



PERSONAL VIEW

The right to procreate — freedom and necessity

Louis-Jacques van Bogaert

Rights do not exist without corresponding obligations. As with all rights, the right to reproduce has a flip-side, viz. the duty and responsibility to control it. Matters of life and death and ethical issues surrounding the beginning and end of life are at the heart of bioethical debates. The view that life is a gift that is not ours to give and take is at the heart of the religious and moral tradition. However, the *taking* of life seems to attract more moral consideration than the *giving*. The ethics of adding more people to life rather than more life to people is conspicuously shunned. As noted by Campbell *et al.*,¹ 'ironically, the sanctity with which we endow all human life often works to the detriment of those unfortunate humans whose lives hold no prospect except suffering'.

The Malthusian conundrum

Concerns with 'irresponsible' procreation date back to John Stuart Mill; similarly, worries about what we would now call the earth's 'carrying capacity' have been notoriously expressed by Thomas R Malthus. Mill placed the duty to care for children whose parents are unable to cope with their parental responsibilities squarely on society. However, this is unrealistic in communities where social services and infrastructure are non-existent or insufficiently developed. Malthus, on the other hand, advocated two checks that put responsibility on the individual; namely what he coined 'moral restraint' (refraining from promiscuity and prostitution) and 'prudential restraint' (delaying the age of marriage).

The Malthusian thesis that population increase will ultimately exhaust the earth's resources and food production capacity is still hotly debated. A large number of biologists and environmentalists are of the opinion that population growth is a major contributor to the worrisome current state of the planet. On the other side of the fence, sceptical environmentalists, such as Lomborg,² defend the position that never in the past has there been as much food cheaply available as now, and that the world's population will stabilise in the decades

ahead. Poverty, he claims, results from unequal and unjust distribution of goods. Eradicate poverty, provide food and a clean world, and the developing world will automatically limit reproduction.³ Whatever the view, optimistic or pessimistic, the population issue must be faced in the broad perspective of our planet, north, south, east and west. There seems to be a real case for curbing population growth.

What are the options? La Follette⁴ has suggested the provocative concept of licensing parents. His argument is straightforward. Prospective foster parents are thoroughly screened before adoption, why should the same not apply to biological parents? Inevitably this outrages the advocates of autonomy and of the right to procreate as one sees fit and wishes, let alone those raising the spectre of eugenics. Equally controversial is the option called 'lifeboat ethics'. According to this view a lifeboat can achieve its goal of saving its occupants only by letting those swimming around drown. It follows from this thesis that the poor should be left alone. An intermediate position has been defended by Singer.⁵ Writing about the 1970 famine in Bangladesh, Singer defends the utilitarian view that our moral duties obligate us to sacrifice part of our well-being to the welfare of others, neighbours and strangers alike. In a postscript added to a later reprint of the same paper, Singer linked aid given to the developing world with a reciprocal obligation for those countries to limit their population growth.⁶ In his recent book, *Our Planet*,⁷ the postscript was omitted. Was the postscript merely a slip of the tongue, too offensive and too sensitive to be repeated?

The rights conundrum

Cohen⁸ reminds us that when addressing a right we should examine its content, its source, its target, and its possible conflicts. The content of the right to reproduce ranges from women's right to choose if and when to embark on a pregnancy, to access to reproductive health (safe abortion, contraception, and safe motherhood),⁹ and to the right to use womanhood as a political platform to gain rights at large.¹⁰ According to this perspective, reproductive right-holders are exclusively women. This is quite understandable since women bear not only the joys but also the burdens and risks of motherhood. There is unequivocal and ample evidence showing the major health hazards linked to pregnancy and childbirth. A major difficulty remains, however, in defining what exactly the term reproductive rights mean. What is the

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source? The right to reproduce is enshrined in Article 25 (2) of the 1948 Universal Declaration of Human Rights. Human rights result from the mere fact of being human. One might argue that all that is human is not good *per se*, and that apart from the capacity for reasoning, other behaviours (called instincts) are shared with non-human animals. Nonetheless, what should distinguish us from non-human animals is that our 'animal' behaviours are supposed to be regulated and controlled by reason. This implies that our reproductive instincts should be controlled. Against whom are the rights held? Granted that overt and covert patriarchy has and still does limit the full exercise of women's rights, the battle is unlikely to be won by exclusion or opposition. Can men really not be taken on board? Arguably, the other shortcoming of this view is that it is oblivious to the concept that reproductive health is not the only issue at stake. The exercise of the right to procreate has much wider social and global implications. As emphasised by Callahan,¹¹ excessive emphasis on autonomy (as is the case in mainstream Western bioethics) tends to obscure moral obligations to the human community. Humans carry the responsibility for determining how their own welfare is to be balanced against the welfare of other living creatures, human and non-human, current and future. This, then, leads to the fundamental ethical question: Does the current rate of population growth enhance or diminish the human condition and the well-being of our planet? Does it advance human welfare and the integrity of the planet (assuming that both are inescapably intertwined) while respecting what it means to be human? The honest and hopefully unbiased answer seems to be no. We need to assume that this is a very likely prospect in the future, unless proven otherwise. So if in doubt, abstain.

Following the tenets of two mainstream moral theories, deontology and consequentialism, there are two good anthropocentric moral reasons to restrict the right to procreate. Kant's categorical imperative, in one of its versions, says that it is wrong to treat others as mere means to an end. History, past and present, is not short of indications that, globally, children were and are mere means to an end, be it to secure succession and inheritance, or to function as child labour, slaves, warriors, beggars or parents' social security.¹² For this to change, certain traditional mores have to come under pressure. Consequentialism tells us that it is the consequences of our actions that determine their goodness or wrongness. The vital statistics issued, for instance, by the World Health Organization or by the World Bank provide a vivid picture of the burden imposed on women and children as a direct result of reproduction and poverty.³ By not empowering women to make sexual choices many of them are condemned to serious morbidity if not death, and their children are forced to live in poverty, abuse, or to die prematurely. The question that follows is: Are people poor because they beget (too) many children, or does poverty force them to beget those children? The answer divides people into opposing camps.³

At this point it should arguably be safe to say that the ethical question is not whether population growth should be curbed, but how. Ethics and politics, however, are often at loggerheads. As pointed out by Callicott and da Rocha¹³ at Earth Summits, 'not only is there no agreement to curb population — the ultimate cause of the Earth's ecological woes in the eyes of many environmentalists — but proceedings on human population problems have been boycotted by some governments'. The 'how' brings us to the thorny issue of China's 'one-child' and Singapore's 'two-child' policies.¹⁴⁻¹⁶ It is argued that China would not have needed a 'one-child' policy if Mao had not put a ban on contraception and abortion. It is also said that its implementation was facilitated by the Confucian tradition rooted in patriarchy. However, the serious infringements on human rights by both the Chinese and the Singaporean policies are of major concern, let alone the (alleged or real) covert eugenic driving forces of both. Less known or publicised is the highly successful Sri Lankan birth control policy based on motivation, persuasion and education.¹⁷ It shows that things can be achieved smoothly.

The reproductive rights conundrum

Is contraception the answer then? Battin has argued that one of the main obstacles to contraception is the negative perception it entails, namely that it is a 'negative choice to prevent pregnancy'. Instead, she says, 'sustaining or siring a pregnancy should be a positive choice' that should make contraception more acceptable.¹⁸ Some so-called 'feminist' writers, especially those advocating abortion rights, add fuel to the debate by putting (too) strong emphasis on the side-effects, health hazards, and failure of contraception.¹⁵ While it is true that not all contraceptive methods suit all women, one must also acknowledge the fact that most of the risks are linked to unhealthy lifestyle or genetic predisposition. Furthermore, it is fair to say that the toll exacted by pregnancy, planned or not, is much worse. The impact contraception has had so far on population growth is diversely appreciated. It cannot be denied that it does have an effect. Sceptics would argue that it is a dirty trick to maintain the sovereignty and domination of the rich over the poor. Optimists would argue that, to some extent, it empowers women to make reproductive choices but that the demand exceeds availability in the developing world, thereby increasing the number of unwanted pregnancies and abortions. Ironically and sadly, where contraception is readily available, as it is in developed countries, half of pregnancies are still unplanned and half of unplanned pregnancies are terminated. Data indicate that the overall success of the acceptance of contraception depends on the perception of its necessity.¹⁹ For instance, every Dutch child is planned; it is perceived as a moral obligation not to undertake a pregnancy unless family finances are sound. Holland has the lowest abortion and teenage pregnancy rates in the world. To underline the



message that contraception is part of a citizen's duty rather than a private matter the Dutch government made the pill available free of charge. As Hadley put it, '[in Holland] contraception is like getting a driver's license before you begin to drive'.¹⁵ According to Barbara Katz Rothman, American women consider contraception more as a responsibility than a right.¹⁹

Current debates on population growth and the concept of women's reproductive rights are both stronger and more contested than ever. However, as emphasised by Hadley¹⁵ (in line with LaFollette's argument⁴), 'A right is a hollow abstraction . . . "It's my right" is an individualistic stance relying on autonomy, privacy and bodily integrity to defy any outside scrutiny or comment. Being a parent is not a raw biological state of being, it is a social role: that is what adoption is about.' She further argues that a rights approach should be replaced by a humanitarian approach in order to create an atmosphere of greater public responsibility for what we now see as a private matter.¹⁵

To question reproductive freedom is a venture onto a human rights minefield. Beginning to question the morality of the unrestricted right to procreate is bound to ignite fierce opposition. In a number of Western countries, amid concern about falling birth rates, women are being urged to have babies 'for the sake of the nation . . . or else the nation will die'.¹⁵ In these same countries, exhaustion of pension funds calls for drastic measures: work longer and/or procreate more (forfeiting Kant's admonition not to use people as a mere means to an end). Clearly this is also incompatible with the

view that since the planet's carrying capacity is limited we have a duty to each other and to future generations not to exceed this limit through unrestricted (and unilateral) procreation. The needed paradigm shift should be to put the right to procreate in its social and global perspective.

1. Campbell A, Charlesworth M, Gillett G, et al. *Medical Ethics*. Oxford: Oxford University Press, 1997.
2. Lomborg B. *The Skeptical Environmentalist. Measuring the Real State of the World*. Cambridge: Cambridge University Press, 2001.
3. Lappé FM, Collins J, Rosset P. *World Hunger. Twelve Myths*. 2nd ed. New York: Grove Press, 1998.
4. LaFollette H. Licensing parents. *Philosophy and Public Affairs* 1980; **9**: 182-197.
5. Singer P. Famine, affluence and mortality. *Philosophy and Public Affairs* 1972; **1**: 229-243.
6. Singer P. Postscript. In: LaFollette H, ed. *Ethics in Practice. An Anthology*. Cambridge, Mass: Blackwell, 1997: 593-595.
7. Singer P. *One Planet. The Ethics of Globalisation*. New Haven: Yale University Press, 2002.
8. Cohen C. The case for the use of animals in biomedical research. *N Engl J Med* 1986; **315**: 865-870.
9. Cook RJ, Dickens BM. Human rights and safe motherhood. *Int J Gynaecol Obstet* 2002; **76**: 225-231.
10. Dütting G. The concept of reproductive rights. *Women's Global Network for Reproductive Rights* 1993; **44**: 2-3.
11. Callahan D. *Setting Limits: Medical Goals in an Aging Society*. New York: Touchstone, 1987.
12. Archard D. Child abuse: parental rights and the interests of the child. In: Ekman Ladd R, ed. *Children's Rights Re-Visited*. Belmont, Calif: Wadsworth, 1996: 107-120.
13. Callicott JB, da Rocha FJR. *Earth Summit Ethics*. Albany, NY: SUNY Press, 1996: 1-21.
14. Wee V. Children, population policy, and the state in Singapore. In: Stephen S, ed. *Children and the Politics of Culture*. Princeton: Princeton University Press, 1995: 184-217.
15. Hadley J. *Abortion. Between Freedom and Necessity*. London: Virago, 1996.
16. Potts M. International aspects of ethical problems in obstetrics and gynaecology. *Baillieres Clin Obstet Gynaecol* 1999; **13**: 559-570.
17. World Health Organization. *Sri Lanka: Reduction of Maternal Mortality. A Joint WHO/UNFPA/UNICEF/World Bank Statement*. Geneva: WHO, 1999.
18. Battin MP. Population issues. In: Kuhse H, Singer P, eds. *A Companion to Bioethics*. Oxford: Blackwell, 1998: 149-162.
19. Rothman BK. Redefining abortion. In: LaFollette H, ed. *Ethics in Practice. An Anthology*. Cambridge, Mass.: Blackwell, 1997: 103-112.