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A Non-Solution to the Non-Identity Problem

K. Lindsey Chambers

University of Kentucky

klchambers@uky.edu

Abstract: Underlying Derek Parfit's non-identity problem is the idea that we can only wrong our offspring if our procreative actions make them worse off. For Parfit, the surprising conclusion is that a person cannot be wronged by their own creation, because being created cannot make someone worse off. I appeal to Kant's moral philosophy to develop a non-harm-based moral framework for procreation that allows us to explain how a person can be wronged by their creation even if they have not been harmed by it. I argue that Kant's moral framework is uniquely suited to capture our moral obligations to future persons, because his framework locates moral obligations in the will of the *actor* rather than in the existence of the moral patient or recipient. The morality of procreative choices depends on how well the procreator *wills*, not on the outcome for their offspring's wellbeing. My account does not solve the non-identity problem; rather, I argue that if we look at procreation as an imputable action of persons that puts them in a special relation of duty to their offspring, then the moral relevance of their future offspring's indeterminate genetic identity falls away.

Keywords:

Procreation, reproductive ethics, non-identity problem, Kant, parental obligations

For persons who hope to have children one day, it's not unusual for their future children to hold a special place in their thinking. And while it may be more common for expecting parents to talk explicitly about their love or care for their as-of-yet unborn children, prospective procreators who are not yet expecting a child will sometimes think about their future children in a way that guides the very actions they take to create those persons. They might ask themselves: would this romantic partner also be a good co-parent? Would this job provide sufficient income or flexibility to support a child? Is this city close to family or friends? These questions are partly about what works best for the prospective procreator, but, importantly, they are also about what would be good for their future child.

On Derek Parfit's account of procreation, these prospective procreators are making a mistake. Parfit argues that if the origin view is true, that is, if a person's identity depends on the particular sperm and egg from which she originated, then what procreators do will also determine *which* person they create (Parfit 1984, 351–59). That procreators cannot act differently without creating a different child altogether is the crux of what Parfit calls the non-identity problem (NIP). Whatever steps prospective procreators take on behalf of their future child—finding a suitable parenting partner, waiting until they are financially secure, screening embryos for congenital diseases—will determine the *identity* of the person they eventually create. Procreators can alter *which* person comes into existence, but there is no future child whose identity is determinate and whose wellbeing they can rationally hope to improve by their actions. If the origin view is true, then it's a mistake for prospective procreators to think about their future

child as guiding the very choices that will determine *which* person becomes their child in the future.¹

That people may be engaged in an incoherent practice wouldn't itself be a surprise. What's striking is that the prevailing problem in procreative ethics blocks our ability to account for some of the actual attitudes associated with procreation.² The choice to begin our moral investigation with the metaphysics of personal identity and harm belies a prior consequentialist commitment: the morality of what procreators do turns on the outcome of what they do, or the consequences of their actions, for their offspring. The presupposition of the non-identity problem is that creating a person can only wrong them if they have been *badly affected* by their creation (Parfit 1984, 379).³ For Parfit, the surprising conclusion is that a person cannot be badly affected by their own creation, because being created can never make a person worse off than that person was or would have been.

If we accept the terms of Parfit's non-identity problem, that wronging requires harming and that it's impossible to harm someone by creating them, then procreators cannot wrong their offspring.⁴ Parfit allows that procreation is morally serious, even morally hazardous, but only when we account for procreators' actions from within an impersonal, utilitarian framework. Yet, if procreation is morally serious for anyone, surely it's serious, and sometimes hazardous, for the very person brought into existence. However, if we instead accept that it's possible to harm someone in their creation (e.g., if harm includes some non-comparative bads), then it's difficult to see how a person wouldn't *always* be harmed, or at least put at risk of harm, by their creation.⁵ After all, the so-called gift of life is at best a "mixed bag." Human beings will inevitably suffer pain, disease, and injury, and even the best lives will eventually end in death. If a person's procreators are accountable for any of these ills, then it may often (if not always) be wrong to procreate. At the very least, we should be wary of imposing life's burdens on our offspring.⁶

My aim in this paper is to explain why procreation is morally serious for one's offspring but not always morally wrong by appealing to Kant's moral theory. The case of procreation reveals an underappreciated aspect of Kant's account of moral obligations: their source lies in will of the person who is obligated, not the person to whom the obligation is owed. If our obligations to others have their source in the activity of already existing persons, then it should not be surprising that we can have obligations to future persons even before those persons exist. My conclusion is a surprising one: when one sets out to create a person, that person *already exists* as an object of one's will (or as one's productive end). One's future child may not yet have a determinate biological or genetic identity, but they have a determinate *moral* identity as the child one plans to create. Their moral identity, in turn, serves as a constraint, or regulative end, over

¹ Though my focus is on forward-looking attitudes, much of the non-identity literature has also focused on the rationality of backward-looking attitudes (Harman 2009; Setiya 2014; Parfit 1984; Wallace 2013).

² We could instead bite the bullet, as Boonin does, and reject our intuitions rather than Parfit's conclusion (Boonin 2014).

³ Kavka calls the combination of genetic essentialism, the contingencies of human reproduction, and the view that our moral obligation is to avoid making persons worse off (the person-affecting moral principle) the paradox of future individuals (Kavka 1982).

⁴ One response to Parfit is to argue that wronging doesn't involve harming (Chambers 2019; Hurley and Weinberg 2015; Kumar 2003; Woodward 1986). My account takes up this strategy but does not appeal to rights violations or parental role obligations to locate the wrong in question.

⁵ Another strategy is to argue that procreation *can* harm one's offspring which in turn impacts our procreative responsibility (Benatar 2006; Gardner 2015; Hanser 1990; Harman 2004; Shiffrin 1999; Weinberg 2008).

⁶ A harm-based view needn't entail antinatalism, but it does cast doubt on the assumption that life is a "gift."

the process by which they are created.⁷ My account is neither an exegetical argument about Kant's moral theory, nor is it an argument that one should accept a Kantian account of moral obligation. My aim is simply to show that a Kantian account of procreative obligations gives us insight into how ordinary procreators should think about the moral stakes of bringing a new person into existence.

The account I offer here is also emphatically *not* a solution to the non-identity problem. Because the philosophical literature on the morality of procreation has focused on the NIP and its central cases, the expectation is that these priorities should be central to an adequate account of procreative ethics. The focus on the NIP, in turn, makes it seem as if harm, or the risk of harm, is central to the diagnosis of procreative wrongdoing.⁸ I will show that by shifting our focus to ordinary procreators, we can capture a kind of moral mistake in a procreator's willing that needn't involve harm (or the risk of harm) but that nevertheless negatively affects their offspring by damaging their moral relation to them. My account will not satisfy someone already in the grips of the NIP, nor will it lessen the force of the NIP when one makes retrospective judgments about what *could* have happened differently in the past. Rather, in painting a picture of how a Kantian account would guide the choices faced by procreators in ordinary cases, we can see that the NIP need not *arise* during the deliberation stage for prospective procreators.

The Problem of Creation

The prospective procreators above exemplify an ordinary way in which persons plan for the children they hope to create. We not only talk to each other about our own plans for having children, we also hold each other accountable for adequately preparing to have children. It is common practice to ask oneself and others whether one is *ready* to have a child before deciding to conceive: Am I mature or responsible enough to have a child? Am I financially secure? Do I have a place to live with enough room, or in a safe setting?⁹ Do I have the support I need—employment, childcare, a partner or other family or friends that can support me?

Again, these questions are partly about what timing is best for the procreator. I might recognize that having a child now would be too stressful or would require making major life changes I'm not ready or able to make. However, my planning is *also* a recognition of what my offspring will need from me. If I have a child now, when I lack the resources or support to do well by that child, I risk failing *my child*. So, for the sake of my future child, I will wait, work on myself, my situation, my community—whatever I need to do to in order to be ready to support a child.

The child one hopes to have seems to be *central* to the preparation for their own creation. We recognize that we have obligations *to* our future children that we ought to be prepared to meet.¹⁰ What's philosophically puzzling about this practice, and what drives Parfit's non-identity problem, is how directed obligations, or obligations *to* one's offspring, could be grounded—

⁷ By contrast, Noggle argues that we cannot have obligations to merely possible persons. With Parfit, he picks out a person's identity by way of their genetic makeup (Noggle 2019).

⁸ Even the contractualist approach which gives an account of procreative wrongdoing without (actual) harming still tends to invoke the risk of harm to explain the wrong in question. My approach is friendly to that of the contractualists, but because it locates the source of the procreator's obligation in their own will rather than in the offspring's second-personal claims, my account fills out the *content* of the procreator's obligation differently (Finneron-Burns 2016; Hurley and Weinberg 2015; Kumar 2003).

⁹ One tenant of the Reproductive Justice movement, for example, is that persons have a right to raise their children in a safe environment. This right is unmet for many parents in the US due to systemic structural racism (Ross and Solinger 2017). See also Shelby's discussion of reproductive choices under unjust conditions in (Shelby 2016).

¹⁰ I have previously argued that parental role obligations ought to constrain procreative deliberation (Chambers 2019).

especially in cases of moral failure. It's mysterious how we could wrong a future person by failing to our meet our obligations to them when that person will only come into existence if one *fails* to meet those obligations.

Consider, for example, Parfit's case of the young person who wants to have a child now but isn't prepared to do so.¹¹ The young woman is eager to become a parent, but she either doesn't fully understand the extent of the obligations she would have to her child or she doesn't appreciate how ill-equipped she currently is to discharge those obligations.¹² Many people think that she should *delay* having a child until she's older. Partly, we think she should wait for her own sake. She is foreclosing opportunities for herself if she becomes a parent at such a young age, and she will be forced to "grow up" sooner than she would otherwise have to. But importantly, she should also wait for the sake of *her child*. Her future child would be better off if she were to delay procreating until she is more mature and better suited to discharge the duties that come with being a parent.

On Parfit's view, our intuitions about the case are based on a false assumption: it's just not true that waiting benefits the particular child she would have if she procreated now. The child she would have now will only come to exist if she doesn't wait, because any child born in the future would develop from a different sperm and a different egg. Parfit can still say that the young woman acts wrongly if she procreates now, but that wrong is not directed at her child. Rather, she acts wrongly in an impersonal sense by failing to bring about the better of two possible states of affairs. She hasn't, however, wronged her child, because *that* child wouldn't have been created if she had waited. Nor, if she waits, could she benefit the child she would have conceived now, because that child will not exist if she waits.

For Parfit, the point is not just about the metaphysics of identity, it's about how the young woman should think about her choice. If what matters morally is a person's biological or genetic identity, then it's a mistake to think of one's choice as making life better or worse for some determinate child in the future. The young woman should instead think of the choice about when to procreate as a *different child* choice. What's more, the whole idea of preparing to procreate *for the sake of one's child* is incoherent. You might prepare for your own sake, or the sake of other third parties, but you cannot hope to benefit the prospects of the child you would have if you procreated now by waiting to have them.

Underlying the non-identity problem is the idea that our obligations to our offspring depend on how our actions will affect their wellbeing—for better or worse. If my offspring is not made better or worse off by my procreating, then, as far as they are concerned, I have not wronged *them*. This idea is what Parfit calls the person-affecting view: if my action doesn't negatively affect someone, then I have not wronged that person (though I may act wrongly in

¹¹ In Parfit's original case (and its subsequent references in the NIP literature), this case is called the 14-year-old girl case. The fact that the prospective procreator is a young teenager is what explains why the child she would have now would have a "bad start in life" (Parfit 1984, 351–59). For my purposes, the procreator in this case needn't be a teenager, which raises its own questions about how we assess the morality of her choice. I will refer to a "young woman" rather than a 14-year-old girl.

¹² Much of the NIP literature takes up cases involving disability or impairment, in part because such cases highlight the intuition that someone has been *harmed* by their creation. Because adding questions about the value of disability introduces further moral complications, I am intentionally limiting my discussion here to ordinary cases where persons consider delaying procreation simply to plan or better prepare for having a child.

some impersonal sense).¹³ The NIP gets traction because the unique nature of procreation blocks our ability to apply a person-affecting view or principle to a person's creation.¹⁴

An intuitive response to Parfit is to shift the discussion from one's *de re* child to one's *de dicto* child (Hare 2007; Kumar 2003). In the case of the young woman, her *de dicto* child picks out *whoever* eventually occupies the role of her future child, while her *de re* child is the one with a determinate genetic identity that is only settled after their creation. We want people to take care or show appropriate concern when they engage in person-affecting activities more generally. Procreators fail to show the proper concern for whoever will become their child if they procreate recklessly or carelessly, or without considering that their actions will affect their *de dicto* child. The upshot of this sort of approach is that we can capture the idea that procreation is morally risky because it involves the creation of persons. The young woman's mistake, then, is that she shows a lack of concern for the well-being of her *de dicto* child—whoever that may be.¹⁵

What we're still missing, however, is a specification of how it is that someone's failure to meet an obligation to have a *general* concern for persons issues in a direct wrongdoing of their (de re) offspring when the de re child's existence depends on that failure.¹⁶ Once the de dicto/de re distinction is made, we've already conceded that the moral patient is, at least partly, individuated by their genetic identity. Parfit accepts that before the young woman has the child there is a sense in which it is better for her child if she waits, because "her child" doesn't yet pick out a determinate person. However, once the child is born, we can no longer say it is worse for her child that she waited, because now "her child" picks out a particular person whose existence depends on the young woman's decision to have a child *now*. Other persons may object to a procreator's actions because they reflect a general lack of concern for how their actions bear on other people, and third parties might complain if they must now shoulder additional costs because of the child's creation.¹⁷ However, the procreator's offspring seems to have the *least* standing to complain about their procreator's lack of concern.¹⁸ If we instead accept Parfit's response to the NIP, then although we can still account for procreative wrongdoing, we do so at the cost of de-centering the *particular person* created as central to the story of what has gone wrong. And if the morality of procreation isn't at least partly about the person created, then it does not adequately capture some of the ordinary ways in which we already think about our obligations to our offspring.

¹³ That impersonal wrong could be characterized in consequentialist terms, as Parfit does, or deontological terms, as Noggle does (Noggle 2019; Parfit 1984, 379). Hare, on the other hand, argues that we can vindicate our intuitions in NIP cases by accepting a person-affecting approach while rejecting modal actualism (i.e., by expanding who counts as an affected person to include possible people) (Hare 2007).

¹⁴ Weinberg, by contrast, argues that we shouldn't count existence as a good that outweighs some offspring's adverse conditions, and so procreative negligence *can* harm the person who later suffers from it. In what follows I remain agnostic about the possibility of procreative harm (Weinberg 2008).

¹⁵ Hare imagines someone's offspring in a non-identity case describing their complaint by saying to their procreator, "You failed to show appropriate de dicto concern for your child, and *I* am your child" (emphasis mine) (Hare 2007, 523). Parfit could as easily say that person is simply mistaken, because they don't understand what it took for *them* to exist. My account is sympathetic to Hare's view, as my aim is to fill out how one's offspring could make such a complaint.

¹⁶ Contractualist accounts of procreative wrongdoing attempt to preserve the idea that procreating is person-affecting by appealing to a procreator's obligation to act on a *wide person-affecting* principle, whereas my account is *narrow person-affecting* (Katz 2018).

¹⁷ Casal and Williams, for example, argue that procreators impose unjust costs on others by procreating (Casal and Williams 1995; 2004).

¹⁸ It is for this reason that Parfit rejects this response to the NIP (Parfit 1984, 380).

A Kantian Framework for Procreation

Kant's moral framework has the resources to re-center the created person in the moral story and, in doing so, to *preempt* the identity concerns that give rise to the non-identity problem. On Kant's account of parental duties and rights, the morality of procreation is not about procreative outcomes, but rather the relation of duty that procreators stand in to their offspring. In Kant's (brief) discussion of parents and children in the Doctrine of Right, he doesn't challenge the permissibility of procreation, but he does make it clear that procreation is morally hazardous for the persons who are created. We are not free to create persons and destroy them or leave their fate to chance, because what we have created is not merely an object, it's a person (*DR*, 6:280).¹⁹

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

Morality, in turn, demands that we treat persons *as* persons, or as beings who can determine their own lives (their beliefs, values, and actions) for themselves. This obligation is captured by Kant's second formula of the categorical imperative: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (*G*, 4:429). Kant's formula has a kind of intuitive appeal. There seems to be something morally problematic about using persons merely for one's own ends or one's own gain—including *creating* a person merely to serve one's own interests (*G*, 4:428).

On Kant's account, a person's value is unconditioned (or absolute) because it does not depend on their instrumental value as a means to some other end. If a person's existence has unconditioned or absolute worth, and if persons must be treated as ends in themselves, then when it comes to procreation you might think Kant's view entails that we have an obligation to create *more* persons.²⁰ The value of persons, however, is regulative, not additive. That means that a person's value serves as a constraint on our actions, not as something to-be-produced in the world (*G*, 4:431). If I have the regulative end of being frugal, for example, my end isn't to make more money; rather, I have as a constraint on my pursuit of other ends that I do so without spending too much money. If I have the further end of eating dinner, for example, then I might get groceries and cook instead of eating at an expensive restaurant. You don't act from a recognition of the value of persons by making more of them the way you might act from a recognition of the value of happiness by bringing it about that people are either happier or that

¹⁹ All references to Kant's texts are from Immanuel Kant, *Practical Philosophy*, ed. Mary Gregor (Cambridge University Press, 1996). For ease of reference, page numbers refer to the standard Prussian Academy edition numbering, and I will use the following abbreviations: *G*, *The Groundwork of the Metaphysics of Morals*; *DR*, the "Doctrine of Right" in *The Metaphysics of Morals*. Though Kant's discussion of parents and children in the Doctrine of Right concerns their legal relationship to one another (or their coercively enforceable rights and claims), this passage also provides insight into the moral standing of children in Kant's moral theory. In what follows, I am focusing on the non-judicial duties that procreators have to their offspring. The question of procreators' juridical duties is an important one, but it goes beyond the scope of this paper.

²⁰ The utilitarian framework for procreation leads to what Parfit calls the repugnant conclusion, namely, that we are obligated to create more people just to increase the overall happiness that exists in the world (Parfit 1984, 385–90).

more people are happy. You act from a recognition of the value of persons by how you *treat* them.

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

For Kant, our obligations, both to ourselves and others, originate in the acting person's will (*G*, 4:408). Obligations bind persons with a rational will, or persons who *already* have some control over what they do and who can act for reasons or on a judgment about what would be good to do. So long as a person is operating in that capacity, they already have in their own reason the standard by which they must determine themselves to act. If they're constrained by other persons, it's because those persons show up as objects in *their* willing.

Procreators only face a moral question about what to do because they are already capable of considering their procreative actions in light of their conception of what they owe other persons. The seeming problem in applying Kant's moral theory to procreation only arises if we assume that the source of our directed duty is the patient to whom it is owed and then conclude that we can't be constrained until that person exists. But for Kant, the practical import of the concept of "person" is that it shows up in the reasoning of beings who already employ that concept in their deliberation about what to do.²¹ The subject of my duty, considered as a physical object (a human organism with a determinate genetic identity), isn't the ground of my duty; the ground of my duty is *my own conception* of someone as a person, which has as its source the moral law within *me* (*G*, 4:431).

On this approach, we should understand actions in terms of what an actor's end or purpose is, not in terms of the outcome of their act in the world. For example, though my actions right now produce a particular outcome in the world (my fingers move up and down on a keyboard and letter shapes appear on a computer screen), we can't fully understand what I'm doing until we know what my end is. I'm not merely moving my fingers, I'm typing, or better, I'm writing a paper. You're not just looking at some shapes on a page or screen, you're reading this paper. Whatever norms apply to our respective activities, they apply in virtue of what *we* are up to, not merely in virtue of the movements of our bodies as physical objects.²²

On a Kantian account of procreation, persons don't merely cause the existence of new genetically distinct organisms, they procreate as the result of some purposeful action. It matters morally that we don't get babies from storks or people-seeds implanting in our carpets.²³ New persons are created through the imputable actions of *other persons*, and it's these imputable actions

²¹ Thompson argues that *both* the wrong-doer and the wronged must be capable of sharing the same bipolar concepts (concept of duties or wrongdoing) for one being to wrong the other in some respect (e.g., in a shared legal system, social practice, etc.). My interpretation of Kant allows for a bipolar concept of duty (directed obligation) to get purchase so long as the duty-holder's own conception of the other actor is *as* a being who can (or will be able to) share that bipolar concept (Thompson 2004).

²² See Anscombe's influential discussion of intentions and action descriptions (Anscombe 1957).

²³ See Thomson's colorful analogies in her influential defense of abortion (Thomson 1971, 59).

that issue in new moral relations, or relations of duty, between procreators and their offspring.²⁴ What makes a procreator's future offspring the bearer of a special moral claim against them, then, is that their offspring will be the product of *their* imputable actions, actions "by which [they] have brought a person into the world" (*DR*, 6:281).

We can't just point to the created person's genetic identity, then, to make sense of the *practical* relation between them and their procreator(s), or to determine to whom procreators stand in a relation of duty (e.g., do they owe their obligations to this or that *de re* child, or even some set of possible *de re* children?). When persons intentionally procreate, their offspring aren't just the effect of those procreators' actions, they are also their procreators' *productive end*. For Kant, to will an end *just is* to commit oneself to taking the necessary means to that end (*G*, 4:417). By making a future child the productive end of their will, a procreator already commits themselves to taking whatever means are necessary to bring that end about. Once procreators have a person's creation as their productive end, that person's existence *already* serves as a regulative end over their creation.

To understand the moral stakes of procreation we need to ask: what would it take for person-creation to go well if we understood it as an activity intentionally undertaken by persons with a rational will? What are the relevant norms or standards that bear on the decision to have a child, given that it's an activity undertaken *by* persons that has as its object the production of *another* person? The relevant standards *may* include some injunction against creating persons who suffer or face some harm or adverse circumstances, but if they do, the rationale won't be that a procreator must refrain from some action *just because* it produces (or risks producing) some bad outcome in the world.²⁵ The problem, if there is one, will show up in the *will* of the procreator, not the condition of their offspring. A procreator's failure to will well negatively affects their offspring by altering the moral between them—whether or not their offspring has been harmed or exposed to some risk of harm.

A procreator might fail, for instance, to sufficiently appreciate the demandingness of the obligations they will incur by creating a new person. To successfully create a person in Kant's sense you cannot simply produce a human infant and call it a day. Person-creation is an activity that extends over time and includes, when all goes well, adequately ensuring that one's offspring is also cared for (*DR*, 6:282). Not being prepared to meet those obligations may well lead to some bad outcome for your offspring, but the outcome itself doesn't fully explain the wrong; rather, it's your failure to act consistently with your own end. You make a rational mistake if you will as your productive end the creation of a *person* and yet fail to commit to taking the means necessary for creating a being who can act *as* a person. What those necessary means are will depend on what's required, not just to conceive or give birth, but also to *raise* a being whose actions can (eventually) be imputed to *them*.²⁶

If the goal of person-creation is to create a being *like that*, then appealing to harm as the sole metric for our procreative obligations leaves out an important aspect of the moral story. The moral stakes of procreation aren't just about what bad state or circumstance one's offspring

²⁴ From a caregiving ethics framework, Held criticizes Kantian ethics for requiring total impartiality and thereby excluding special obligations one might have to loved ones (children, spouse, friends); Herman, by contrast, shows that Kant's moral theory has the resources to capture attachment and relations of care (Held 2006; Herman 1991).

²⁵ Again, it is here that my account differs from the contractualist approach which tends to invoke the procreator's risking harm to explain why the offspring's second-personal claim has been violated (Finneron-Burns 2016; Hurley and Weinberg 2015; Kumar 2003). My account does not entail that one's offspring has no second-personal claims; however, it does show that their second-personal claims aren't the whole story (especially for a Kantian).

²⁶ See Schapiro's account of how children fit into Kant's moral theory (Schapiro 1999; 2003).

might face, but whether their condition impedes their ability to become a subject whose actions are really their own.²⁷ For procreators to act well, they cannot be indifferent to how their actions align with the end of creating a being who can, eventually, act for themselves. Procreators are not required to *ensure* that that procreation has this result (as if it were fully in their control), but they should not act *against* it. If they are unprepared to see their end through, then they fail to *will well* with respect to their offspring. That failure issues in a direct wrong to the person who they have taken as their productive end.

On this view, whether the object I take as my productive end also has the moral standing of a person (as a regulative end or a constraint) in my willing is a *practical* question about what's required to successfully create a person, not a metaphysical question about identity. In this respect, it's morally irrelevant which person will come to exist as a result of my action, because whether my prospective offspring has a moral claim on me depends on what *I* am up to, not on their genetic identity. Suppose we didn't take children—actual or prospective—to have the standing of beings whose value regulates their creation and rearing. If we treated children merely as *things* up until they showed signs of personhood (in Kant's sense), then we would risk undermining their development in ways that hinder (or preclude) their ever becoming beings who can set and pursue ends of their own in the future.²⁸ We would, in effect, undermine our own person-creation unless we took ourselves to be creating persons, where the nature of what we're creating both guides and constrains how we go about it.

Admittedly, this account seems to leave out cases of *unintentional* procreation, like accidental pregnancy or pregnancy that results from rape. Though the story is less straightforward in such cases, a Kantian account like the one I've described has the resources to capture these cases as well. Insofar as accidental pregnancies are still the result of *someone's* imputable actions (even if not explicitly aimed at procreating), there's conceptual room for persons to be constrained by the person who they *risk* creating by acting in ways that foreseeably begin the process of person-creation. Persons may have a moral obligation to take steps to avoid or end an accidental pregnancy when they are not also willing or prepared to take on the extended activity of person-creation.²⁹ On my account, people shouldn't be forced to continue an unwanted pregnancy against their will, because person-creation is an end that persons ought to will for themselves.³⁰ The state, in turn, may have a corresponding obligation to protect its citizens' reproductive freedom so that a person who is unwillingly pregnant can *opt out* of the person-creation process.³¹

²⁷ Though it warrants more discussion than I can do justice to here, it is because procreative obligations are oriented around creating persons in this sense that rebuffs the threat of global antinatalism. It seems ordinary procreation can issue in the creation of a person in the Kantian sense.

²⁸ Korsgaard makes a similar point about the different perspectives we can take on the same person (Korsgaard 1992, 305–32).

²⁹ This account can articulate a further wrong-making feature of rape besides the violation of someone's bodily autonomy. Rape risks beginning the process of person-creation *against the will* of someone else. If that happens in a political context where abortion is unavailable, then the person whose autonomy was violated once now faces a second violation. The state has reason to make abortion accessible to support the ability of the unwillingly pregnant person to make their own choice about whether to continue the person-creation process.

³⁰ Elsewhere I argue that in the case of an accidental pregnancy a person must decide whether to take up person-creation by deciding if they will keep the pregnancy; Harman, similarly, views the decision to keep a pregnancy as high stakes (Chambers 2020; Harman 1999).

³¹ The moral importance of the choice to create a person makes the Kantian account of procreation friendly to a voluntarist account of parental obligations (Brake 2010).

An upshot of the Kantian framework is that we can expand the net of who has obligations to a created person to include *anyone* whose imputable actions implicate them in the person-creation process. Whether you are donating sperm or an egg, acting as a surrogate, gestating a fetus to put up for adoption, or adopting a child, you are explicitly contributing to the creation of a person.³² At minimum, in helping to create a person you should constrain your actions in light of what the person you are helping to create will need in order to become a person. Not all of these actors need commit to becoming the child's *parent*, but they ought to at least consider whether their own actions will somehow impede successful person-creation in the long term and, importantly, whether the person they help create will be adequately cared for by someone.³³

So far, the Kantian account of procreation can explain how procreating can go *wrong*, but we're missing a way to answer the question: should I have a child?³⁴ If someone already wills a person's creation as their productive end, then they come under an obligation to take the necessary means to successfully create a person. That alone doesn't provide guidance to persons who are on the fence about procreating to begin with. And perhaps that's as it should be. The choice to have a child would ultimately be *up to you*. What morality would tell us is that *once* you've decided to have a child, you are not free to proceed however you like. You don't have to procreate to begin with, but once you do, you already stand in a relation of duty to your (prospective) offspring.

Applying the Kantian Framework to the NIP Case

On Parfit's approach, we can't account for a directed wrong to one's offspring unless a moral patient, individuated by their genetic origin, has been (or will be) harmed. What the Kantian framework above provides, by contrast, is way to identify a directed to wrong to a patient *before* they come to have a particular genetic identity. The moral patient is individuated as the productive end of their procreator's will. That identity persists before and after the child comes to have a determinate genetic identity. The morality of procreative choices, then, depends on how well the procreator *wills*, not on the outcome for their offspring's wellbeing.

To see how the Kantian account I've articulated can preserve the idea that the person being created is crucial to the explanation of what procreators are required to do, consider again Parfit's example of the young woman who wants to conceive a child before she is prepared to parent that child.³⁵ A crucial detail in Parfit's example is that the young woman is eager to procreate now just because *she* is eager to be a mother. We might implore her to consider how her procreating now would affect her child, but as it stands, concern *for her child* is absent in her thinking about what to do. She is concerned solely with how procreating now will (she thinks) benefit *her*.

³² The net of responsible persons won't stop at those explicitly involved in a person's initial creation or rearing. There are resources on Kant's account for anyone involved with persons-in-development to be constrained by that person's value. The potential implications for policy are far-reaching—from education to economic policy—though I won't pursue these implications here.

³³ Archard, similarly, argues that causing a child to exist generates a duty to ensure that the child is *parented*, but that does not entail that you must be that child's parent (Archard 2010). We are also in a position to assess the morality of anonymous sperm donation (Velleman 2005). At minimum donors should not be indifferent to what happens to their genetic offspring down the line.

³⁴ Thanks to Amy Flowerree for raising this point.

³⁵ Again, in Parfit's case, the procreator is a teenager. A Kantian might be hesitant to hold a teenager accountable for acting wrongly precisely because she is still en route to developing her rational capacities. My aim here is not to take a stance on whether a 14-year-old's actions can be attributable to them in Kant's sense, so I have made the prospective procreator young but not a teenager.

Her moral mistake is independent from her child's ultimate wellbeing. To see why, suppose the young woman and her child, by luck, became the recipients of some sympathetic and well-off family member who stepped in to ensure that the child would be well cared for. And suppose this family member would not have stepped in and supported the young woman and her child if she delayed conceiving. The child the woman has now may be *better* off than the child who would have existed were she to delay procreating. Even so, the fact that good fortune altered the outcome for the woman and her child does not now absolve her *failure* to appropriately consider what she owes her offspring. The young woman is responsible for how she makes her decision, not for how her child's wellbeing shakes out in the end.

For practical purposes, then, the young woman should think of her decision as a *same child* choice: what action will better enable her to discharge her duties to her offspring? If the young woman is ill-equipped to adequately parent the child now, then it's better for *both* her and her child for her to wait to conceive. Though the child will have a different genetic identity depending on when she conceives, her child has the same *moral* identity as her productive end. If the young woman isn't yet in a position to successfully take on the extended activity of person-creation, or even if she simply hasn't considered what responsibilities that entails, she wrongs the child she creates by procreating now.³⁶ The young woman's mistake is not absolved even if her offspring has not been harmed, because the wrong is not in the harming—it's in the young woman's *willing*. She should not decide to create a person without also considering whether she is able to fulfill the obligations she will incur by doing so.

Procreation is person-affecting, on this account, because a procreator's failure to adequately constrain their actions in *consideration* of their offspring negatively affects their moral relation *to* their offspring. When procreators fail to discharge the duties they have to their offspring in their creation, then, their offspring have special standing for complaint. That standing is in virtue of the fact that they are the ones to whom the duty was owed, not in virtue of their wellbeing. In this sense a person can be negatively affected when their moral claims on others go unanswered, regardless of whether their wellbeing is made better or worse off by that failure.

Conclusion

We can see the moral pieces of the puzzle, not in spite of the metaphysics of procreation, but as untouched by it. The morality of procreation is ultimately about how a procreator constrains their own actions, not which persons come into existence in light of those actions. You needn't create a person to begin with, but if you do commit to creating a person, you must take seriously the fact that you're creating a *person*—where the moral value of the being to-be-created casts a kind of moral shadow backward on the very process by which they're created.

The account of procreation that I've offered here is not a solution to Parfit's non-identity problem; it's an argument that if we start from within Kant's moral framework, the non-identity problem doesn't arise for morally responsive procreators. If we look at procreation as an imputable action of persons that puts them in a special practical relation to their offspring, rather than as the cause of some harm or negative impact to their offspring, then the moral relevance of their future child's indeterminate genetic identity falls away. Insofar as a person chooses to create

³⁶ I have made this point previously by appealing to the young woman's parental role obligations (Chambers 2019). My account here is more expansive in that it doesn't require social roles to ground the obligation in question.

another person, the person to-be-created is already their responsibility—whoever that person turns out to be.

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