthly world' also enter into this dimension of happiness. It concerns the realization of plans for life by human freedom. Kant's position is quite pessimistic in this respect as well: self-made plans and self-realization in work and human relationships are mere chimeras, they are 'shadow play', 'images of the magic lantern' or 'reveries'. Reality rarely matches up to the plans and aims that we have freely developed for our lives. At every step we find ourselves 'deceived in our anticipation'

until death ends this game of human imagination. So with regard to the preferentialistic aspect of happiness, Kant also defends a pessimistic position. These aspects of the 'conditions of the earthly world' also make it undesirable to exist again.

4. A Kantian Ethics of Procreation

As we have seen, Kant's justification of parental duties is at least partly based on a pessimism regarding the state of happiness in the empirical world. Parents have severe duties towards their child because they have procreated it on their own initiative and brought it into a condition where unhappiness outweighs happiness. They become guilty through this act, and it is questionable whether this guilt can be compensated. But if no human being could rationally wish to repeat his life under earthly conditions, it would *prima facie* be right never to procreate.

The ethical doubtfulness of human reproduction, consequently thought through, also seems plausible given Kant's ban on instrumentalization. David Benatar has pointed out that by being brought into existence a person is *always treated merely as a means*, but not also as an end, because it is not possible to bring a person into the world *for her own sake*.¹⁹ He argues that normal reproduction is morally no less problematic than, for example, a case wherein a person is procreated for the sole reason of gaining a bone marrow donor for his sick sibling. In both cases, the future person is treated as a mere means, not also as an end, for in both cases the child is not being brought into existence for its own sake. In general:

Children are brought into existence not in acts of great altruism, designed to bring the benefit of life to some pitiful non-being suspended in the metaphysical void and thereby denied the joys of life. In so far as children are ever brought into existence for anybody's sake it is never for their own sake. (Benatar 2006: 129–30)²⁰

If we take the assumption to be correct that future persons must also never be used as a mere means, and if it is not possible to bring persons into existence for their own sake – as Benatar argues – then reproduction would indeed be ethically problematic according to Kantian principles.

As previously mentioned, Kant does not explicitly discuss this question. The sketched problem of a potential instrumentalization of future persons by procreation is, however, hinted at in the famous passage from

the Philosophy of Law where he states that parents have brought a person into existence *on their own initiative* and *without her consent* (cf. *MM*, 6: 280) by the act of procreation. In German, the term *eigenmächtig* (on one's own initiative) that Kant uses here has a negative connotation and is often explained as 'regardless of other people's responsibilities or rights'. The reference to the parents' own initiative and the lack of consent by the conceived person confirm Kant's awareness of the problem that children cannot be procreated *for their own sake*, but are merely the result of their parents' behaviour or intentions. As he writes in the above cited passage from *LP MI*, 28: 295, procreation is based '*merely on their inclination, on their whim*'.²¹

However, the reconstruction of a possible Kantian ethics of reproduction would be incomplete if it only took into account the passages from his work that have been mentioned so far. Kant also writes about human reproduction in his philosophy of history and the teleology on which the latter is based.

In §83 of *CJ*, 5: 429, we find an idea that had already been announced in the brief works on history and teleology since the 1780s: although one cannot, as an assessment of determining judgement, conceive of human beings as the last end on earth, this is possible through reflective judgement (cf. *CJ*, 5: 429). Human history itself does not objectively reveal a meaning, but it can be regarded *as if* a wise nature had configured human beings and their faculties such that they develop their capacities and talents during the course of history. This positing of a possible final end is due to the capacity of human beings to set their own ends (cf. *CJ*, 5: 431).

In this interpretation of history by reflective judgement, meaning can even be attributed to ills such as war and natural catastrophes. In the end, such factors – which initially do not accord with the end – still promote the development of human beings (cf. *MA*, 8: 121).

In this context, Kant also refers to the 'mixing of the sexes' on which the moral progress of humanity is based:

For by means of the general mixing of the sexes, the life of our species endowed with reason is progressively maintained, despite the fact that this species intentionally works toward its own destruction (by war). Nevertheless, this does not prevent rational creatures, who grow constantly in culture even in the midst of

war, from representing unequivocally the prospect of a state of happiness for the human race in future centuries, a state which will never again regress. (*AP*, 7: 276)

Human procreation preserves the development of reason of the human species, even though, in the course of generations, there are, for example, wars that seem to counteract this development. Overall, this historical process and the sequence of generations it comprises can be thought of as a process in which humanity as a whole not only becomes increasingly morally perfect, but also possibly reaches a higher state of happiness. There is a *plan of nature* behind reproduction and the end of preserving the species. What is denied for the single individual is fulfilled in this perspective of the history of the species:

The natural purpose of the individual is different from the purpose of the human species. With other animals, the individual reaches his purpose, with human beings only the species can reach the whole purpose of human nature. For the species ought to work its way up in many generations towards a perfection, for which the facilities can be found in nature, but the development is human beings' own work, it is artificial, and it cannot be achieved by the individual, but only by the species. (*HN A*, 15: 887)

The succession of generations, which is based on the reproduction of human beings, can be thought of in the following way: it realizes what the individual can never achieve, i.e. the maximally possible state of moral perfection, at least concerning the species. Kant even goes as far as to consider the idea that individuals change through procreation, but a consciousness of the species remains.

In this teleological dimension, an indirect moral function can be attributed to procreation. It does not bring about a moral perfection and increase of the state of happiness of an individual, but the moral perfection of humanity as a whole. This teleological view allows for a different perspective and thus for a different ethical assessment of human reproduction than the considerations presented so far would suggest.

These two views do not necessarily contradict one another. The point of the teleological perspective on the history of humanity is not to identify potential ethical problems that are related to its development, but to *attribute* meaning – at least in the mode of reflective judgement – to a fact that does not reveal any meaning by itself, i.e. that is not compatible with

human self-conception in the mode of determining judgement. Human history itself does not reveal any plan of a wise creator. No meaningful course can be objectively detected in it, but with the regulative idea of progress one can conceive of history *as if* it is based in a secret plan that aims at the perfection of humanity. A possibly higher and, in the end, moral meaning can, in this vein, also be attributed to a sequence of ‘procreations’ that might seem meaningless at first sight. Kant observes that ‘the older generations appear to carry their toilsome concerns only for the sake of the later ones ... and that only the latest should have the good fortune to dwell in the building on which a long series of their ancestors had labored’ and calls this fact ‘puzzling’ (I, 8: 20). Even though the idea of a progress, the perfection of humanity through a sequence of generations, refers to an intelligible substratum in the individual human being – his humanity, his moral capacity and development towards perfection – Kant is aware of the fact that this teleological interpretation implies the problematic thought that individual beings are, as it were, *used by nature* as a mere means, and not as an end.

Kant sticks to the idea of a meaningful human existence despite individual suffering and a course of history that, from an objective perspective, does not seem purposeful.²² Given the counter-purposeful nature of the world and the obstacles for human existence, he does not conclude that it would be better if there were no human beings. In the mode of reflective judgement, he rather conceives of the world as a system that is compatible with human determinations of ends and human self-understanding. Human beings can thus keep hoping that their existence is not meaningless and that the creation of new human beings belongs to this plan. The early Kant describes as follows such a *morally practically* motivated partiality in assessing the questions that are existentially important for humans:

But the scales of the understanding are not, after all, wholly impartial. One of the arms, which bears the inscription: *Hope for the future*, has a mechanical advantage; and that advantage has the effect that even weak reasons, when placed on the appropriate side of the scales, cause speculations, which are in themselves of greater weight, to rise on the other side. This is the only defect, and it is one which I cannot easily eliminate. Indeed, it is a defect which I cannot even wish to eliminate. (DS, 2: 349–50)

5. Conclusion

The fact that parents are obligated to make their children happy is a particularly far-reaching, perhaps ‘absurdly high demand’ (Prusak 2013: 30).

In *MM*, Kant justifies this duty by reference to the act of procreation by which a person is brought into existence without her consent and on the parents' own initiative. This duty is problematic because human beings can only have the duty to *promote* other people's happiness. Parents, however, stand in a causal relation to their child's existence and therefore also, in a practical sense, to its need for happiness. So they have at least a *morally exclusive* duty to contribute *as much as they can* to its happiness. Kant expresses this demand, which goes beyond the promotion of other people's happiness, in the metaphorical formulation that parents have to *make their child happy*. As I have argued in §3, Kant has a particularly pessimistic view about the chances that human beings have for happiness. From the purely hedonistic perspective of his concept of happiness, he assumes that the 'sum of all happiness' will be negative. But happiness in the form of realizing human freedom by realizing certain plans for life is also unlikely. Happiness is only due to unlikely coincidences, because its realization depends on circumstances that are beyond our control. For Kant, the chances of realizing happiness even in the broad sense are so uncertain that, several times, he comes to the conclusion that no rational human being could wish to repeat her life.

Against this background, Kant's claim becomes comprehensible that parents have severe duties towards their child and that the child has no duties towards the parents that would be based on the fact alone of having been brought into the world by them. He chooses a very direct formulation for the condition into which parents bring children: just to exist is not happiness; existence is rather a necessary condition 'to be quite unhappy'. Having been brought into this condition is more of a burden than an advantage or a gift. It is, at least, not a condition a child would have to be grateful to his parents for. Hence Kant regards the relationship of the duties between parents and child as asymmetrical. In the *Vorlesungsnachschrift Naturrecht Feyerabend*, he even talks about a potential *harm* that the parents might inflict on their child by the very act of procreation. Kant's considerations thus suggest that reproduction is at least ethically problematic. Following Benatar (2006: 128–31), I have argued that this position can also be derived from the Kantian idea of human beings as ends in themselves: human reproduction is ethically dubious, because it is not possible to bring a person into existence for her own sake.

For Kant, the thought that it might be morally right if human beings no longer produced children does not mean that human beings should no longer reproduce. Even though Kant addresses the ethical problems of harm and instrumentalization that bringing someone into existence

constitutes, he is nevertheless willing to take human reproduction to be legitimate from a teleological perspective. He even ascribes an indirect moral function to it: reproduction serves the preservation and moral perfection of the human species. In the end, this idea implies the assumption that human beings should exist. I have suggested that this is not necessarily an inconsequent position. It could rather be ethically motivated. Kant probably assumed that the idea that it would be better if no humans existed would bring existing human beings into an existentially absurd situation. The idea that it would be better if one had not been conceived is an impertinence for the self-understanding of rational beings. It is also questionable if one can rationally assume that it would be better if one had not been born. A position that refutes reproduction for ethical reasons would not only have contradictory, but maybe even dangerous consequences by, for example, putting people under pressure not to procreate, or it might lead fanatics to terminate pregnancies for allegedly ethical reasons.²³

Such an anti-natalistic position could of course conceivably lead in a direction that contradicts human biology, everyday life intuitions and central ethical standards. However, I have argued that, from a teleologically grounded meta-ethical perspective, there are good reasons for Kant to refuse to accept such a position. Nevertheless, his considerations contain arguments that might support a position of this kind. His justification of the, strictly speaking, unfulfillable duty of parents to make their child happy is, in the end, indeed based on the idea of the severe ethical dubiousness of reproduction.²⁴

Notes

- 1 Kant's works are cited by abbreviation and volume and page number from *Immanuel Kants gesammelte Schriften*, Ausgabe der Königlich Preußischen Akademie der Wissenschaften (Berlin: Walter de Gruyter, 1902–). Translations are, if available, taken from the Cambridge Edition of the Works of Immanuel Kant (Cambridge: Cambridge University Press, 1992–), otherwise my own. Abbreviations: *AP* = *Anthropology from a Pragmatic Point of View* (trans. Robert W. Loudon in Kant 2007); *CJ* = *Critique of the Power of Judgement* (Kant 2000); *CPrR* = *Critique of Practical Reason* (in Kant 1996); *DS* = *Dreams of a Spirit-Seer Elucidated by Dreams of Metaphysics* (in Kant 1992); *HN* = *Handschriftlicher Nachlass*; *HN A* = *Handschriftlicher Nachlass Anthropologie*; *HN BR* = *Handschriftlicher Nachlass Bemerkungen zur Rechtslehre*; *HN M* = *Handschriftlicher Nachlass Moralphilosophie*; *HN NM* = *Handschriftlicher Nachlass Metaphysik* (in Kant 2005); *HN VN* = *Handschriftlicher Nachlass Vorarbeiten und Nachträge*; *I* = *Idea for a Universal History with a Cosmopolitan Aim* (trans. Allen W. Wood in Kant 2007); *LF* = *Naturrecht Feyerabend*; *LM* = *Moral Mrongovius*; *LMET K2* = *Vorlesung Metaphysik K2*; *LP M1* = *Metaphysik L1/Pölitz*; *LV* = *Die Metaphysik der Sitten Vigilantius* (in Kant 1997; missing sections are translated by myself); *MA* = *Mutmaßlicher Anfang der Menschengeschichte* (trans. Allen W. Wood in Kant 2007); *MM* = *Metaphysik der Sitten* (in Kant 1996); *NM* = *Versuch den Begriff*

- der negativen Grössen in die Weltweisheit einzuführen (in Kant 1992); SF = Streit der Fakultäten (trans. Mary J. Gregor and Robert Anchor in Kant 2001); T = On the Miscarriage of all Philosophical Trials in Theodicy (trans. Georg Di Giovanni in Kant 2001); VS = Vorkritische Schriften (the letter, Gedanken bei dem frühzeitigen Ableben des Herrn Johann Friedrich von Funk, in Kant 2011).
- 2 Two more recent contributions to the philosophy of parental duties refer to *MM*, 6: 280–1. Austin (2007: 38) agrees with the passage from *MM* and interprets it as a causal theory of the justification of parental duties, 'although it is a view that Kant only mentions and does not defend'. Austin assumes that Kant offers no further justification of this theory of parental duties. Prusak (2013: 30ff.) also takes the passage from *MM* to be a 'causal account'.
 - 3 For the causal theory of justifying parental duties, see Blustein (1997), Austin (2007: 38–56), Archard and Benatar (2010: 103–27), Prusak (2013: 27–9, 46–8, 55–6).
 - 4 Kant also writes: 'They [the parents] have procreated it, this is the act' (LF, 27: 1380).
 - 5 An exception would be, for example, an unwanted pregnancy because of rape or the less spectacular case of failed contraception.
 - 6 Kant writes elsewhere: 'If the child stayed the same as it is at birth, this would be one thing ... However, it is a persona in potentia proxima' (HN M, 19: 468).
 - 7 Kant does not talk about a duty towards a potential person here, but merely about the fact that parents *have to be prepared* to have duties if they bring a child into the world. The difficulty of formulating a Kantian position concerning the ethical status of potential persons has been pointed out by, primarily, Altman (2011). At this point, two distinct problems have to be distinguished: on the one hand, the problem whether there can be moral obligations towards *potential* persons (e.g. embryos) and, on the other hand, whether it makes sense to talk about duties towards *future* persons. Altman (2011) only hints at an answer to the latter question and its difference to the first by pointing out that, for instance, pollution of the environment is a breach of duty towards future persons. Kant's approach arguably offers no solution for the problem of possible duties towards potential persons. However, it is unproblematic for Kant to assume duties towards people whom we imagine as future existing persons. In any case, in *practical terms*, it is irrelevant that, from an empirical perspective, the act of conception turns parents into the mere cause of a potential person. Strictly speaking, they do not bring a *person* into the world, but merely a biological being that is *potentially* a person. But from a practical perspective (cf. *MM*, 6: 280–1), parents bring a person into the world by the act of procreation. They know that the act of procreation – which is based on an act of freedom – can have a person as its consequence. They have to be 'prepared' for this and the corresponding duties. From this perspective, it plays no role how and when the quality of freedom that is relevant to being a person is actualized in the potential person. The question cannot be answered theoretically. Whether this solution is convincing is beyond the scope of the present discussion. The solution that is hinted at in *MM* 6: 280–1 could in the end be incompatible with Kant's considerations about the moral status of potential persons. However, the same 'practical argument' could also be employed in this case: the act of procreation could also suffice here, from this perspective, as a *practical idea*, in order to justify potential persons' status as persons – even though it cannot be *theoretically explained* when and how the status of personhood is realized.
 - 8 The expression 'to make content' does mean the same as 'to make happy' for Kant. Cf. e.g. *MM*, 6: 387.
 - 9 Cf. LV, 27: 670.
 - 10 Kant never goes as far as to call neglecting the duty to promote other people's happiness harm. By neglecting this duty, I act undutifully, but I do not harm the other person. But I harm my child by not making it happy.

- 11 Cf. also HN, 15: 248.
- 12 Cf. Ritter 1971: 331.
- 13 Borowski writes: 'Who has not read it in his writings, and which one of his friends has not heard it often enough from his mouth that for no price he would want to repeat his existence under the condition to live the same from the beginning!' (Borowski 1804: 47–8).
- 14 Maupertuis 1974: 171–251.
- 15 Cf. NM, 2: 181.
- 16 In *CJ*, 5: 434n. Kant only refers to the hedonistic aspect of his concept of happiness. In this passage, he actually writes that life only has a value that is less than zero with respect to what we take pleasure in. In a different passage, however, he not only questions the value of life with respect to this hedonistic aspect of his concept of happiness, but also with respect to the conditions of human existence in general (HN A, 15: 602). The chances of realizing human plans for life are an example of the latter.
- 17 Cf. *CPrR*, 5: 22, 124.
- 18 This letter from Kant to the mother of Johann Funk, one of his students, is translated in Kant 2011: 5.
- 19 Cf. Benatar 2006: 128–31.
- 20 Cf. Overall 2012: 57.
- 21 An adoption, however, could indeed be based on the attitude of treating someone else primarily as an end and not as a mere means. Although the wish to become a parent may play a role here, it can be accompanied by the idea to adopt a child that is possibly in need *for its own sake*, e.g. in order to make life better for a child that was an orphan before.
- 22 Schopenhauer, for instance, concludes from the fact of human suffering that refraining to reproduce as a mode of denying the will is a way to free oneself from the meaningless circle of becoming and passing away. So this is a clearly anti-natalist position (cf. Schopenhauer 1986: 1. 517, 543). Schopenhauer's and Kant's pessimism resemble each other in many respects, for instance concerning the idea of a negative balance between happiness and unhappiness (cf. Schopenhauer 1986: 2. 737). However, Schopenhauer draws far-reaching consequences from this pessimism, whereas Kant seems to try to avoid these consequences by at least *conceiving* of the world as being purposeful.
- 23 Kant's reservations about the ethical follow-up problems of an anti-natalist position could e.g. correspond to the pragmatic worries that Sami Philström has about an anti-natalist position such as Benatar's (2006). According to Philström (2011: 61–6), such a position is so far removed from all of our moral intuitions that it cannot even be assessed as right or wrong, but only as absurd or even dangerous.
- 24 Writers such as DeGrazia (2012), Overall (2012) and Shiffrin (1999), who systematically discuss potential problems of human reproduction, do not mention Kant – explicitly – at all. Only Benatar (2006: 128–31) briefly, and very generally, refers to Kant. One could object to Kant's thoughts with, for instance, Parfit's arguments from *Reasons and Persons* (1984: 119) and deny that it is logically possible to harm a person by birth (the Non-Identity Problem). I cannot discuss this problem here, however. (See Roberts and Wassermann 2009.)

References

- Altman, Matthew C. (2011) *Kant and Applied Ethics: The Uses and Limits of Kant's Practical Philosophy*. New York: Wiley-Blackwell.
- Archard, David, and David Benatar (2010) *Procreation and Parenthood: The Ethics of Bearing and Rearing Children*. Oxford: Oxford University Press.
- Austin, Michael W. (2007) *Conceptions of Parenthood: Ethics and the Family*. Aldershot: Ashgate Publishing.

- Benatar, David (2006) *Better Never to Have Been: The Harm of Coming into Existence*. Oxford: Oxford University Press.
- Blustein, Jeffrey (1997) 'Procreation and Parental Responsibility'. *Journal of Social Philosophy*, 28, 79–86.
- Borowski, Ludwig Ernst (1804) *Darstellung des Lebens und Charakters Immanuel Kant's*. Königsberg: Friedrich Nicolovius.
- DeGrazia, David (2012) *Creation Ethics. Reproduction, Genetics, and the Quality of Life*. Oxford: Oxford University Press.
- Kant, Immanuel (1992) *Theoretical Philosophy, 1755–1770*, trans. and ed. David Walford in collaboration with Ralf Meerbote. Cambridge: Cambridge University Press.
- (1996) *Practical Philosophy*, trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press.
- (1997) *Lectures on Ethics*, trans. Peter Heath. Cambridge: Cambridge University Press.
- (2000) *Critique of the Power of Judgement*, trans. Paul Guyer and Eric Matthews. Cambridge: Cambridge University Press.
- (2001) *Religion and Rational Theology*, ed. Allen W. Wood and George di Giovanni. Cambridge: Cambridge University Press.
- (2005) *Notes and Fragments*, trans. Curtis Bowman, Paul Guyer and Frederick Rauscher. Cambridge: Cambridge University Press.
- (2007) *Anthropology, History, and Education*, ed. Robert B. Loudon and Günter Zöller. Cambridge: Cambridge University Press.
- (2011) *Observations on the Feeling of the Beautiful and Sublime and Other Writings*, trans. Patrick Frierson and Paul Guyer. Cambridge: Cambridge University Press.
- Maupertuis, P. L. Moreau de (1974) 'Essai de philosophie morale'. In *Ceuvres* (Hildesheim and New York: Georg Olms Verlag; reprint of the first edition, Berlin, 1749), vol. 1, pp. 171–251.
- Overall, Christine (2012) *Why Have Children: The Ethical Debate*. Cambridge, MA: MIT Press.
- Parfit, Derek (1984) *Reasons and Persons*. Oxford: Oxford University Press.
- Philström, Sami (2011) *Transcendental Guilt: Reflections on Ethical Finitude*. Lanham, MD: Lexington Books.
- Prusak, Bernard G. (2013) *Parental Obligations and Bioethics: The Duties of a Creator*. New York: Routledge.
- Ritter, Christian (1971) *Der Rechtsgedanke Kants nach den frühen Quellen*. Frankfurt am Main: Vittorio Klostermann.
- Roberts, Melinda A., and David T. Wassermann (eds) (2009) *Harming Future Persons. Ethics, Genetics and the Nonidentity Problem*. Dordrecht and London: Springer.
- Schopenhauer, Arthur (1986) *Die Welt als Wille und Vorstellung*, In *Sämtliche Werke*, ed. Wolfgang von Lohneysen, vols. 1–2, Frankfurt am Main: Suhrkamp.
- Shiffrin, Seana Valentine (1999) 'Wrongful Life, Procreative Responsibility, and the Significance of Harm'. *Legal Theory*, 5, 117–48.