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Children of Choice

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John A. Robertson, *Children of Choice: Freedom and the New Reproductive Technologies* (Princeton University Press, 1994, 281 pages).

How important is "procreative liberty" - the freedom to decide whether or not to have offspring - in resolving the controversies created by reproductive technology? John A. Robinson defends a variety of reproductive technologies, including abortion, IVF, various forms of surrogacy, the creation of embryos to be destroyed for research, genetic manipulation in reproduction, and more. All of these are endorsed as legal, and in most cases as ethical, as long as they are not imposed on the individual without consent (with certain possible exceptions).

Typical of many books in the field, including those written more recently, *Children of Choice* understands freedom exclusively in terms of choice, and choice in terms of technology. Liberty is expanded through the multiplication of choices in technology. It is technology that Robertson ends up repeatedly defending against any objections that certain procedures may violate what is human, whether these objections come from defenders of embryonic human life or from feminists concerned that some reproductive technologies may embody merely another form of dominance over women. It is thus unsurprising that Robertson repeatedly uses the vocabulary of manufacturing to describe reproduction (speaking of "quality control" in reproduction, to cite just one example).

This emphasis on technological control is seen in the way he thinks about procreative liberty itself. It is not reproduction that ultimately has value, but rather *control over* reproduction: "control over whether one reproduces or not is central to personal identity, to dignity, and to the meaning of one's life" (p. 24). In this view, there can be no inherent meaning in motherhood, childhood, or sexuality, as we see particularly in his defense of paid surrogacy (pp. 140-142). Robinson's concept of freedom has no foundation in a sense of nature as good as such, or of a goodness inherent in new human life, apart from the control exercised through choice. Indeed, if nature by definition is that which we do not choose, it would seem that Robertson's perspective must necessarily privilege that which is not natural, except insofar as nature is taken up and controlled in choice.

And yet the concept of procreative liberty itself seems arbitrary. Robertson will suggest that we should understand it as limited to actions which "aim to produce healthy, normal children for rearing" (p. 167). However, without some sense of nature as foundational, how are we even to *define* normal and healthy? Robertson sees procreative liberty - and indeed rights-based arguments in general - as a bulwark against majoritarian impositions of particular norms. However, it would seem that the limits of this liberty must inevitably be set largely by public consensus. Robertson himself repeatedly refers to the fact that many people disagree about particular moral claims as an important reason why these claims must not be allowed to limit procreative liberty. While any substantive sense of human nature is

clearly rejected here, without such a sense it seems the path is always open to an undermining even of what Robertson wishes to defend under the umbrella of procreative liberty.

Robertson also inevitably involves himself in taking a position on who counts as an individual with rights under procreative liberty. Even in the defense of his rights-based perspective contained in the final chapter, Robertson never adequately addresses the point that a decision appears to be made before the book even begins about who gets rights and who does not, and this is a decision that dismisses humanity *per se* as of at most non-intrinsic symbolic importance. This is particularly clear in his discussion of embryos, in which he holds that embryos, while human, cannot be persons because they do not currently have the capacity to reason and choose. Further, while he acknowledges that some protection may be owed to embryos after viability insofar as they are sentient, it seems clear that such protection will hardly be unconditional at any point, since it is analogous for Robertson to moral duties sometimes owed to animals (pp. 51-53). Though Robertson does not pursue this, it seems that young children must fall into the same class, until they can demonstrate their ability to reason and choose.

Once the door has been opened to defining some humans out of the human community that must be socially protected, it is not clear how this decision can be limited in its impact. Why should not the mentally ill or developmentally disabled be similarly dismissed? More fundamentally, what does Robertson offer that will protect anyone from being so dismissed, regardless of personhood? Why should everyone's rights be assumed to be equal, incapable of being trumped by the choices of persons more able to choose or express choices, or to do so with greater strength? Nor is this a merely hypothetical question about a future stage of societal decay. For Robertson, even if the personhood of the fetus were granted, a woman who became pregnant despite the use of contraception would have the right to expel the fetus, a right which would trump the right of the fetus to live if the two come into conflict (p. 51). Already here, if all persons are still equal, some persons can be more equal than others. Moreover, this embodies a rejection of any inherent and unconditional responsibility for the other on either side of a human relationship. The raising of such radical questions is presumably well beyond Robertson's intent, but they must necessarily be raised on the road to which he points us.

Aside from fundamental problems with Robertson's presuppositions, there is also simply not as much philosophical or ethical argument here in defense of Robertson's positions as at first glance one might suppose. Aside from his affirmation of procreative liberty, many of the interesting questions about particular issues along the way - such as what counts as harm to a human being, what kinds of interests he finds compelling, and so forth - tend to be answered, if they are addressed at all, through assertions which simply dismiss concerns about morality or the consequences of certain actions for humanity. It is not clear that there is much here that would be likely to appeal to anyone who does not share Robertson's assumptions.

Nevertheless, one should not underestimate the extent to which the assumptions of Robertson *are* in fact widely shared. Robertson may take his arguments to points beyond many popular moral opinions on various specific points, for example in finding no ethical problems with abortion for sex selection (p. 159), or for the sole purpose of obtaining tissue (p. 212). However, even more extreme positions on reproductive technologies would not be contrary to Robertson's fundamental assumptions about choice, humanity, and technology, and these assumptions appear to correspond with much that is embraced unthinkingly by many. In order to respond adequately to such perspectives, it is not enough to argue on this or that issue; what must fundamentally be addressed is the goodness of nature, specifically of human nature, as prior to our choice and transcending our control, carrying intrinsic meaning and not merely symbolic significance assigned by us. Such meaning necessarily implies order

and limit not merely in this or that exercise of freedom, but in the very meaning of freedom in relation to ourselves and the world as a whole. If a liberal understanding of freedom in terms of unlimited and indifferent choice is not called into question from the start, this not only will make it difficult to avoid conclusions similar to those of Robertson on any further technologizing of reproduction, but also will prevent any legitimate defense of freedom grounded in human dignity.

