“Not Dead Yet” is the name of a disability-rights organization that opposes legalizing assisted suicide. They contend, and I agree, that if assisted suicide is legal, then people who decide against it despite living in circumstances commonly cited as reasons in favor — a loss of independence, a lack of control over bodily functions, a sense of being a burden to others — will feel obliged to justify their continued existence, a burden of justification that will be difficult to support in our fitness-obsessed culture and that may consequently become a reason in favor of assisted suicide even for some who would otherwise decide against it.[i] Unfortunately, this burden will fall not only on the terminally ill but also on the healthy disabled, whose circumstances are similar in some of these respects: hence the defiant slogan “Not Dead Yet”, addressed as if to a society wondering why the disabled have not yet chosen suicide.

Meanwhile, some anti-abortion activists have tried to recruit the disabled to their cause by pointing out that abortion is often chosen for the purpose of preventing the birth of a disabled child, a practice that implies, they suggest, that the life of a disabled person is not worth living — the same implication that would threaten the disabled if paired with a right to assisted suicide.

Although I sympathize with the argument of Not Dead Yet against assisted suicide, I reject the analogy to abortion, for the reason stated in my title. Deciding not to initiate a new life is different from deciding not to continue an existing one.

Of course, abortion opponents dispute my premise, because they believe that the embryo or fetus is already a living person. But their appeal to the disabled is meant to persuade even those who disagree with them on this point. Even if one believes that the fetus is not yet a person, they argue, one should see that preventing it from becoming a person because it would be disabled is an instance of the same reasoning as committing suicide because one is disabled — the reasoning that members of Not Dead Yet wish to forestall by keeping assisted suicide illegal. According to the anti-abortion argument, disabled people who deny that circumstances like theirs are reasons for granting a right to suicide should also deny that the prospect of such circumstances are reasons for recognizing a right to abortion.

On the basis of this argument, some states have tried to outlaw abortion chosen because of a positive test for Down syndrome. Abortion chosen to prevent the birth of a child with Down syndrome is said to be prejudicial to children living with the syndrome and to families raising those children, who testify passionately to the value of their children’s lives. Mothers are understandably happy that they carried their children to term despite a diagnosis of Down syndrome, and so they take themselves to be vindicated in their judgment that the diagnosis was not a valid reason for abortion. They believe, moreover, that permitting abortions based on the diagnosis casts aspersions on the value of their
children, disparaging them in the eyes of society.

I want to say that these mothers are right to be happy that they chose not to abort their children but wrong to infer that permitting the opposite choice disparages them. Our attitudes toward the disabled who are not dead yet should not be transferred to those who are not yet living persons.[ii]

I will not defend the premise that the latter are not living persons. The anti-abortion argument based on a right to life is not my target; my target is the fallback argument addressed to those who do not believe that the fetus is already a living person but who might nevertheless be convinced that preventing disabled persons from coming into existence is prejudicial to disabled persons who already exist.

Kant drew a distinction between ends that are to be brought about (zu bewirkende Zwecke) and ends that are “self-standing” (selbstständige Zwecke). In Kantian ethics, persons are self-standing ends.

One of the things Kant says about self-standing ends is that the normative force of their value is purely negative, in that it forbids mistreating them in various ways but does not positively call for any particular treatment.[iii] (Even positive duties of beneficence are, for Kant, prohibitions against a policy of withholding it.) The reason why the normative force of personhood is negative is that the fitting response to it is moral respect, which is a motivational restraint rather than a positive impulse to action.

Insofar as the value of persons commands respect, it does not call for them to be brought into existence, unlike the value of zu bewirkende Zwecke. Note that this consequence follows even if the value of persons does not depend on their already existing. In fact, I doubt whether the value that commands moral respect is existence-dependent. For although respect for personhood cannot move us to create persons, it can restrain us from doing so, if there are ways of creating persons that would offend against their personhood. The value of personhood can therefore provide moral protection for non-existent persons.

Consider the case of parents who produce a second child in order to have a compatible tissue donor for their first.[iv] A familiar objection, Kantian in spirit, is that they are using the second child as a mere means, and doing so not only in harvesting its tissue once it is born but in creating it for that purpose, in the first place. One may disagree as to whether the parents are in fact guilty of acting on a purely instrumental maxim — I myself am inclined to think not — but the principle of the objection is coherent, whether or not it is properly applied to this case. For a clearer though less realistic example, imagine a couple who produced children for the purpose of selling them to adoptive families. Not only the sale of these children would be morally objectionable; also objectionable would be the production of children for sale.

Thus, the reason why respect for personhood cannot require us to bring a person into existence is not that its object must be an already existing person. The reason is rather that it doesn’t call on us to do things, only to refrain from doing things, although we sometimes can refrain only by doing something else.[v]

At the same time, I believe, the value of persons has normative implications that are indeed existence-dependent. Such are its implications, not for moral respect, but for love.

Moral respect and love are both modes of appreciation for the intrinsic value of a person.[vi] One difference between them lies in the kind of thought by which they pick out their object. You can have moral respect for someone picked out under a description. Indeed, morality often requires respect for someone known in no other way — known only as the owner of a wallet found in the street, for example, or as the next person to use a public toilet. In showing respect for the latter person, you
needn’t even believe that there is a fact of the matter as to who he or she will be, hence that there is any particular person for whom you are now showing respect. You can show respect for personhood as instantiated in a person or persons to be determined later.

Unlike respect, love must pick out its object in singular thought. You cannot love someone whom you know only as “the person or persons who …”; you can love only someone you know “in person”, by acquaintance.

It follows that you cannot love non-existent or future persons — not even your own future children. And because they cannot be loved, they cannot deserve to be loved, either, though of course they would or will be worthy of love if and when they exist. Being worthy of love is therefore an existence-dependent value.

You can bring children into existence because you want to have children to love, but in that case your reason is self-interested, albeit virtuously so; it is not a response to the intrinsic value of the children as persons. You respond to their intrinsic value when you love them, but you cannot bring them into existence out of love for them, because you cannot love them until you are acquainted with them, and cannot be acquainted with them until they exist.

Parents of disabled children love them, and are delighted that they were born, despite having hoped not to have a disabled child and perhaps taken steps to avoid having one. Some of these parents find that raising a disabled child, or her being a disabled child, is not as difficult as they had imagined; but even those who find the opposite are glad that their disabled child was born. They are glad because they love their child.

The parents may say, “If only we had known how wonderful she would be, we wouldn’t have worried”; but then they are not being candid with themselves. Their earlier desire to avoid having a disabled child would have persisted no matter how wonderful a child they had anticipated, whereas they would still love this child even if she had turned out considerably less wonderful. The parents would come somewhat closer to the truth if they said, “If only we had known that it would be her …”. But of course they couldn’t have known who their child would be; or rather, nothing could have counted as knowing that. What would it be to know the identity of an as-yet-nonexistent person?

What would be true for the parents to say is this: “If only we had known her…”, that is, had already been acquainted with her. Had they already been acquainted with the child they were going to have, they could already have begun to love her, and then they would have wanted to have her. But they couldn’t have loved their child before they were acquainted with her; and of course they couldn’t have become acquainted with her before she existed.

In sum, the normative force exerted by the intrinsic value of persons is doubly asymmetric. The respect due to persons cannot militate in favor but only against bringing them into existence; and the value of persons makes them appropriate objects of love once they exist but not beforehand. The upshot is that the intrinsic value of persons can sometimes make it appropriate to rejoice in the existence of persons whose existence is such as antecedently ought to have been prevented.

I almost wrote "… whose existence ought to have been prevented", but that would imply that what ought to have been prevented was the existence of those persons in particular. But there are no persons whose existence as such ought to have been prevented. Whatever persons there are, are worthy of being treasured. It’s the persons there aren’t whose existence ought to be prevented, and they are nobody in particular, or at least nobody we can point to. Of persons we can point to, the most we can say is that insofar as others would be like them, they — those faceless others — should not be brought into existence. And as soon as there is anyone whose existence might be disparaged by this
conclusion, the conclusion falls to the ground and the person should rather be welcomed into the world.

Note that he should be welcomed, not just tolerated or commiserated. The idea is not that people just have to put up with existence once they’re stuck with it, or that we have to put up with existing people once we’re stuck with them; the idea is that a person is a precious thing — a thing beyond price, as Kant says — and therefore a thing that is a necessary object of respect and (though Kant doesn’t say it) an appropriate object of love.

How can something we would rightly welcome, if it existed, be such as we shouldn’t bring into existence? The answer, as I have explained, is that things to be valued singularly rather than under descriptions cannot be valued before they exist, because they are unavailable to singular thought, and so their value cannot in itself provide reason for creating them. The real question is why this asymmetry should puzzle us, given how frequently it arises in ordinary experience; for we often avoid creating or acquiring things of singular value precisely in order to avoid the burden of valuing them.

Case in point: children. When we limit our fertility in order to avoid the obligation of caring for additional children, the obligation we seek to avoid is not primarily legal or moral; it’s the obligation of our own inevitable love for any children we might have. We don’t want more children precisely because we will love them, for good reason, and be bound to them by that love. Having love objects can be a bad thing, and although their being worthy of love makes it better once we have them, it doesn’t weigh antecedently in favor of acquiring them.

Love is not the only singular evaluative attitude that displays this asymmetry. Some people avoid acquiring too many possessions because they would become attached to them and they want to “travel light”. They don’t necessarily believe that attachment to possessions is a mistake: they may acknowledge that an object can be worth treasuring above its market value because of the role it has played in one’s life. They simply don’t want to allow too many objects to acquire that incremental value, and of course the incremental value, not yet having been acquired, cannot figure in their antecedent reasoning. Such value judgments cannot be accommodated by a consequentialist theory of practical reasoning, unless it somehow relativizes reasons to worlds or times[vii] — a complication that robs consequentialism of its main (perhaps only) virtue, which is simplicity.[viii]

The anti-abortion argument addressed to the disabled is based on the supposed meaning or implication of aborting a defective embryo or fetus. The implication is supposed to be that the life of a disabled person is not worth living, the same implication that is perceived in the case for assisted suicide by proponents of the organization Not Dead Yet.

I’m not sure I know what it means to speak of an entire life as not worth living. I can understand the claim that a particular life has reached a point at which ending it will make it a better life, taken as a whole, than it would be if allowed to continue. Perhaps, then, to say that an entire life would not be worth living means that it would be better if discontinued as soon as it started. The decision not to have a child certainly does not imply that its life would not be worth living in this sense.

It is uncontroversial that parents are permitted, indeed obligated, to control the number and timing of their children with an eye to the quality of life that they as parents will be able to provide. The means by which they are permitted to exercise that control are controversial in some circles, but the necessity of exercising it somehow or other is uncontested. What’s more, it is uncontroversial that the considerations that parents are permitted to take into account in controlling their fertility include circumstances whose impact on the quality of a life falls far short of making the difference between a life that is worth living and one that is not, whatever that phrase may mean. Parents are permitted to delay child-bearing until they finish their studies or have a comfortable income, even though the somewhat less fortunate life of a child born to them as students or minimum-wage-earners would have
been well worth living. They are even permitted to delay child-bearing for purely self-interested reasons — for example, because they want to travel the world or take their shot at rock-stardom before settling down.

No one believes that these choices are disparaging to those born when their parents were students or baristas, much less to those whose parents had never acquired a passport or electric guitar. They may perhaps be taken as tacit rebukes to those who choose to bear children they are poorly prepared to parent. An academic dinner party might become awkward if a faculty couple who waited to graduate before having children tout the wisdom of their decision in the presence of graduate students who are already have two. But any aspersions cast in this case fall on the parents, not on the value of their children’s lives. Someone who says that students should delay having children until after graduation does not thereby imply, of children born to students, that they are any less worthy or their lives less worthwhile.

Nor does this speaker imply, of those children, that they should not have been born. As with the phrase ‘a life worth living’, I am unsure what to make of the statement that someone should not have been born, unless it is about someone whom the world would have been better off without, which is not what’s imagined in the present context. I suppose saying that someone should not have been born means that he has reason to wish that he hadn’t been.[ix]

But the fact that people should not bear children in some circumstances does not entail that children born in such circumstances should not have been born in the sense that their birth is regrettable. The birth of a particular child is almost never regrettable, because the child is worthy of love, including its own self-love. But that reason against regretting the child’s birth is existence-dependent: it did not militate in favor of bringing the child into existence. It is an essentially retrospective reason, which applies to the child’s birth only after the fact. Before the fact, respect for the personhood of a future child may have been a reason against having children — though of course not a reason against having some particular child, a reason that couldn’t have existed in the absence of a particular child to serve as its object. Thus, talk of whether someone should have been born brings into play the asymmetry in the normative valence of personhood.

I believe, with Kant, that respect for personhood requires us to develop our faculties as all-purpose means for the exercise of autonomy in pursuit of whatever ends we may adopt. It also requires, I think, that we cultivate the faculties of our children and ensure that our future children are likewise adequately endowed. Finally, I think that the latter requirement forbids us, not only to take actions that will damage our future children, but also to bring to term fetuses that are severity damaged. In short, I think that it entails an obligation to abort some pregnancies.

The relevant criteria for adequacy of capacities, or severity of damage, are difficult to define: I have no definition to propose. And of course the permissibility of abortion is limited by other considerations, which I will not discuss here. I merely assert that there is in principle a degree of independent activity a capacity for which is the birthright of any child, in the sense that there is an obligation not to bring into existence children who cannot attain it. But — and this is the point of the present paper — this assertion in no way implies that particular children who cannot attain that degree of independent activity should not have been born.

These days, parents become acquainted with their children long before birth, via ultra-sound images, and some say that they began to love their children at that early stage. In my view, however, the tender emotions appropriate to an embryo or fetus do not include the love that is properly felt for a person, the love that we hope to receive from close family and friends who value us for ourselves. That hope is relevant to the present anti-abortion argument because it is what’s meant to make the argument persuasive to disabled members of the audience. In suggesting to the disabled that the intrinsic value of people such as themselves is at stake in the abortion decision, the argument invokes
the value that they hope to see reflected in the love of family and friends who rejoice in their existence, and is in any case reflected in their own self-love, which will arouse them to the defense of their existence as valuable. But on my stated assumption as to the status of embryo and fetus, that value is not yet present in the earlier stages of pregnancy. What our expectant parents could have been expected to feel for the figure on the screen is not at all what we would hope they feel for us in valuing us for ourselves and, for that reason, shrinking from the thought of our never having existed.

Obviously, “My mother should have had an abortion” is not a welcome thought. It would seem to express endorsement of an act that one cannot endorse, though one can perhaps endorse a general policy that would have led one to endorse the act if one had been present as an onlooker at the time. What is truly unthinkable for sane individuals is “I should not have been born.” It is unthinkable given that one exists, because one cannot regret one’s existence; it was unthinkable beforehand because one wasn’t present to think it. But the problems with this and similar thoughts should not be made into problems for sound procreative decisions, including decisions about which pregnancies should be aborted.

ENDNOTES

[i] For this argument, see my “Against the Right to Die”, in Beyond Price: Essays on Birth and Death (Cambridge: Open Book Publishers, 2015)
http://www.openbookpublishers.com/reader/349#page/12/mode/2up.


[v] Here I see a possible exception. Respect for personhood might rule out maxims whose universalization would entail that no one would ever have children. Now, universalization applies only to reason-action pairs, and maxims of childlessness are almost always based on reasons that apply to only some potential parents and not others. The universalization of these maxims would not lead to human extinction. But consider the maxim of anti-natalism, whose subject proposes to remain childless on the grounds that being born is always worse than the alternative. The universalization of this maxim would indeed cause the human race to disappear, which may indeed violate respect for personhood. (Of course, the maxim may already be inadmissible on other grounds — in particular, that its premise is false.)


[ix] This is, in fact, the meaning that Derek Parfit attaches to the claim that a life isn’t worth living (*Reasons and Persons* [Oxford: Oxford University Press, 1984], p. 487).