**What a Mother’s Got to Do: A Moderate Account of Maternal Duties**

*Fiona Woollard*

*Work in progress – do not circulate without permission. Please excuse typos and incomplete references.*

*Comments to* [*f.woollard@soton.ac.uk*](mailto:f.woollard@soton.ac.uk)

**Abstract**

What duties do mothers and pregnant women have to benefit and protect their children? Popular discussion of maternal behaviour often treats mothers and pregnant women as if they have almost unlimited such duties. I have argued elsewhere that there is a widespread assumption that mothers have a defeasible duty to perform any action that might benefit their child. In other words, they are treated as if any missed opportunity to benefit/ protect needs to be justified. I have argued elsewhere that this understanding of maternal duty is mistaken and has bad effects on women's wellbeing. In this paper I outline an alternative moderate account of duties of pregnant women and mothers to their offspring.

I argue that we should accept a Sufficiency-Plus account of maternal duties. The Sufficiency-Plus Account includes the basic Sufficiency Duty: a defeasible duty to give one’s child a good enough chance of having a good life which can entail more specific defeasible duties to give one’s child a good enough chance of meeting the conditions to pursue a range of key human goods. However, the Sufficiency-Plus Account also includes a *strictly limited* range of additional defeasible duties to perform specific actions. I will argue that a Sufficiency-Plus account is preferable to both a Sufficiency Account (which only includes the Sufficiency Duty) and to alternatives that recognise more maternal duties.

*I. Introduction*

Popular discussion of maternal behaviour often treats mothers and pregnant women as if they have a defeasible duty to perform any action that might benefit their child. I have argued elsewhere that this understanding of maternal duty is mistaken and has bad effects on women's wellbeing. Nonetheless, I do not want to suggest that mothers have *no* maternal duties. In this paper I outline an alternative moderate account of duties of pregnant women and mothers to their offspring.

The most obvious moderate account is a Sufficiency Account. According to this model, a mother has a general duty to give her child a good enough chance of a good life, to the best of her ability, but does not have a defeasible duty to perform each action that might make her child’s life better.[[1]](#footnote-1) I argue that the most plausible version of the sufficiency model will not simply say that mothers have a defeasible duty to do *enough overall* to benefit their child. A mother has a defeasible duty to provide her child with some more specific benefits. I present a Clarified Sufficiency Model which shows how Sufficiency models can recognise some defeasible duties to provide one’s child with specific benefits and indeed to perform some specific actions.

However, I argue Sufficiency Models are not able to recognise all duties to perform specific actions which we intuitively recognise. That leaves us with a choice: to further reform our understanding of maternal duties or to reject Sufficiency Models. I will argue that we should accept a Sufficiency-Plus account of maternal duties. The Sufficiency-Plus Account includes the basic Sufficiency Duty: a defeasible duty to give one’s child a good enough chance of having a good life, to the best of one’s ability which can entail more specific defeasible duties to give one’s child a good enough chance of meeting the conditions to pursue a range of key human goods. However, the Sufficiency-Plus Account also includes a *strictly limited* range of additional defeasible duties to perform specific actions. I will argue that a Sufficiency-Plus account is preferable to both a Sufficiency Account and to alternatives that recognise more maternal duties.

I begin with a bit of housework, to explain certain decisions I have made and set out my use of certain concepts before getting into the nitty gritty of the argument.

*II. Why Maternal Duties?*

First, I discuss maternal duties rather than parental duties. I am responding to a context in which the duties of mothers and pregnant women are seriously over-estimated in a way that the duties of fathers and male partners of pregnant women are not. As I specifically want to address this problem, my main goal is to give an account of maternal duties. Not all persons who are pregnant identify as women and not all partners of pregnant persons are male. I think the assumptions about extremely strong maternal duties implicitly presuppose a family unit headed by two cis-gender and heterosexual parents. There are lots of very interesting things to be said about how these assumptions play out in families that don’t fit this picture. I plan to discuss those issues elsewhere.

There are also lots of interesting questions about whether, when and why pregnant women have maternal duties. I’m not going to address those questions here. I assume that at least some pregnant women have maternal duties. The pregnant women I have in mind have two features: (1) they intend to carry the pregnancy to term; (2) they intend to play the role of mother to the resulting child. I leave open what duties pregnant women who do not fall into this category have and whether we should understand these as maternal duties.

*III. What Do I Mean by A Duty?[[2]](#footnote-2)*

Another thing to get clear about before beginning is what I mean by a duty and more specifically by a defeasible duty. On my view, duties are connected with liability to guilt, blame, sanctions and calls for justification. If you do not do what you have a duty to do, you are liable to moral censure. By this, I mean more than that adverse moral judgments would be correct. If an agent is liable to moral censure and no excusing conditions apply, it will normally be appropriate for the agent to feel guilty. People of appropriate standing may blame the agent. Formal or informal sanctions may even be appropriate.

Defeasible duties are ‘duties’ that can be outweighed or cancelled by countervailing considerations.[[3]](#footnote-3) If an agent has a defeasible duty to Φ, then she has a duty to Φ unless this duty is outweighed by sufficiently weighty countervailing considerations. So, for example, I have a defeasible duty to turn up for the lectures I am scheduled to teach. This is not an absolute duty. It can be outweighed if, for example, my child suddenly falls ill and I need to take her to hospital. But if no such countervailing considerations apply, I have a duty to turn up to the lecture. If I fail to do something that I have a defeasible duty to do without appropriate countervailing considerations, then I have failed to do my duty. I am liable to guilt, blame and perhaps additional sanctions.

Defeasible duties have an additional feature. Defeasible duties make us liable for calls for justification. If an agent has a defeasible duty to perform an action and does not do so, those with appropriate standing are, absent defeating conditions, entitled – or in some cases even required – to ask the agent to justify her behaviour by citing appropriate countervailing considerations. So if I don’t turn up to my lectures, I need to explain to my students why I haven’t turned up. My students are entitled to ask me to justify my failure to turn up to lecture. To justify this failure, I need to cite sufficiently weighty countervailing considerations.

Defeasible duties have these features because of the importance of holding each other to moral standards.[[4]](#footnote-4) The behaviour of others matters to us, both because of its immediate effects and because of the attitudes it implies. The importance of holding others to moral standards requires us to be able to blame people when they behave badly and to be able to require assurance from others that they haven’t behaved badly when there is reason to think that they may have done so. This is why defeasible duties imply not just liability to blame if the behaviour is unjustified but also liability to be called upon to justify one’s behaviour.

A person does not need to have been directly affected by the behaviour to have standing to blame / call for justification. When the victim of wrongdoing, or potential wrongdoing, is weak and vulnerable, others may have a duty to concern themselves even if they are not directly affected. Children are extremely vulnerable and can be greatly affected by maternal behaviour. So properly understood defeasible maternal duties play an important role in allowing us to hold mothers to account. Unfortunately, there is currently a tendency to assume that pregnant women and mothers have many more defeasible duties than they actually have. This has serious repercussions on women’s wellbeing.

*III. The role of self-ownership in my argument[[5]](#footnote-5)*

At various points in the paper, I appeal to the idea that some models of maternal duty would threaten mothers’ self ownership. The notion of self-ownership plays an important role in my philosophical work as a whole. Probably the most famous appeal to self-ownership in applied ethics is Robert Nozick’s argument that taxation is incompatible with self-ownership. Nozick argues that taxation is morally equivalent to forced labour.[[6]](#footnote-6) My understanding of self-ownership is somewhat different from Nozick’s, which I have criticised elsewhere.[[7]](#footnote-7) On my view, self-ownership requires a privileged status over one’s body and agency. This gives her a prima facie authority to make decisions over what happens to her body and agency based primarily on her own interests, desires, or whims.[[8]](#footnote-8) Self-ownership requires that my body and agency are, for the most part, free from interference by others. Crucially, on my view, it also requires that my body and agency be, for the most part, rightfully at my own use and not at the use of others. Thus self-ownership requires prima facie protection against what I call ‘normative imposition’: requirements to put one’s body or agency at the use of others. It is not enough that, in fact, no one is doing anything to my body or coercing me to use my body in certain way: if my body is to genuinely belong to me, I must also be free from moral requirements to do things with my body.

Thus my understanding of self-ownership depends upon the view that moral requirements can be seen as interference or imposition of the kind of that may threaten self-ownership.[[9]](#footnote-9) Although somewhat controversial, this view has been defended by, for example, Seana Shriffin.[[10]](#footnote-10) Shriffin argues that moral constraints should be understood as comparable to other interferences with autonomy: ‘Like other cases of objectionable interference, they deprive the agent of the opportunity to exercise her capacity for choice without thereby jeopardizing something else she has a right or reasonable expectation to enjoy’ (p. 252). Like Shriffin, I think that having one’s behaviour count as morally impermissible is a cost, which we can reasonably expect to be able to avoid. A person who is forced to choose between putting their body at another’s use and counting as having done something wrong is not genuinely free to use their body.[[11]](#footnote-11)

On my view, self-ownership is a fundamental aspect of morality. If morality does not recognise my authority over my body and agency, it fails to recognise important facts about me. Failure to recognise self-ownership is a failure of appropriate respect for persons.[[12]](#footnote-12) The situation is even worse if one group of persons have their self-ownership undermined when self-ownership of others is recognised as a key part of their personhood. In such a case, those whose self-ownership is not recognised are being treated as having less than equal moral status. They are seen as second-class citizens.

I think that our current understanding of the duties of pregnant women and mothers falls into this second class of cases. Ordinary moral thought recognises the importance of self-ownership for persons in general, but powerful ideas about motherhood lead us to treat mothers and pregnant women as if they lack self-ownership.[[13]](#footnote-13)

For all these reasons, the limits that self-ownership places on the duties that mothers can have plays a very significant role in my understanding of maternal duties. Nonetheless, practically speaking, most of my conclusions will go through without appeal to my somewhat idiosyncratic understanding of self-ownership. Generally, when I argue that a given duty is incompatible with the mother’s self-ownership, I also argue that it undermines the mother’s welfare or presents an intolerable moral burden. Those who do not accept my account of the nature and importance of self-ownership can focus on these aspects of my arguments.

*IV. Bad Models of Maternal Duties*

Elsewhere, I have argued the following: First, it is often assumed that if any action might benefit her child, a pregnant woman or mother has a defeasible duty to perform that action.[[14]](#footnote-14) Second, this assumption is wrong.

This mistake might arise from a general failure to recognise that not all moral reasons give rise to defeasible duties. It’s obvious that mothers have moral reasons to perform actions that are likely to benefit their children. If we aren’t careful about the distinction between reasons and duties, we might assume that it follows immediately that mothers have a defeasible duty to take any action that might benefit their children.

Alternatively, we might start by thinking that mothers have a defeasible duty to benefit their children and assume that this means they have a defeasible duty to perform each potentially beneficial act. The issue here is the scope of claims that a person has a defeasible duty to perform some general type of behaviour, B. What do such claims imply about our defeasible duties on the particular occasions when we have an opportunity to perform some action, φ, which is an instance of B-ing? I suggest that when B is a general type of behaviour, we distinguish between maximal and non-maximal defeasible duties to B:

An agent has a *maximal* defeasible duty to B if and only if, she has a defeasible duty to B to the greatest extent possible. Thus for any action, φ, if φ is an instance of B-ing, then she has a defeasible duty to φ or to perform some alternative action which involves B-ing to the same or greater extent.[[15]](#footnote-15)

An agent has a *non-maximal* defeasible duty to B if and only if, she has a defeasible duty to B but does not have a defeasible duty to B to the greatest possible extent.

My claim is that mothers are wrongly treated as though they have a *maximal* duty to benefit their children. But, as I argue elsewhere, mothers cannot have a maximal duty to benefit their children. Opportunities to affect the wellbeing of one’s child are pervasive: almost every action a mother takes, particularly during pregnancy and breastfeeding, may have repercussions for her offspring. In addition, there is a high level of uncertainty over the effects on one’s child of many everyday activities. Given this, being held to a maximal defeasible duty to benefit would have unacceptable implications for women’s self-ownership and wellbeing. Duties of this kind are unacceptable even if based on voluntarily assumed special relationships – particularly if, as in the maternal case, there is strong reason to limit the moral burdens associated with a special relationship. [[16]](#footnote-16)

A common response to my argument is that we do not actually treat mothers as if they have a defeasible duty to perform each action that might benefit their child. Instead, it is claimed, we treat mothers as if they have a defeasible duty to perform any action that reduces the risk their child might be harmed. There are interesting questions about how the harm/ benefit distinction applies in the case of mothers and children. Any comparative account of the harm/ benefit distinction requires some kind of baseline for comparison. Working out what this baseline should be is difficult in all cases, but particularly difficult in the case of mothers and children. This is because any plausible baseline will implicate the mother’s agency. Even if we can apply the harm/ benefit distinction, the same objection to a defeasible duty to perform any action that might benefit the child will also apply to a defeasible duty to perform any action that reduces the risk of harm. Such a duty would be so pervasive that it would undermine the mother’s well-being and self-ownership.

*V. An Alternative: The Sufficiency Model*

The most obvious alternative approach to maternal duties is the sufficiency model. According to this model, a mother has a general duty to give her child a good enough chance of a good life, but does not have a defeasible duty to perform each action that might make her child’s life better.[[17]](#footnote-17)

The most plausible version of the sufficiency model will not simply say that mothers have a defeasible duty to do *enough overall* to benefit their child. A mother has a defeasible duty to provide her child with some more specific benefits. For example, we might think that parents in the UK or similar countries have a defeasible duty to do enough to give their child adequate nutrition, to ensure their child learns to read and to spend time having fun with their child. You cannot get away with ignoring one of these duties by pointing out that you have done a lot to benefit your child in other ways. You can’t say: “No, I didn’t try to help my child to learn to read but every meal she ate was homemade organic food and I took her to Disneyland!”

The Sufficiency Account can explain why taking your child to Disneyland is not enough by being clear about what is meant by a good enough chance of a good life. For a child to have a good enough chance of a good life, they do not just need a sufficient amount of good things in their life. The balance and type of goods in a life affect how good a life it is overall. Excess good in one area does not compensate for absences in other areas. Moreover, an important aspect of a good life for humans is self-determination. Mothers must give their children not just a good enough chance at a good life, but a good enough chance at being able to choose their own type of good life.[[18]](#footnote-18)

Matthew S. Liao’s account of the rights of children may be helpful here. Matthew S. Liao argues that children (and indeed adults) have human rights to the necessary conditions for pursuing basic human activities. “‘Basic’ activities are activities that are important to human beings qua human beings’ life as a whole… Some of the basic activities are as follows: deep personal relationships with, for instance, one’s partner, friends, parents, children; knowledge of, for example, the workings of the world, of oneself, of others; active pleasures such as creative work and play; and passive pleasures such as appreciating beauty.” [[19]](#footnote-19) For Liao, basic activities are not necessary for a good life: someone may have a good life by pursuing some, but not all, of the basic activities. Nonetheless, the basic activities are closely related to the goodness of a human life in that if a human life did not involve the pursuit of any of them, then that life could not be a good life.[[20]](#footnote-20)

Liao sees the fundamental conditions for pursuing a good life as the goods, capacities and options that human beings need to pursue the basic activities.[[21]](#footnote-21) Some of these fundamental conditions are needed whatever basic activities an individual aims to pursue: Liao mentions food, water, health and the capacity to determine the direction of one’s life. Others might be needed only for specific basic activities. As Liao notes, having all the fundamental conditions for pursuing the basic activities may still be important if an individual changes her mind about pursuing a particular good life. In the case of children, having all the conditions for pursuing the basic activities allows for the kind of self-determination which I mentioned earlier. It gives children a good enough chance to be able to choose their own type of good life.

On Liao’s view, the basic activities do not themselves change, but the conditions needed to pursue these basic activities might be different in different locations and times.[[22]](#footnote-22) At any time, a child will require adequate nutrition to pursue basic human activities. In the UK or similar countries in the early 21st century, literacy is generally required. Liao also argues that children require love to pursue the basic activities and that parents therefore have a duty to love their children.[[23]](#footnote-23) I have some concerns about Liao’s duty to love, but we can agree that children require interpersonal interaction and affection.

Whether or not we endorse Liao’s account, it provides a useful framework for thinking about what mothers owe their children. Rather than a simple requirement to do enough for one’s children, the maternal duty should be understood in terms of giving one’s child a good enough chance at meeting the conditions that are needed to pursue a range of key humans goods, allowing the child a choice of different good human lives. While the key human goods may be universal, the conditions that are necessary to pursue such goods may be different at different times and locations.

Modifying the Sufficiency Model to clarify this gives us:

*Clarified Sufficiency Model:* a mother has a general duty to give her child a good enough chance of having a good life. This includes more specific defeasible duties to give her child a good enough chance of meeting each of the conditions to pursue a range of key human goods, allowing the child a good enough choice of different good human lives.

The Clarified Sufficiency Model makes it clear that mothers can have fairly specific defeasible duties, for example to ensure their children learn to read. If being able to read is necessary in the 21st century to be able to pursue a good enough range of human goods, then mothers will have a defeasible duty to ensure their children learn to read. It will recognise some defeasible duties to perform a given action on a given occasion. According to the Clarified Sufficiency Account, a mother has a defeasible duty to perform a specific action if and only if failure to perform that action will leave the child without a good enough chance of meeting the conditions to pursue the key human goods. I take it this gives rise to duties to rescue your child from ‘clear and present’ dangers, for example, to pull your child from the path of a speeding car.

According to the Clarified Sufficiency Model, a mother has a defeasible duty to give her child a good enough chance of meeting each of the conditions to pursue a range of human goods. What counts as a ‘good enough chance’? We’ve noted that the relevant conditions differ in different locations and times. We might also assume that what counts as a good enough chance would vary between different times and locations. But should what counts as a ‘good enough chance’ be the same for all children in a similar location and time i.e. should what counts as a good enough chance be the same for all children in the UK in 2020? Such an approach has concerning implications. Suppose that I am the mother of a child who will never be in as good a position as some other children in the UK when it comes to some of the conditions for pursuing the range of key human goods. Maybe my child has a genetic condition which means she will never learn to speak fluently. Maybe our socio-economic position and the overall economic climate means that whatever I do will never give her as good a chance of employment she finds rewarding. If we hold that I have a defeasible duty to put her in what might count as ‘a good enough’ position for UK children in general when it comes to each of the conditions, then it looks as if I am going to be required to justify a lot of my behaviour. It looks as if each time I decide to do something that doesn’t optimise my child’s speaking ability or employment prospects, I am failing to live up to my defeasible duty. And when we fail to live up to a defeasible duty, we can be called upon to justify this. And pretty much whatever I do, there will probably be something else that I could have done instead which would have slightly improved my child’s chances. So it looks as if almost all of my behaviour is going to become something I need to justify to others. It looks as if, under this version of the sufficiency account, some mothers end up under the very kind of constant scrutiny that made us reject the maximal duty to benefit.

We might try to avoid this by setting the standards for what is good enough very low. Such an approach is tempting if what we want are universal standards to which we can hold all mothers in a given time and place. Nonetheless, it seems to me that such an approach is unlikely to work. Any attempt to find a universal standard will either be too high for some mother-child dyads, leaving mothers in the situation of constant scrutiny described above, or be too low for others.

Given this, it seems to me that the best approach is to index what counts as a ‘good enough chance’ for meeting each basic condition to the mother and child’s situation, including both socio-economic factors and physiological features of the child. This means that in many cases the ‘good enough chance’ that the mother is required to provided will not be ‘good enough’ from the point of view of the child. Even if the mother does all she is required to, the child will not receive the chances that every child should be entitled to. Nonetheless, we should not see this as the mother’s fault. In many such cases, even the child would not receive the chances that every child should be entitled to *whatever* the mother did. We must recognise that giving children a good enough chance at life is the responsibility of all of society not just individual mothers, or even individual parents. There are, of course, difficult questions about how much a mother is required to do when society is irreparably unjust or conditions extremely hostile. But, given the considerations raised above, we certainly should not assume that the mother has a defeasible duty to fully compensate for injustice or misfortune. [[24]](#footnote-24)

**Why the Clarified Sufficiency Account is not Sufficient**

According to the Clarified Sufficiency Account, a mother has a defeasible duty to perform a specific action if and only if failure to perform that action will leave the child without a good enough chance to meet the conditions to pursue a range of key human goods. Intuitively, we do seem to recognise duties to perform specific actions on specific occasions that don’t meet this threshold. Let’s focus on a very widely accepted duty: the defeasible duty to put the child in an age appropriate carseat or seat belt whenever the child rides in the car. We don’t expect a mother to fail to restrain her child in the car just because she doesn’t feel like it. On the contrary, a mother who didn’t use appropriate restraints in the car could be called upon to justify her behaviour. If she couldn’t provide a reason for her failure, she would be expected to feel guilty and for others to blame her.

The risk of not using a car seat on a given occasion is small. According to Department of Transport Statistics, out of a population of 11.9 million children under 15 in the UK in 2014, 54 children were killed, 1, 910 were seriously injured and 14, 139 were mildly injured.[[25]](#footnote-25) Oft-cited figures claim that using age appropriate car seats and seat belts reduces the risk of death by 71% for infants and 54% for children of all ages. So even if we assumed that all children were using age appropriate car seats or seat belts, the absolute risk that a given child travelling without a car seat for a year will be killed or seriously injured is relatively low. The risk that a given child traveling without a car seat *on a single journey* will be killed or injured is extremely low. A defeasible duty to do x for all x that would produce a similar decrease in risk would be intolerably burdensome. A ‘good enough chance’ of having a good life must be compatible with being exposed to risks, even risks of serious harm, that are as low as the risk of a single car journey without a car seat. So the Clarified Sufficiency Account doesn’t give rise to a defeasible duty to use a car seat.

This suggests that we must either reject some very strong intuitions about maternal duties or supplement the Clarified Sufficiency Account. To retain our strong intuitions about car seat use, we need to recognise that in addition to duties to give your child a good enough chance to have a good enough life, there must be some maternal duties to perform specific actions where failure to perform the action does not leave the child without a good enough chance to pursue the basic activities. I suggest that we should indeed supplement the Clarified Sufficiency Account, adopting a Sufficiency-Plus account. The Sufficiency-Plus Account includes the basic Sufficiency Duty: a defeasible duty to give one’s child a good enough chance of having a good life which can entail more specific defeasible duties to give one’s child a good enough chance of meeting the conditions to pursue the human basic activities. However, the Sufficiency-Plus Account also includes a *strictly limited* range of additional defeasible duties to perform specific actions. I will argue that a Sufficiency-Plus account is preferable to both a Sufficiency Account and to alternatives that recognise more maternal duties.

*VI. The Argument for A Sufficiency-Plus Account*

We need to be extremely cautious in recognising additional maternal duties on top of the duty to give one’s children a good enough chance of a good life, to the best of one’s ability. Further defeasible duties increase the mother’s liability to guilt and blame and how much of her life is of public concern i.e. how many of her actions she can be called upon to justify. So she should not have additional defeasible duties to perform specific actions unless there is a very good reason.

Moreover, as I have argued elsewhere, there are three key reasons to limit the duties associated with motherhood and pregnancy.[[26]](#footnote-26) The first key reason is society’s interest in reproduction. As Rosamund Scott puts it: “… if society wants to continue to exist, then some people – women in fact – have to bear children.”[[27]](#footnote-27) The second is the interest of the woman and her partner in reproducing. Having children is a fundamental part of a good life for many people.[[28]](#footnote-28) The third key reason is the need for gender equality: most people who are able to become pregnant are women;[[29]](#footnote-29) and a woman may become pregnant unexpectedly and feel unable to have an abortion or give the child up for adoption. All these reasons support ensuring that it is possible for a woman to become a mother without taking on intolerable moral burdens. In particular, maternal duties must be compatible with self-ownership. Even significant beneficial effects at a public health level would not justify assigning defeasible duties to mothers, if those duties meant that women could not reproduce without taking on duties that were intolerably burdensome or undermined self-ownership.

It is not enough that the additional defeasible duty considered in isolation should not be intolerably burdensome or undermine self-ownership. We need to consider whether this duty, considered in the context of the other duties associated with motherhood, creates an intolerable burden or undermines self-ownership. It is very easy to see the costs demanded of mothers as insignificant. For example, people ask “why you would take the risk” of drinking during pregnancy, of eating food in plastic packaging, of using deodorant, sunscreen. The list goes on and on. Each of these individually might not seem like a huge sacrifice, but together they add up to a demand to completely abandon any pretence of normal life. Candidate maternal duties must be judged not individually in isolation, but in aggregate as a package.

This suggests that any additional defeasible maternal duties must meet at least 3 conditions.

1. There is good reason to have the additional maternal duty.
2. Having the maternal duty (plus all other current maternal duties) would not undermine self-ownership / bodily autonomy.
3. Having the maternal duty (plus all other current maternal duties) would not make being a mother unacceptably burdensome.

Nonetheless, it seems that these conditions can be met. Having additional maternal duties can often be significantly better for children. If conditions 2 and 3 are met, having the additional duty will not undermine the mother’s self-ownership or make being a mother unacceptably burdensome. We should prefer a model of maternal duties which, without undermining maternal self-ownership or making motherhood unacceptably burdensome, allows additional duties where having those duties is significantly better for children. This model is preferable to either a model that undermines maternal self-ownership and makes being a mother unacceptably burdensome or a model that does not leave room for additional duties even when having these duties is significantly better for children.

This argument could be applied within a Pluralist Deontologist, Contractualist or Rule-Consequentialist framework. It involves assessing which account of maternal duties we should accept by considering the implications of different accounts for both children and mothers/potential mothers. It is a crucial part of my approach that having a duty to do something itself has implications over and above the costs and benefits of what we are required to do: having a defeasible duty changes our normative status and has implications for how others may interact with us, including licensing calls for us to justify our behaviour. Maternal duties are limited by the reasons we have to ensure that women can become mothers without taking on intolerable moral burdens. Within these limits, we should accept the account of maternal duties that is best for children, taking into account that overly strict models of maternal duties can be bad for children as well as adults.

It might be thought that a Pure Sufficiency Account can get the right balance between avoiding intolerable moral burdens for mothers and safeguarding children’s interests. After all, we can easily adjust how demanding the Clarified Sufficiency Model is by adjusting how good ‘good enough’ is. A defeasible duty of giving one’s child a 95% chance of meeting the conditions to pursue each of the basic activities is much more demanding than a defeasible duty to give the child a 50% chance of meeting the conditions to pursue each of the basic activities.

I suggest that the model of maternal duties that is best for children, given the need to avoid intolerable moral burdens for mothers, will not be a Pure Sufficiency Account. In this discussion, I’ll make the simplifying assumption that the more mothers are required to do to benefit their children, the better this is for the children. This is an oversimplification. As noted above, overlying strict models of maternal duties are bad for children as well as adults. Nonetheless, this simplifying assumption should allow us to get the key argument across without affecting the key points.

Let us call a Pure Sufficiency Account ‘maximally demanding’ if it is compatible with mothers’ interests in avoiding intolerable moral burdens but any increase in the level of benefit/ risk avoidance required would make it incompatible with these interests of mothers. Any maximally demanding Pure Sufficiency Account will be less good for children than some alternative Sufficiency Plus Account.

The problem is that general defeasible duties to protect one’s child against *all* risks of harm/ opportunities for benefit up to a certain level are structurally demanding. This kind of duty requires the parent to be constantly vigilant against unspecified threats. It places large swathes of the parent’s behaviour under public scrutiny. The lower we set the acceptable risk of harm, the more demanding the duty becomes. In contrast, a defeasible duty to do some specific thing has a much less demanding structure. The requirement to do some specific thing may only come into play in quite specific circumstances. Complying with such a duty may only require the agent to be responsive to very limited set of potential sources of harm or benefit. Only a very small section of the agent’s life may come under public scrutiny. Of course, some duties to do specific things would be very demanding or intrusive. I have argued elsewhere that there cannot be a duty to breastfeed one’s child because the requirement to perform such a time-consuming, difficult activity using such an intimate part of one’s body would undermine self-ownership. Nonetheless, duties to do specific things do not have the same structural demandingness as general duties to avoid risks of *X* level / produce benefits of *X* level.

For this reason, whatever our favoured maximally demanding Sufficiency Account is, it should always be possible to add some additional defeasible duties to perform specific actions without making the moral burdens morally intolerable. These more specific defeasible duties can substantial increase the protection children enjoy. They will still be much less demanding than even a small increase in the general level of protection/ benefit required.

Thus the interests of children in receiving increased protection/ benefits from their mothers speak in favour of a Sufficiency Plus Account which as well as the basic Sufficiency Duty, recognises a *strictly limited* range of additional defeasible duties to perform specific actions even when failure to perform these actions will not result in one’s child not having a good enough chance of being able to pursue any basic activity. In order to recognise the mother’s interests, these additional duties are strictly limited: the total set of duties must not undermine the mother’s self-ownership or make being a mother unduly burdensome. Although, as noted above, the child also has an interest in avoiding overly strict models of maternal duties, I think that this interest will be adequately catered for by the limits placed on these duties for the sake of the mother. Thus, I suggest, considering both the interests of children and the interests of mothers favours the Sufficiency Plus Account as the most plausible account of maternal duties.

I will now discuss two kinds of additional duty that I think mothers can have to perform actions even when failure to perform those actions is not likely to leave the child without a good enough chance of being able to pursue any basic activity. The first kind of additional duty is a defeasible duty to take advantage of ‘Golden Opportunities’ to benefit or protect one’s child, for example to protect one’s child from a wasp sting or to accept an offer of free music tuition for a budding concert pianist. The second kind of additional duty is a defeasible duty to comply with convention-based duties. In such cases, there are significant benefits to children at a population level if some set of protective measures is seen as a defeasible duty. However, not all similarly protective measures can be treated as duties, so the choice of which protective measure to treat as duties is a matter of convention.

*VII. Kinds of Additional Duties: Golden Opportunities*

Suppose my six-year-old child is sitting next to me in a sunny garden. An angry wasp begins buzzing near my child. She starts to panic, wave her arms around and scream. Unless I lift her away from the wasp, she is pretty likely to get stung. Barring a history of severe allergy to wasp stings, it is likely that the only significant consequences if my child is stung will be that she will experience quite a lot of pain for a relatively short period of time. This will have very little impact on her life as a whole.[[30]](#footnote-30) It certainly will not mean that she does not have a good enough chance to pursue each basic activity.

Or suppose that my six-year-old child is very musical. She is offered free piano lessons from one of the top musicians in the world. These lessons may open up many opportunities for her. Nonetheless, if she does not have these lessons, she will have ample opportunities to express herself creatively. Failure to take up the lessons will not mean that she does not have a good enough chance to pursue each basic activity.

The Basic Sufficiency Duty does not require me to protect my child from the wasp or to accept the free piano lessons. Nonetheless, intuitively, I do have at least a defeasible duty to do these things. If a mother decided to allow her child to be stung by a wasp or to miss out on a personal offer of free music tuition for no reason whatsoever, then she does seem liable for blame or guilt.[[31]](#footnote-31)

In understanding these duties, it may be helpful to draw on Robert Noggle’s work on the general duty to aid.[[32]](#footnote-32) Many people think that we should adopt an account according to which we have significant duties to aid those suffering from starvation, poverty and preventable disease but that we are not required to give until we stand to lose something of equivalent moral value.[[33]](#footnote-33) In ‘Give Till It Hurts? Beneficence, Imperfect Duties, and a Moderate Response to the Aid question’, Noggle explores how we should formulate this moderate position.[[34]](#footnote-34) His aims in that paper are thus closely analogous to my aims in this paper. I want to explore how we should formulate a moderate account of maternal duties. Noggle argues that any ‘threshold’ account of our duties to aid faces a serious problem. If we hold that there is some threshold of aggregate sacrifice, some limit to how much a person can be required to give over their lifetime, then our theory will give seriously counterintuitive results in cases where a person who has already met the threshold faces an one-off emergency. Imagine someone who has devoted most of their life to beneficence, giving away far more than any moderate would require. Suppose that they see a child drowning in pond. It is surely impermissible for them to refuse to save the child on the grounds that doing so would get their shoes muddy and they have already sacrificed enough.[[35]](#footnote-35)

Noggle argues that we should see the duty of beneficence as a strong imperfect duty: agents are required to adopt the welfare of others as an ultimate end, a fundamental concern or ‘ground’ project. Although adopting something as an ultimate end does not require us to pursue it at every opportunity, it does require us to make significant efforts to pursue it. Some behaviours will cast doubt on our claim to have adopted a given end as an ultimate end. In particular, Noggle argues, even if someone has already allocated a significant proportion of her resources to helping others “her propensity to promote the welfare of others is still apt to be triggered by emergencies or ‘golden opportunities’ such as the chance to save a child drowning nearby at the cost of muddy clothes or to a special contribution to UNICEF after a new disaster, or if she enjoys a sudden windfall of new resources. One is never allowed to “shut the gates of mercy”, the obligation of beneficence is never “over and done with”.[[36]](#footnote-36)

I think Noggle’s notion of a golden opportunity is extremely useful. However, I would like to be able to say more about exactly what counts as a Golden Opportunity. This aim might be rejected by Noggle. He states that rather than offering a specific formula for beneficence, his account requires each agent to devise her own plan for living such that beneficence is a central project. He argues that the apparent vagueness of the imperfect duty approach is an advantage because it allows his view to avoid the problems encountered by threshold accounts.[[37]](#footnote-37)

Nonetheless, given the aims of my project, there is reason to ask what counts as a Golden Opportunity. In particular, I need some answer to this question, if I am to argue that the idea of a golden opportunity can allow a moderate account of maternal duty to endorse intuitions about duties to benefit one’s child in the wasp and music tuition cases. We need an account of Golden Opportunities which picks out these cases without leading to an explosion of maternal duties.

I suggest that a key feature of a Golden Opportunity is its salience. We do not have to search for Golden Opportunities. They grab our attention. They present us with a clear potential harm or benefit. The wasp is buzzing angrily in front of me. The musician contacts me to offer the piano lessons for my daughter. A requirement to respond to opportunities for protection / benefit that grab and hold our attention is much less demanding than a requirement to seek out such opportunities.

Nonetheless, the appeal to salience itself raises questions. One concern might be that different things are salient to different people. For example, we could imagine a mother who just didn’t notice that her child was about to be stung by a wasp, or who noticed but didn’t see this as calling for action. We surely don’t want to say that such a mother has no defeasible duty to save her child. Frances Kamm distinguishes ‘subjective salience’—what a given person cannot get out of his mind—and ‘objective salience’—what would hold and attract the attention of a normal or ideal observer.[[38]](#footnote-38) It seems clear that what is needed to pick out golden opportunities is something more like objective salience than subjective salience.

We may not, however, be able to adopt Kamm’s objective salience as it stands. Kamm’s account depends on the idea of a normal or ideal observer. First, it’s not clear that we can make sense of a normal or ideal observer entirely divorced from cultural context. Second, it seems as if maternal duties should depend upon what is salient to a mother, which may include things that would not be salient to a normal observer. If this is so, we may have to adopt a culturally-sensitive objective(ish) maternal salience. This objective(ish) maternal salience is determined by what would attract and hold the attention of an ideal maternal observer from the relevant cultural context. The normal maternal observer from the relevant cultural context is idealised in two ways. First, we strip out any ethically questionable saliences from within the culture i.e. the idealised observer will not find boy’s pain more salient than girls pain even if the normal observer in that cultural context would do. Second, if the expectations of maternal observers in a given culture are unacceptably demanding, so that most mothers would be on a psychologically damaging ‘high alert’ to the slightly risk/ benefit at all times, we will have to adjust the responsiveness of the idealised maternal observer to a more reasonable level. Interestingly, this suggests that the appeal to Golden Opportunities forces us to confront what kind of responsiveness to harm can reasonably be expected of mothers in a given situation.

I do not want to try to give necessary and sufficient conditions for a potential harm/ benefit to count as objective(ish)ly maternally salient. There are many different features that can make something attract and hold an idealised maternal observer’s attention. In the case of the wasp, it seems to be salient because the wasp is buzzing around right in front of you. In the case of the music lessons, it is an unusual opportunity which is presented directly to you. There may be lots of different ways in which a potential harm or benefit is made salient.

As well as being salient, a Golden Opportunity must relate to morally significant harms or benefits. A harm or benefit can be morally significant due to its potential to affect the child’s life as a whole. The opportunity to become a concert pianist is morally significant because it may make the child’s overall life go much better, even if the child will have a good chance at a good life without this benefit. However, a harm or benefit need not affect the child’s life as a whole to be morally significant. The pain of a wasp sting is morally significant even if it does not affect the child’s life as a whole.[[39]](#footnote-39)

*VIII. Kinds of Additional Duties: Convention-based duties*

In addition to Sufficiency Duties and defeasible duties to act on Golden Opportunities, I suggest that mothers can also have convention-based maternal duties. These additional duties are determined by what laws and conventions are in place in the relevant culture and society. Another way of thinking about this is that which specific defeasible duties arise from the general maternal duties to benefit and protect one’s child can be sometimes be determined by what laws or conventions are in place. I suggest that the defeasible duty to use an age appropriate car seat for every journey is such a convention-based duty. Such duties must meet the three conditions described in Section VI: There must be good reason to have the additional maternal duty; having the maternal duty (plus all other current maternal duties) must not undermine maternal self-ownership / bodily autonomy; and having the maternal duty (plus all other current maternal duties) must not make being a mother unacceptably burdensome. I suggest that it is possible for these conditions to be meet. In line with the argument in Section VI, we should prefer an account of maternal duties that makes room for convention-based maternal duties (*where there is good reason to have the duty in question* and where this does not undermine maternal self-ownership or make being a mother intolerably burdensome).

According to Andrei Marmor, “The role of [moral] conventions is to mediate between abstract moral ideals and their concrete realization in our social interactions.” (p. 149). Marmor’s understanding of the role of moral conventions is tied to the idea that there can be values where we need to act in certain ways to realise them but how we do this is underdetermined by the values themselves. Moral conventions play an important role in determining ways of complying with moral reasons for action. A key feature of conventions for Marmor is that they are in a certain sense *arbitrary*: for a norm or rule to count as a convention, we must be able to see it as one way amongst others of doing things; it must make sense to say that we could have achieved the same thing in a different way (p. x).

My convention-based duties seem to be somewhat similar to Marmor’s moral conventions. Like Marmor’s moral conventions, these convention-based maternal duties are somewhat arbitrary ways of making the general maternal duty to benefit and protect one’s child concrete. The defeasible duty of parents in countries like the UK to use appropriate seat belts is in many ways arbitrary. There are other practices that would improve child safety to the same extent. However, the convention-based duties I am interested in are not exactly like Marmor’s moral conventions. Marmor argues that the reasons for complying with moral conventions are typically weak reasons. Marmor claims that this is because conventions are essentially arbitrary ways of making the demands of abstract values concrete: typically, he claims, there will be an alternative non-conventional way of responding to the value that would do just as well. (152-153).

The conventional-based duties I have in mind do not arise simply when there is a good reason to do something in response to an abstract value. We need more than that to give rise to a duty. We need a good reason for a defeasible duty. We need there to be good reasons for mothers to be required to justify their behaviour and to be appropriately subject to guilt and blame if they do not do what the defeasible duty requires without a good enough reason. On my understanding, convention-based duties arise when (a) there is good reason to have a defeasible duty or set of defeasible duties; (b) the form and content of those defeasible is underdetermined by the relevant moral considerations.

I suggest that the maternal duties are underdetermined in the relevant way. The interests of children give us a reason to have more maternal duties than the maximally demanding Sufficiency Duty plus the defeasible duty to take advantage of Golden Opportunities. There are many additional defeasible duties that would benefit children. Having *some* of these defeasible duties does not undermine maternal self-ownership or make being a mother intolerably morally burdensome. However, having *all* of these defeasible duties would both undermine maternal self-ownership and make being a mother intolerably burdensome. Thus we should have some proper subset of these additional duties. There are likely to be several equally good subsets of additional duties. We – as a society - need to make a somewhat arbitrary ‘choice’ about which of these equally good subsets of additional duties we adopt.

In the cases I have in mind, it will not follow from the fact that our ‘choice’ of duty is arbitrary that the duty will be weak or that an alternative non-conventional way of responding to the value will do just as well. There will be one key question in working out how strong, and how inescapable, a conventional duty is: what kind of strength and inescapability is there most reason to have?

Often, there will be reason to have a genuine defeasible duty that mothers cannot opt out of. For example, it seems likely that there are significant public health reasons to have not just strong defeasible duties, but laws, requiring parents – or indeed anyone driving a car with a child in it - to use appropriate car seats on each journey. Campaigners argue that strict laws surrounding car seat use has significantly reduced the number of children who die in car accidents each year. A straightforward, widely accepted duty, backed by the force of the law, is likely to have much high levels of compliance than a vaguer duty to reduce risk in some way. Because parents are required to do something very specific and to do it every time they get in the car, it is easier for both parents and other interested parties to tell if they are complying with the duty. We’d expect it to be easier for parents to motivate themselves to comply with the duty – and for external motivations such as sanctions to come into play. Overall, often having such specific duties will lead to better outcomes for children. Even if the risk to an individual child on each journey without a car seat is very low, a defeasible duty to use the car seat every time will lead to many more children, at a population level, being able to pursue the basic activities. Even if the decision to focus on these particular risk-reducing measures is somewhat arbitrary, once sufficient momentum has gathered, there is good reason to have a strong defeasible duty to take these measures.

However, there are also reasons not to have too many inescapable defeasible maternal duties. I have argued above that there are strong reasons to limit how demanding maternal duties are. On top of this, there are reasons to allow parents some leeway in deciding how to discharge their duties to their children. First, increasing defeasible duties may mean some mothers are not able to do other things for their child’s benefit that they would enjoy more or find more convenient. Second, as Brighouse and Swift have argued, there is value in parents having a significant degree of autonomy and spontaneity in how they bring up their children. This is part of a type of parent-child relationship that is immensely valuable for both parties. If a mother is constantly consulting a rulebook of how to parent determined by society, she and her child will miss out on this aspect of the parent-child relationship.[[40]](#footnote-40)

In some cases, we might respond to the desirability of increasing the chance that children will have the conditions for pursuing the basic activities, while allowing room for parental choice, by making it possible to opt out of some conventional maternal duties. We can see some conventional duties as a non-compulsory default strategy for providing some of the basic goods. A mother is more likely to meet her defeasible duty to provide her child with the conditions to pursue the basic human activities if she has some kind of strategy or programme for each good. It’s helpful to have a strategy to keep your child safe from danger, to give them adequate dental health, and to provide them with key skills such as reading. Sometimes society at large provides us with strategies for doing this, through tradition or public information campaigns. Sometimes, society provides us with teachers or health professionals who recommend a programme. Using these approved strategies becomes the default. If we ‘sign up’ to these strategies, we acquire a defeasible duty to perform the particular actions they recommend. If we do not, then we acquire a defeasible duty to adopt an alternative that is as good or better than the programme provided by society – where an alternative may be seen as preferable because it allows parents to provide other benefits, so long as this does not mean that the child does not have a good enough chance of meeting the conditions for pursuing the basic goods. Recognising some duties of this kind has the benefit of significantly increasing the chance that children will have the conditions for pursuing the basic activities, while allowing room for parental choice.

As noted above, when assessing potential additional maternal duties we should not consider individual duties in isolation. We need to consider the aggregate set of maternal duties. Conventional maternal duties are only acceptable when (a) there’s a good reason to have each of the conventional maternal duties; (b) the total set of duties is compatible with maternal self ownership; (c) the total set of duties does not lead to an intolerable moral burden. In addition, this set of duties must be compatible with parents having a significant degree of autonomy and spontaneity in how to bring up their children. We should also keep an eye on how much these conventional duties prevent mothers from doing other things for their child’s benefit that they would enjoy more or find more convenient. To justify the costs of making mothers subject to additional duties, such as reducing maternal freedom, we need a significant net benefit to children, taking these costs into account.

There are interesting questions about what individual mothers should when the total set of maternal duties endorsed by society violates the above conditions. As I have argued elsewhere, our society currently endorses a maximal maternal duty which serious undermines mothers’ well being and self-ownership. It is clear that as a society we should reform our conventions. In the meantime, I think we should hold individual mothers to an idealized version of the duties endorsed by our actual society. If there are several candidate idealized versions, individual parents can choose which to accept.

**Do we need Golden Opportunities *and* Conventional Duties?**

There is overlap between conventional duties and golden opportunities – especially when golden opportunities are understood in terms of an objective(ish) maternal salience, determined by what would attract and hold the attention of an ideal maternal observer from the relevant cultural context. After all, those potential harms/ benefits which are the subject of a conventional duty in a given cultural context will also often be salient in that cultural context. More than this, you might think that part of how cultures make something a conventional duty is *by* making the associated harms and benefits culturally salient. Nonetheless, I think we do need to recognise both kinds of duty. Being the subject of a conventional duty will make a potential harm/ benefit more salient, but that does not mean such harms will always be salient. Moreover, the existence of the conventional duty may be needed to explain the salience. When trying to load two screaming children, a school bag, a ukulele, a nursery day bag, lunch, and a lap top into a car in a rush when no one got enough sleep last night, the potential harm that might be caused by forgetting to clip the child into a car seat is probably not salient – or if it is salient it is so only insofar as one already thinks one has a duty to clip in the car seat.

Similarly, the wasp sting case does not seem to be best explained as the result of a conventional duty. Although sometimes whether something is salient will depend on cultural background, it does not seem as if there is an arbitrary choice about whether to see this potential pain as salient. How salient it is may depend upon other background conditions: if life is full of unavoidable pain, the little wasp sting may not loom large. Nonetheless, that seems like a result of background conditions rather than convention.

*Summary*

I have argued that we should accept a Sufficiency-Plus account of maternal duties. The Sufficiency-Plus Account includes the basic Sufficiency Duty: a defeasible duty to give one’s child a good enough chance of having a good life, to the best of her ability which can entail more specific defeasible duties to give her child a good enough chance of meeting the conditions to pursue the human basic activities. However, the Sufficiency-Plus Account also includes a *strictly limited* range of additional defeasible duties to perform specific actions. I argued that a Sufficiency-Plus account is preferable to both a Sufficiency Account (which only includes the Sufficiency Duty) and to alternatives that recognise more maternal duties.

I discussed two kinds of additional duty that I think mothers can have to perform actions even when failure to perform those actions is not likely to leave the child without a good enough chance of being able to pursue any basic activity. The first kind of additional duty is a defeasible duty to take advantage of ‘Golden Opportunities’: highly salient opportunities to benefit or protect ones child in a morally significant way, for example to protect one’s child from a wasp sting or to accept an offer of free music tuition for a budding concert pianist. The second kind of additional duty is a defeasible duty to comply with convention-based duties. In such cases, there are significant benefits to children at a population level if some set of protective measures is seen as a defeasible duty. However, not all similarly protective measures can be treated as duties, so the choice of which protective measure to treat as duties is a matter of convention.

1. See Porter and Woollard, and Porter. See also Shields (2016) Brighouse and Swift 2006, 105, 2014; Brighouse 2002. [↑](#footnote-ref-1)
2. Some of the material from this section is drawn from Woollard, “Motherhood and Mistakes about Defeasible Duties to Benefit”, *Philosophy and Phenomenological Research*, Published Online First: 16th December 2016. doi : 10.1111/phpr.12355. [↑](#footnote-ref-2)
3. There are interesting questions about whether defeasible duties are duties or simply principles that pick out what duties we have when countervailing considerations do not apply. I will not address that here. [↑](#footnote-ref-3)
4. See Strawson “Freedom and Resentment”; David Owens *Shaping the Normative Landscape* (Oxford: Oxford University Press, 2012), Chapters 1 and 3; T.M. Scanlon, What We Owe To Each Other (Cambridge, Mass.: Harvard University Press, 2000): 158-168, for discussion of the importance of holding others to moral standards. [↑](#footnote-ref-4)
5. I thank Justin Weinberg for pressing me to explain the role of self-ownership in my argument. [↑](#footnote-ref-5)
6. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1977), p. 172. [↑](#footnote-ref-6)
7. Woollard, *Doing and Allowing Harm,* p. 159-66 [↑](#footnote-ref-7)
8. See Woollard, “I, Me, Mine: Body Ownership and the Generation Problem”, *Pacific Philosophical Quarterly*, 97 (2) (2016). [↑](#footnote-ref-8)
9. The following discussion draws on material from Woollard, *Doing and Allowing Harm*, p. 109, ft 23. [↑](#footnote-ref-9)
10. Seana Shriffin, ‘Moral Autonomy and Agent Centered Options’, *Analysis* 51 (1991), pp. 244-254. My thanks to the referee for my earlier who drew my attention to the common ground between my own arguments and Shriffin’s. [↑](#footnote-ref-10)
11. Shriffin’s argument also provides a response to the worry that it sounds odd to say that a person is imposed upon by being subject to a moral requirement even if she is never aware of that requirement and it does not affect her behaviour. An agent’s failure to comply with a requirement can make her count as behaving immorally even if she is not aware that she is doing so. We desire – and reasonably expect – to not just believe that we have acted permissibly but to have acted permissibly. Thus even a requirement of which the agent is unaware can deprive the agent of the opportunity to exercise her capacity for choice without thereby jeopardizing something else she has a right or reasonable expectation to enjoy. I thank Frances Kamm for pressing me on this. [↑](#footnote-ref-11)
12. For argument see, Fiona Woollard, Doing and Allowing Harm, Chapter 9 and “I, Me, Mine: Body Ownership and the Generation Problem”, *Pacific Philosophical Quarterly*, 97 (2) (2016). [↑](#footnote-ref-12)
13. See Woollard, “Motherhood and Objectification”, unpublished. [↑](#footnote-ref-13)
14. It is sometimes assumed that mothers have an absolute duty to ensure their children’s wellbeing. I do not discuss this view here. [↑](#footnote-ref-14)
15. My notions of maximal and non-maximal duties are partly inspired by one of the distinctions Hill picks out between perfect and imperfect duties. Hill, *Dignity and Practical Reason in Kant's Moral Theory*, p. 155-165. [↑](#footnote-ref-15)
16. This line of argument implies that the kinds of duties we have may depend upon contingent facts such as the history of gender inequality. I do not think this is problematic, particularly for duties that are generated by roles or relationships that may have quite different morally relevant features in different circumstances. [↑](#footnote-ref-16)
17. See Porter and Woollard, and Porter. See also Shields (2016) Brighouse and Swift 2006, 105, 2014; Brighouse 2002. Sheilds, Brighouse and Swift are interested in the question of how good a parent must be to retain the right to parent. This is not the question that I am interested in, although there may be some overlap. Brighouse and Swift endorse a dual-interest view on which the right to rear is conditional on the child’s interests being met to a ‘fairly high threshold’, but do not give further details. Shields argues that we should accept a Dual Comparative View, on which an upbringing is good enough when shortfalls from the best alternative upbringing in terms of the child's interests are no more significant than the parents' interest. I have significant concerns about Shields’ account because I think that, if used as a method of assessing whether parents meet the relevant standards, it ignores both the parents’ and child’s interest in a relationship that is not governed by norms of maximization. Shields response to somewhat similar concerns is to claim that "The Dual Comparative View tells us which regime to use based on the effects on children's interests and on parents' interests when accorded appropriate weight." (175). If this is the case, then I do not think the Dual Comparative Account actually gives us an account of the relevant standards. [↑](#footnote-ref-17)
18. C.F. Feinberg’s right to an open future. [↑](#footnote-ref-18)
19. Liao, *The Right to Be Loved*, p. 41-42 [↑](#footnote-ref-19)
20. Liao, *The Right to Be Loved*, p. 42 [↑](#footnote-ref-20)
21. Liao, *The Right to Be Loved*, p. 43 [↑](#footnote-ref-21)
22. Liao, *The Right to Be Loved*, p. 66 [↑](#footnote-ref-22)
23. Liao, *The Right to Be Loved*, Chapters 3 and 4. [↑](#footnote-ref-23)
24. I thank Elselin Kingma for raising this concern and both Elselijn Kingma and members of the BUMP research group for helping me to work through the issues. [↑](#footnote-ref-24)
25. https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/568484/rrcgb-2015.pdf [↑](#footnote-ref-25)
26. See Woollard, Motherhood and Defeasible Duties to Benefit, PPR. [↑](#footnote-ref-26)
27. Scott, *Rights, Duties and the Body,* p. 97 [↑](#footnote-ref-27)
28. This is not meant to imply that many people believe that anyone who does not have children has not had a good life. Very roughly, my picture is that there are various different forms of good life for humans. A key form of the good life for humans has parenting as a fundamental part. I leave it open whether there is a single good life for each person and the extent to which what counts as a good life for a given person depends upon their own choices. Nonetheless, for many people, even if a good life would still be possible without children, this would require radical readjustment that would have significant costs. [↑](#footnote-ref-28)
29. Some trans men and some non-gendered persons are also able to become pregnant. [↑](#footnote-ref-29)
30. I thank the referee for “Breastfeeding and Defeasible Duties to Benefit” who provided this example. Considerations of space prevented me from addressing the example in that paper. I am glad to have an opportunity to do so now. [↑](#footnote-ref-30)
31. Some mothers may think that it is in fact best to let the child be stung by the wasp in order to help them learn either to deal appropriately with wasps or to deal with pain. If such an appeal to the child’s overall interest is needed to justify letting the child be stung by the wasp, then it seems as if there is a defeasible duty to save the child from the wasp – it is simply that this duty can be outweighed. [↑](#footnote-ref-31)
32. I thank Doug Portmore for this suggestion. [↑](#footnote-ref-32)
33. See, for example, Singer “Famine, Affluence and Morality” [↑](#footnote-ref-33)
34. Robert Noggle, “Give Till It Hurts? Beneficence, Imperfect Duties, and a Moderate Response to the Aid question”, *Journal of Social Philosophy*, Vol. 40, no. 1, Spring 2009. 1-16. [↑](#footnote-ref-34)
35. Noggle, “Give Till It Hurts?”, p. 3. [↑](#footnote-ref-35)
36. Noggle, “Give Till It Hurts?”, p. 12. [↑](#footnote-ref-36)
37. Noggle, “Give Till It Hurts?”, p. 12. [↑](#footnote-ref-37)
38. Kamm, *Intricate Ethics*, p. 356. [↑](#footnote-ref-38)
39. Cf Brighouse and Swift, p. 65. [↑](#footnote-ref-39)
40. Brighouse and Swift, *Family Values*, p. 73. [↑](#footnote-ref-40)