

# Is there a “Moral Obligation to Create Children with the Best Chance of the Best Life”?

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## ABSTRACT

In this article, I critically deal with Savulescu’s suggestion that human beings have a “moral obligation to create children with the best chance of the best life” (Savulescu & Kahane, *The Moral Obligation to Create Children with the Best Chance of the Best Life*, *Bioethics*, 23 (5), p. 274). I progress as follows. In part one, I will briefly describe the procedures with which Savulescu is concerned, and I will present Savulescu’s argument in favour of the principle of procreative beneficence which is the basis of his argumentation in favour of the aforementioned moral obligation. In part two, I will show that the principle is inconsistent and that it violently attacks human beings who disagree with it which is the reason why I regard it as an immoral principle. In the conclusion, I will put forward some reasons for regarding the principle of procreative autonomy as morally more plausible than Savulescu’s principle of procreative beneficence concerning the questions he deals with.

## Introduction

Julian Savulescu claims that human beings have a “moral obligation to create children with the best chance of the best life” (Savulescu & Kahane, 2009, p. 274), because he regards the principle of procreative beneficence, abbreviated as PB, as morally right. According to this principle “couples who decide to have a child have significant moral reason to select the child who, given his or her genetic endowment, can be expected to enjoy the most well-being” (Savulescu & Kahane, 2009, p. 274). PB has been criticized by several

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scholars during the previous 10 years (Birch, 2005; De Melo-Martin, 2004; Herisson-Kelly, 2006; Parker, 2007; Sparrow, 2007; Sparrow, 2011). In most cases the criticisms did not consider adequately his position, or implied counterarguments which are irrelevant for his line of thought. However, I think the scholars were right in rejecting Savulescu's principle of procreative beneficence. From my perspective, it is morally adequate, if one deals with challenges related to the creation of children, to take the principle of procreative autonomy into account, which is a principle Savulescu rejects.

In part one, I will briefly describe the procedures with which Savulescu is concerned, and I will present Savulescu's argument in favour of the principle of procreative beneficence. In part two, I will show that the principle is inconsistent and that it violently attacks human beings who disagree with it which is the reason why I regard it as an immoral principle. In the conclusion, I will put forward some reasons for regarding the principle of procreative autonomy, short as PA, as morally more plausible than PB concerning the questions Savulescu deals with.

### 1. Creating Children and the Principle of Procreative Beneficence

In the above mentioned phrase, Savulescu talks about creating children. Creating children goes beyond merely bringing new children into existence, but implies to actually do something to influence the genetic makeup of one's offspring. This can be done in various ways. Two methods are particularly prominent when technologies of genetic enhancement are being discussed: 1. Creating a child by selecting a fertilized egg after in vitro fertilization and preimplantation genetic diagnosis (PGD) (genetic enhancement by selection); 2. Creating a child by actively altering a gene of an already given genetic makeup which could get done by means of transduction whereby you enter a modified virus into the cell which gradually changes a certain gene in all of someone's somatic cells (genetic enhancement by modification).

When Savulescu talks about the principle of procreative beneficence, he merely has the first option in mind, as he is claiming the following: When we have the reliable and safe option of choosing fertilized eggs after an in vitro fertilization and PGD, then we have the moral duty to choose the entity with the best chances of the best life. (Savulescu & Kahane, 2009, p. 274)

Here it can get asked whether the probability or the quality of life ought to be considered most, but this is not a crucial worry of mine. In the 2009 version

of the principle of procreative beneficence, which he formulated together with Guy Kahane, it is clear that his principle applies only to the method of selecting a child:

If couples (or single reproducers) have decided to have a child, and selection is possible, then they have a significant moral reason to select the child, or the possible children they could have, whose life can be expected, in the light of the relevant available Information, to go best or at least not worse than any of the others. (Savulescu & Kahane, 2009, p. 274)

Savulescu does not claim that we have the moral obligation to choose the best child among the 50 or 60 fertilized eggs which were created during one in vitro fertilization process, but he has in mind that we have duty to choose the best child among the totality of children which can come about during all potential processes of in vitro fertilization. If no suitable entity is there this time, then we ought to try it one or several more times (Savulescu, 2001, p. 417).

Given his utilitarian approach (non in its act utilitarian version), he calculates as follows to get to know what is morally appropriate. He compares two events or situations, namely the overall utility before a family has created a child and after it has taken place. According to his moral philosophy, the act is morally right which brings about the most overall utility. Given his reflections, this is the case when a family has a child with the best chance of the best life, because then the overall utility will have been maximized. The example which he presents to support his line of reasoning is the following:

Imagine now you are invited to play the Wheel of Fortune. A giant wheel exists with marks on it from  $0 \pm \$1000000$ , in \$100 increments. The wheel is spun in a secret room. It stops randomly on an amount. That amount is put into Box A. The wheel is spun again. The amount which comes up is put into Box B. You can choose Box A or B. You are also told that, in addition to the sum already put in the boxes, if you choose B, a dice will be thrown and you will lose \$100 if it comes up 6. Which box should you choose? The rational answer is box A. Choosing genes for non-disease states is like playing the Wheel of Fortune. (Savulescu, 2001, p. 414)

Savulescu’s example works as a thought example. If you wish to maximise your money, it is rational to choose box A. He implies that there is an analogy between his boxes and the genetic makeup’s of the aforementioned case, and he assumes that in any given situation we have one state of genetic makeup which clearly has the best overall utility.

## 2. Counterarguments against the Principle of Procreative Beneficence

In the following section, I will initially present some general counterarguments and then some more specific and crucial ones to show that his principle is inconsistent and immoral, as it implies a cruelty and violence against minority groups which do not agree with his ethical theory.

### 2.1. General Worries

Let me return to his analogy between boxes and disease states. If you wish to make money, choosing Box A is the rational decision. His apparently plausible analogy between boxes and genetic makeup's, however, does not work because when we deal with genes and disease states the question of what is best is not answered that easily. Let us assume that an *in vitro* fertilization has taken place and afterwards some fertilized eggs underwent PGD. Consequently, we know that the fertilized egg A has characteristics  $a_1$ ,  $a_2$  and  $a_3$ , entity B has  $b_1$ ,  $b_2$  and  $b_3$ , and entity C has  $c_1$ ,  $c_2$ , and  $c_3$ .

We know that A will have an above average intelligence, have an excellent memory and probably be homosexual, entity B will be physiologically strong, promises to be exceptionally healthy, and will have an average height, and entity C will be exceptionally intelligent, extremely aggressive, and has a long life expectancy.

Which entity is supposed to be the best one? Is it obvious to all of us what counts as a negative trait? In addition, things are getting even more complicated, because Savulescu stresses that the principle does not only apply to several choices at one time, but potential future children also need to be taken into consideration which becomes clear when he talks about Parfit's rubella example and the case of the nuclear accident (Savulescu, 2001, p. 417-418).

Let us assume that a family wishes to have one child. Given Savulescu's PB they have the moral obligation to choose the child with the best chance of the best life. Hence, parents also need to consider the following. At time  $t_1$ , they can chose between the above mentioned entities A, B and C. None of them is exceptionally intelligent, has an outstanding memory, possesses a strong health and has a very long life expectancy which nonetheless would be the desired combination of the couple in question. Consequently, they also wish to consider entities D, E, and F at time  $t_2$ , which is a couple of month later, and check whether their genetic makeups are more promising. However, it is

impossible to compare entities A, B, and C with entities D, E, and F because the qualities of D, E, and F cannot be known. The option of making a comparison could only be given if we freeze fertilized egg cells A, B, and C, and compare them to D, E, and F once they will be available for making a comparison.

As you can never know whether A, B, or C is better than a later D, E, and F, parents will always be obliged to undergo a new in vitro fertilization given PB because it can always be the case that the later entities will be better than the ones currently available. When is it the case that a couple is morally allowed to stop searching for a better fertilized egg according to PB? A moral theory which demands to choose the best child in such circumstances is not a helpful theory, because it does not have a serious practicable applicability.

The principle of procreative beneficence, in principle, does not apply only to in vitro fertilizations. Understood in a wider sense, without it being restricted only to selection procedures, it is open to various processes of fertilization. The principle can also imply that couples are morally obliged to use the method of an in vitro fertilization instead of relying on the “natural” method for reproduction. In the case of sexual intercourse, the genetic makeup comes about by chance whereas in the case of an in vitro fertilization, parents can choose the best child. As the probability that the best child comes into existence is highest, when parents have the option of choosing their child, the principle implies both that we have a moral duty to avoid sexual intercourse as a method for procreation as well as a duty to use a method of contraception to make sure that sexual intercourse will not be one’s own method of reproduction. However, I do not think that this is a crucial counterargument against Savulescu’s principle, because he stresses that his principle is a *pro tanto* obligation which implies that it can be overruled by other insights, e.g. maybe the moral value of having a child by means of sexual intercourse.

## 2.2. Inconsistencies

In this section I will present some reasons for holding that Savulescu’s web of thoughts associated with his PS is inconsistent. This is the case, because he refers to at least two incompatible standards of goodness within his argument. When he describes his principle of procreative beneficence he refers to specific qualities which are supposed to be associated with a good life. Thereby, he mentions being healthy, strong, intelligent, long living and having

a strong memory. However, when he replies to counterarguments against his principle he alters his concept of goodness and suddenly allows and focuses on other factors such as external circumstances and social settings which becomes particularly clear in the latest reformulation of his principle which he published in the article “The Moral Obligation to Create Children with the Best Chance of the Best Life” which he wrote together with Guy Kahane and which came out in 2009 in the Journal “Bioethics”.

In one sentence, Savulescu claims that PB is neutral to central philosophical issues concerning the good life. He explicitly says that “PB is neutral with respect to such philosophical disputes about the nature of the good life.” (Savulescu & Kahane, 2009, p. 279) In the paragraph before this sentence he talks about various philosophical theories of the good life. However, in the next sentence he affirms the following:

But although there is this philosophical disagreement, there is considerable consensus about the particular traits or states that make life better or worse, a consensus that would rule out many procreative choices as grossly unreasonable [...] PB doesn't rely on some special and controversial conception of well-being. All it asks us is to apply in our procreative decisions are the same concepts we already employ in everyday situations. (Savulescu & Kahane, 2009, p. 279)

In this phrase, he makes clear that PB is not neutral to philosophical theories of the good life, but that he upholds a common sense type of approach to the good life. He is also confident to know that “there are plenty of cases where we can rank the goodness of lives. We do so in numerous moral decisions in everyday life” (Savulescu & Kahane, 2009, p. 279). According to Savulescu, we know what a good life is and what we regard as a good life actually is what is needed for a good life. Yet, he does not specify further who is the ‘we’, to which he is referring? Does he refer to the majority of people in Western countries, fellow intellectuals at the University of Oxford, or all strong interest groups in Western countries, like US country folk?<sup>1</sup>

<sup>1</sup> I would not dare to claim to know what a good life is, and I think that there are good reasons for doubting that any non-formal account of goodness is bound to be highly implausible, because any account of the good is closely connected to personal physiopsychological wishes, drives and desires. This is the reason why I regard the fights in favor of the norm of negative freedom which have taken place during the Enlightenment as praiseworthy events (Sorgner, 2010, p. 240).

In a further paragraph, he slightly alters his concept of the good life again, because he puts forward that it is supposed to be clear that there is such a thing, not only as the good life, but even as the best life, as he claims:

A common objection to the PB is that there is no such thing as a better or best life. It is hard to defend such a claim. (Savulescu & Kahane, 2009, p. 278)

The validity of there being a good life can imply that there are some general principles which are valid for all human beings, which is already an extremely strong claim. However, Savulescu in this phrase moves beyond the affirmation of the good life towards the belief that there is actually a best life. Plato has held such a position which he manages to explain by reference to his theory of forms. However, for a libertarian, utilitarian philosopher such as Savulescu to uphold this claim is quite a daring position. I would be keen to know how he can manage to explain this theoretical foundation of the PB.

Savulescu does not only make general remarks concerning the question of the good, but actually puts forward a list of qualities what we regard as good and bad, according to his perspective: It is bad to have a disposition for depression (Savulescu & Kahane, 2009, p. 281) and having a disability (Savulescu & Kahane, 2009, p. 286). It is good, on the other hand, to have good memory, and a strong intelligence (Savulescu, 2001, p. 420), according to in his paper from 2001. In his paper from 2009 having a strong memory and being able to concentrate well and understand other people’s feelings seems central for him, as he holds:

How can the capacity to remember things better, concentrate longer, be less depressed, or better understand other people’s feelings have the effect that one will be less likely to achieve the good life? (Savulescu & Kahane, 2009, p. 284)

Having a high intelligence is also helpful for a good life, according to him:

If parents could increase the prospects off future children’s lives by selecting children who are far more intelligent, emphatic or healthier than existing people, than PB instructs parents to select such future children. (Savulescu & Kahane, 2009, p. 290)

I am not entirely certain concerning all of the implications of his theory of the good. Does he mean that a human entity is always better off with a higher intelligence, a stronger memory or more intensive capacity to concentrate? I am doubtful whether this is actually the case. It is good to have good memory and I definitely wish to have a stronger memory. On the other hand, I am also

grateful for having a good capacity to forget things. If I permanently remembered all the bad things friends have done to me or were conscious of dangers related to what I am doing, then I would most probably to decide to move away from civilization and live like a hermit on the top of a mountain. Hence, I would be hesitant to claim that having a better memory necessarily is always a good thing, and that we have a moral reason for always choosing the fertilized egg with the better memory. Likewise, it can get asked whether it is always in the interest of a child to have a higher intelligence. If the child is the only one with such a high intelligence, while all the people around him are fools, then I would be hesitant to claim that having such a high intelligence necessarily is in the best interest of the child. Hence, it seems to me that the social settings are of central relevance for the qualities necessary for leading a good life.

Savulescu seems to have realized and acknowledged the impact of this line of thought in between 2001 and 2009 especially with respect to the question of disability which can and ought to get transferred also to other domains of a good life. In his article from 2001 Savulescu upholds the following position:

The reason is that it is bad that blind and deaf children are born when sighted and hearing children could have been born in their place. (Savulescu, 2001, p. 423)

In his 2009 paper he developed his views concerning disabilities further:

In this final section we shall argue that PB provides a better approach to the question of disability than the competing procreative principles. (Savulescu & Kahane, 2009, p. 284)

According to Savulescu and Kahane, it needs to be stressed that “disability is a context and person-relative concept. What may make it harder to lead a good life in one circumstance may make it easier in another” (Savulescu & Kahane, 2009, p. 286).

As a consequence of his altered approach concerning disability, they stress that:

on our account of disability, people do have reasons not to have a future child who is likely to be disabled if they have the option of choosing another who is expected to less of no disability, although whether it would be wrong to do so would depend on the overall balance of moral reasons. (Savulescu & Kahane, 2009, p. 286)

They even reach the following conclusion given their new approach:



If a case can be made that deafness is not a disability in our sense— if it can be shown that deafness does not reduce well-being, or at least that in a given context deafness is not expected to be a disability, then PB would not give any moral reason not to select deafness. (Savulescu & Kahane, 2009, p. 289)

Their final remarks concerning disability are actually quite interesting and do have some plausibility. However, I wonder which of his remarks represent his theory of the good life upon which his PB is based. In his writings, it is possible to find a wide range of affirmative statements concerning the good life which are mutually incompatible. It seems as if he has got a theory of the good for every difficult question from his critics. On the one hand, he upholds a perfectionist theory of the good life which can be identified with being more intelligent, healthier, having a stronger memory and so on. On the other hand, he refers to what we regard as good life, which can be referred to as a common sense approach to the good life, and I am pretty certain that it would not be a perfectionist theory of the good, which would get upheld, if large groups of Western citizens were asked what a good life is. My assumption gets support from the fact that many US mothers who ordered sperm were interested in sperm from good looking, and sportive Ivy League students rather than in the sperm of Noble price winners. (Caplan, 2012, p. 156) Finally, his statement that PB is neutral to classical philosophical theories of the good life has to be mentioned, too.

I am not able to order his various utterances such that they fit together consistently. It rather seems to me the case that he upholds various mutually exclusive theories of the good which he uses in order to have plausible replies to the worries of his critics.

### 2.3. PB as a Violent and hence an Immoral Principle

According my point of view, PB is not only inconsistent, but it is also an immoral principle because it acts violently against individuals and interest groups who do not agree with PB and the associated theory of the good or should I say the corresponding theories of the good. Savulescu himself is aware that PB is a much stronger theory than the theories of the good which most liberal ethicists have proposed in recent years, and he regards it as morally appropriate that his is such, as he clearly holds the following view:

Although PB and the procreative principles we have considered here bear little resemblance to the collectivist, coercive, and often racist projects of 20th

Century eugenics, most supporters of genetic selection have tended to proceed gingerly, defending views that are unnecessarily weak. (Savulescu & Kahane, 2009, p. 282)

I think that Savulescu is right in stressing the difference between his PB and procedures of state governed eugenics during the Third Reich, even though some commentators have criticized him for proposing a new type of eugenics (e.g. Sparrow, 2011). However, you do not have to propose Fascist views for holding an immoral view. He even regards PB as a moral principle:

PB is a moral principle. It states what would be morally right or wrong for reproducers to do. (Savulescu & Kahane, 2009, p. 279).

Let me put forward some reasons for regarding PB as immoral. Firstly, I regard it as immoral because it is violent against people who do not subscribe to it. Secondly I see it as immoral because it implicitly contains immoral duties.

In how far can it be said that PB acts violently against people who do not subscribe to it? PB acts violently, because it implies that parents act immorally who do not subscribe to the theory of the good life as Savulescu proposes it. The principle demands to tell these parents that they ought not to have acted the way they did, and that thereby they have acted falsely. In this way, the principle intrudes paternalistically in the life of other people and acts violently against their concept of the good life.

Parents might decide not to choose the fertilized egg which has the greatest memory, because they know that the child will grow up in a poor family and during war times and they think that it will most probably be good for the child, if it does not have to remember all the bad things which are bound to take place given such problematic circumstances.

PB implies that if parents prefer someone with a weaker memory to someone with a stronger memory, they act immorally. I do not think that the parents acted immorally in these circumstances, but rather that they have made a decision concerning the good life which is understandable given the circumstances they live in.

Savulescu might reply that PB allows parents to consider the circumstances in the process of evaluating which qualities increase the child's probability of living a good life, as he dealt with this issue analogously in the above case of disability. Still, above he also made clear that this position is valid only for the case of disabilities and given the other phrases cited before he holds that having a stronger memory is better than having a weaker one. If in the given context he

claims that the social circumstances ought to be considered, too, it becomes clear that he holds mutually exclusive concepts of the good life. If he claims that the choice of the parents in question was immoral, he upholds an immoral position, because he acts violently against the view of the good of the parents and acting violently in this manner is an immoral act.

Besides the PB being violent, it also implies immoral duties. Why is this so? It is the case, because Savulescu fails to see the impact of a distinction to which he himself referred in his article on procreative beneficence from 2001, namely the distinction between genetic enhancement by means of selection and by modification, e.g. by modifying an already given genetic makeup. The first type of procedure is structurally analogous to choosing a partner with whom one wishes to have offspring. The second type of procedure, however, is structurally analogous to educating ones offspring. (Sorgner, 2013, p. 85-100).

In the following section I will merely state a few reasons in favour of my claim that selecting an already given genetic makeup and selecting a partner with whom one wishes to have offspring are structurally analogous procedures (see Sorgner, 2011, p. 21-25).

By choosing a partner with whom one wishes to have offspring, one thereby implicitly also determines the genetic makeup of ones kids, as 50 per cent of their genes come from ones partner, and the other 50 per cent from oneself. By selecting a fertilized egg, one also determines 100 per cent of the genetic makeup by means of selection.

One objection, which might be raised here, is that selecting a fertilized egg cell is a conscious procedure but normally one does not choose a partner according to their genetic makeup such that one has specific genes for one’s child. However, it can get replied that our evolutionary heritage might be more effective during the selection procedure of a partner than we consciously wish to acknowledge. In addition, the qualities according to which we choose a fertilized egg after a PGD might not have been chosen as consciously as we wish to believe, but might be influenced more on the basis of our unconscious organic setup than we wish to acknowledge. It might even be the case, that the standards for choosing a partner and for choosing a fertilized egg might both be strongly influenced by our organic makeup and evolutionary heritage such that both are extremely similar.

A difference between these two selection procedures is surely that in the one case, one selects a specific entity, a fertilized egg, but in the other case a partner and therefore only a certain range of genetic possibilities. However,

given the latest epigenetic research, we know that genes can get switched on and off which makes an enormous difference on the phenomenological level. Hence, it is also the case that by choosing a fertilized egg, we only choose a certain range of phenomenological possibilities of the later adult, as is the case by choosing a partner for procreative purposes.

The aforementioned comparison provides some initial evidence for holding that there is a structural analogy between choosing a partner for procreative purposes and for choosing a fertilized egg cell after PGD. Given PB and given that structurally analogous procedures ought to be evaluated analogously, PB implies not only that there is a moral duty to select the child with the best chance of the best life, but also that there is the moral duty to select the partner for having offspring such that the likelihood is maximized that a child with the best chance of the best life can get realized. Anyone who does not stick to this moral duty of his can get told off and be told that he ought not to behave in this way and that he is acting immorally.

A moral principle, and PB claims to be such a principle, which implies the moral duty to select a partner with whom ones offspring promises to be best is extremely violent, and hence immoral.

### 3. Conclusion

The main goal of my text was to deal with the question whether we have a “Moral Obligation to Create Children with the Best Chance of the Best Life?”. After having dealt critically with Savulescu’s PB which claims that there is such an obligation, I conclude that his arguments in favour of such a duty fail, as they are inconsistent and immoral. From this it does not yet follow that there is no such duty, but it merely means that his arguments in favour of such a duty are implausible. Without having the time and space to move beyond this conclusion, I wish to point out that I regard the principle of procreative autonomy as an appropriate one. Savulescu has argued in various articles that PA is not the appropriate attitude with respect to the process of selection after in vitro fertilization and PGD. According to Savulescu, procreative autonomy can be summarized thus:

Procreative autonomy. If reproducers have decided to have a child, and selection is possible, then any procreative option selected by reproducers is morally permissible as long as it is chosen autonomously. (Savulescu & Kahane, 2009, p. 279)

Given that there is a structural analogy between choosing a partner for procreative purposes and choosing a fertilized-egg cell after PGD, I regard procreative autonomy as morally appropriate for a liberal state. Here, the individual’s right to live a good life according to his own concept of a good life is of central importance. During the previous 500 years, enormous and intensive fights in various social and political fields have taken place until negative freedom has been widely recognized as a central norm, and I regard it as important to always take this achievement into consideration. A move away from procreative autonomy towards procreative beneficence is a move into the wrong direction, because it introduces new paternalistic structures. This time the structures are not given on a legal level, but merely on a moral one. Still, it has the effect that such structures violently intrude in the private realm of individuals and violently attack the precious achievement that it is widely recognised that a radical multiplicity of concepts of the good can be appropriate. Hence, I finally conclude that not only do we not have a “Moral Obligation to Create Children with the Best Chance of the Best Life”, but I am even bound to claim that it is immoral to defend a “Moral Obligation to Create Children with the Best Chance of the Best Life” or in other word: PB is not a moral but it is an immoral principle.

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