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REPRODUCTIVE LIBERTY THROUGH A PUBLIC HEALTH ETHICS LENS

FROM INDIVIDUAL RIGHTS TO THE PUBLIC GOOD OF PROCREATING POPULATIONS

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Reproductive bioethics vs. the public health ethics perspective

- Juxtapositioning individual interests and the state re. reproduction
- Questions related to different about
 - What individuals may do or not do
 - What states may force/prevent them to/from doing or not doing re. reproduction
- Core philosophical issues:
 - The moral status of ...
 - Scope and limits of state intrusion
 - Relational peculiarities (parents - children)
- **Focus on reproductive liberties depend on this particular way of framing the ethics of reproduction**
- Relationship between **populations and societal institutions**
- Focus on **population level outcomes**
 - Health, Justice/equality, Power
 - **Other aspects of the common good**
- **Facilitation of the common good**
 - Social order and function
 - Structural factors and public goods
 - Social determinants of health
 - Political and institutional values: legitimacy, rule of law, etc.
- **Individual cases secondary upshots of identified population level solutions**
- **Strong rights difficult to defend**



Key features of *reproductive* public health ethics 1

- **A society's population is its ultimate resource.** The presence and qualities of this resource creates goods potentially accessible to all, but impossible to create individually (\approx a public good).
- **This public good is especially basic** for other public goods of main concern of any good society to provide: peace, security, identity, prosperity and so on.
- The concern of RPHE is **the procreation of this population into the future, conceived of as such a public good**



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Key features of *reproductive* public health ethics 2

- **Broad scope on 'procreative' technology:** all technological systems that may impact a society's future population patterns, clearly not limited to medicine.
- **No principled distinction between biological reproduction and social migration.** The population may be procreated by both means, context decides what is most suitable in particular situations.
- **Connects to overall resource and societal management concerns:** e.g., the population as a set of consumers, of producers, of environmental burdens and financial problems, of troublemakers and watchmen, and so on.

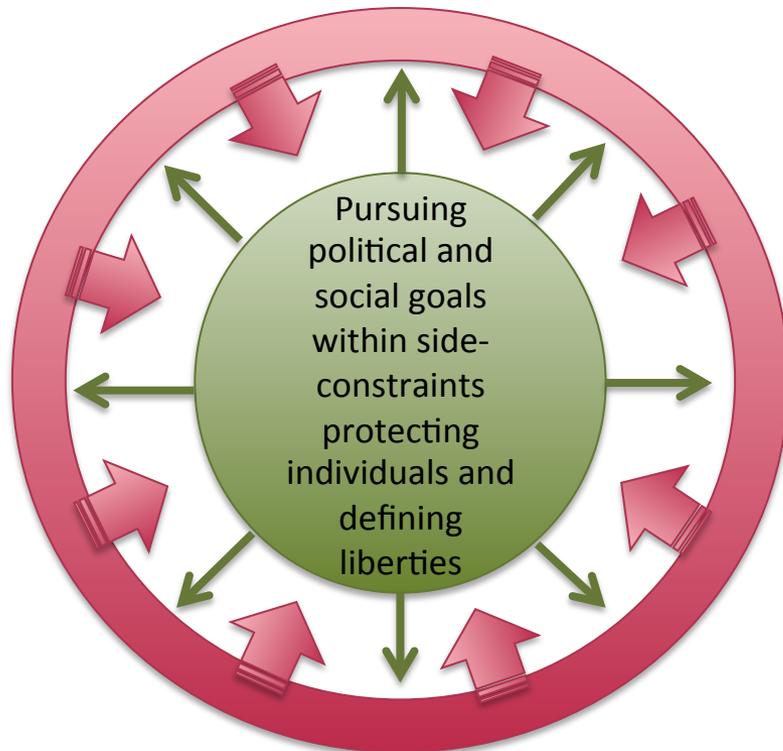


Reconceiving reproductive liberty through a public health ethics lens

- **All liberties depend on (a) opportunities secured by supply (of technology, services, etc), (b) absence or presence of obstacles to access, (c) culture creating demand**
- **A state may have good PHE reasons to pursue policies with regard to the procreation of its population that affect a-c related to individual reproductive choice and opportunity, and reproductive liberty will be enjoyed by individuals to the extent that effects on a-c make room for it.**
 - Eg., policy undermining financial viability of ART to middle/high socioeconomic spectrum (through taxation), but securing funding for basic education for all to stifle nativity of low-income groups that burden universal health care
 - Allowing eugenic processes (e.g., 'liberal' or institutionally driven PNT/PGD) to free resources from health care expenditure to ease economic burden of climate change adaption policies.
 - Privilege or barr specific groups for/from ART etc. for the purpose of counteracting inequality or promoting marginallised group in society, e.g., surrogacy allowed for male gay couples but not for others.

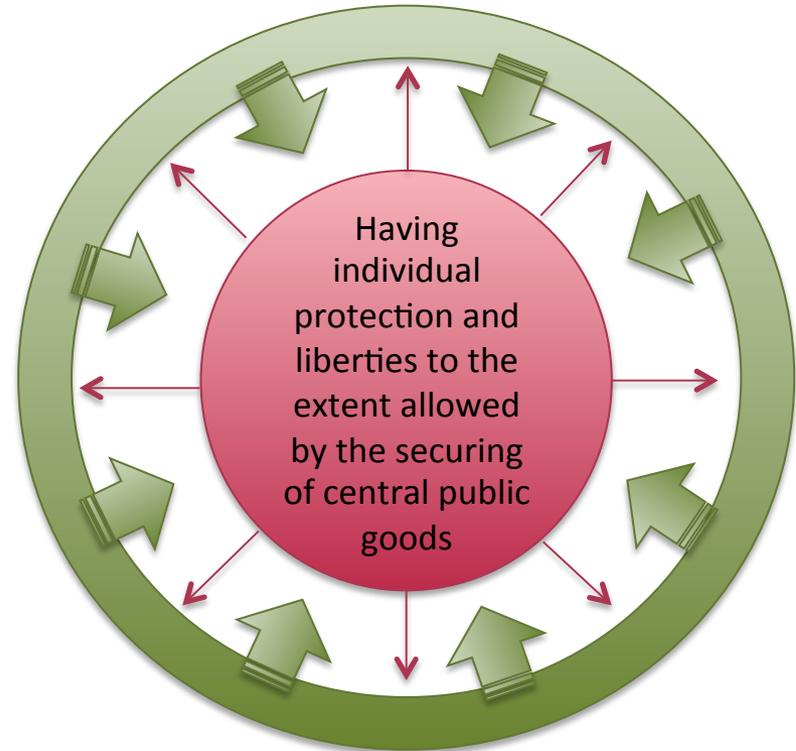
FROM:

**Liberties assumed
based on ethical theory**



TO:

**Liberties a side-effect
based on political theory**



Recognising the complexity created by the continuous need for stability and legitimacy, which *may* elevate the need for reproductive liberties for instrumental reasons, depending on prevailing/dominant culture



Some sort of provisional conclusion:

Depending on context, a society's population procreative situation may be more or less suited to secure the public goods facilitated by its population patterns. The more it does, the stronger the case for a (scalar) 'priority of reproductive liberty', as this liberty is ethically inert without a foundation of a secured common good, for which the size, composition and transformation of the population is critical.

