REPRODUCTIVE LIBERTY THROUGH A PUBLIC HEALTH ETHICS LENS

FROM INDIVIDUAL RIGHTS TO THE PUBLIC GOOD OF PROCREATING POPULATIONS

CHRISTIAN MUNTHE, PROFESSOR OF PRACTICAL PHILOSOPHY. CONTACT: CHRISTIAN.MUNTHE@GU.SE
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 (≈ 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**
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.