

Towards a Liberalism of Limits

Resolving tensions between population planning and liberalism



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Index

Index 3

Preface: The population problem and climate change 4

Introduction..... 8

 Relevance 9

 Theoretical framework..... 9

 Structure..... 11

Chapter I: Liberalism and ‘cardboard liberalism’ 13

Chapter II: Addressing tensions between cardboard liberalism and population planning..... 22

Chapter III: Formulating a ‘liberalism of limits’ 26

 A consent-based conception of harm 26

 A choice-based conception of autonomy..... 34

Chapter IV: Population planning and a liberalism of limits..... 37

Conclusion 43

Bibliography..... 44

Preface: The population problem and climate change

Before I start to construct an argument, I will use this preface to lay down some of the groundwork for my line of reasoning. Throughout the rest of this thesis, I will depend on some of the assumptions I will explicate in this preface. Since most of these assumptions lay outside the realm of political philosophy I thought it best not to integrate them in my main argument. I do nevertheless need to make explicit on what assumptions my argument is built, and what problem I have in mind when I refer to 'the population problem'. That is why I chose to treat these matters separately in this preface.

What causes climate change? The question is deceptively simple. Giving a comprehensive, yet clearly defined answer is more difficult than the question seems to allow for. The question can be answered in a literal, 'small' sense. For instance: cars. The usage of cars causes climate change, just like flying planes and eating meat do. However, answering the question above with loose examples of behaviour that cause climate change fails to grasp the bigger picture and the interconnectedness of these causes.

The question can also be answered in a broad or universal sense, instead of a description of a certain behaviour. An example of such an answer might be: the human tendency to exploit its natural surroundings for economic gain. But to formulate an answer in terms of innate qualities of humanity suggests a sort of inevitability that undermines the possibility of solving the problem. Neither of these types of answers, the very small or the very broad, seem to enhance our understanding of the problem, nor to provide a fertile ground to solve it.

Let me here try to formulate an answer that might prove to be more fruitful. The cause of climate change, I think, breaks down into two parts. First of all, there is the part of individual choices. A lot of these individual choices have some sort of impact on the environment, some more direct (such as driving a car), others more indirect (such as eating meat, or buying products from wasteful companies).

The emissions caused by these actions on themselves have, however, barely any effect on the climate. It is for precisely this reason that people quite often find it difficult to adapt their choices in light of climate change, as their choices *as such* have only a marginal impact. This is not the place to elaborate extensively on the collective action problem that lies at the heart of counteracting climate change. In anticipation of my argument I would, however, like to note that we might not want to place too much of our faith in the individual for counteracting climate change, as the costs and

benefits for the individual in counteracting climate change are hardly ever in line with the costs and benefits of the collective.

The second, probably evident, yet crucial cause of climate change is the number of these seemingly harmless choices we make. This is where population growth comes into play. If there are more people to make choices that negatively affect the environment, the impact of these choices, because of their sheer numbers, will be bigger.

In an agricultural or technological society, each individual has an impact on the environment, either because every individual is partly responsible for the simplification of an ecosystem (through the practice of agriculture), or because of the utilization of non-renewable resources.¹ One way to express the total impact of such a society on the environment is the relation

$$I=P \cdot F$$

in which the total impact (I) is the product of population size (P) and (F), being a function that measures the per capita impact.²

However, as Paul Ehrlich and John Holdren note, this relation subsumes a great deal of complexity. It particularly fails to take into account the role of the population multiplier. Because in fact, the per capita impact (F) is in itself defined by population size. As Ehrlich and Holdren formulate it: '(...) *per capita consumption of energy and resources, and the associated per capita impact on the environment, are themselves functions of population size.*'³ A more accurate equation to express the negative impact of an agricultural society on the environment is therefore

$$I=P \cdot F(P)$$

Such a formula explains how impact can increase faster than linearly in relation to population growth. It also shows that population size is a crucial factor in humanity's negative impact on the environment.⁴

So population control contributes to climate change. Although this statement might seem trivial, its implications are tremendous. It means that the human tendency to reproduce is one of the causes of one of the biggest problems of our time – climate change - and that our nature is, in fact, contributing to our potential demise. This is what I will refer to throughout the rest of this thesis as the population problem.

¹ Paul R. Ehrlich and John P. Holdren, "Impact of Population Growth," *Science* 171 (March 1971): 1212.

² Ehrlich and Holdren, "Impact of Population Growth," 1212.

³ *Ibid.*, 1212.

⁴ *Ibid.*, 1213.

How do we deal with this inconvenient truth? There are roughly two approaches to this problem (or three, if we also count the point of view that does not see climate change and population growth as a problem and suggests that it would be fine if everything stays the same). The first is a biocentric approach to the problem. It roughly takes the following shape. As the human population grows, so does its demand for food, shelter, fuel, or in general: natural resources. We have now reached a point in history at which the exploitation of these resources is starting to have a disastrous effect on the climate, ecosystems, quality of water and air, etc. The biocentric approach maintains that this is not only bad because it is bad for humans, but it is bad because nature has a value of its own. From this standpoint, all life on earth has its value regardless of the human attribution of this value.

A good example of this biocentric view can be found among speciesists. They hold that humans are taking up more than our fair share of the world, at the cost of other species. According to speciesists, we have no reason to value human lives any differently from other forms of life. Therefore, other species should have the same rights humans do. In this view, humankind is often referred to as some sort of disease on earth that should be cured.⁵

The second narrative that can be employed in the interpretation of the population problem is anthropocentric. According to this view, the ecological effects of excessive human population growth are not so much bad in itself, but bad because they are bad for humans. This view rests on the idea that the value of something resides in the attribution of value to it, and that attributing value to something is usually done by human beings. Consequently, this line of argument sees population growth not only as a threat to nature but mainly to our way of life. As Daniel Callahan notes, population growth ‘(...) poses critical dangers to the future of the species, the ecosystem, individual liberty and welfare, and the structure of social life.’⁶ This narrative does still attribute value to natural life and is also concerned with the health of the planet. But in contrast to biocentric approaches to the population problem, it formulates these values and concerns in terms of human interests. It is in the wake of this last view that this thesis will proceed, as it will only be concerned with the effect excessive population growth has on human life and human ideas of the good.

A difficult aspect of the population problem is that its effects are unequally distributed across time. People in the future will be faced with the challenges that the choices of our generation have brought about. This intertemporal inequality is one of the features that makes the population

⁵ Marie I. George, “Environmentalism and population control: Distinguishing Pro-Life and Anti-Life Motives,” *The Catholic Science Review* 18 (2003): 81.

⁶ Daniel Callahan, “Ethics and Population Limitation,” *Science* 175 (February 1972): 487.

problem particularly hard to solve. Jan Pronk denotes the importance of this inequality, when he states:

*'(...) the only passable road towards a sustainable future is one of sharing; sharing by the rich, of the wealth of the Earth with the poor; sharing by mankind, of the dwindling space in the ecosphere with all other forms of life; sharing by those now living, of the remaining Earth's resources with as yet unborn generations.'*⁷

This thesis will be concerned with the last part of Pronk's statement: the dynamic between contemporary and future generations. I will now go on to introduce my project in full.

⁷ Jan Pronk, "Preface," in *Sharing the Planet*, ed. Bob van der Zwaan and Arthur Petersen (Delft: Eburon Academic Publishers, 2003), vii.

Introduction

It is scientific consensus that our climate is changing at an unprecedented rate.⁸ Most scientists agree that this change is caused by human behaviour. For this reason, many people are adapting their choices in light of this change. Some eat less meat, or stop eating meat altogether. Others stop travelling by plane to reduce their carbon emission.

The largest contributing factor to climate change has, however, for the largest part remained under the radar. This is not strange, if one considers how essential this contribution to climate change is to human life, or even life in general. I am referring to reproduction. When it comes to single choices, there is nothing worse for the environment than to bring a child to life. From a climatological point of view, bringing a child upon this planet entails one more life of consumption and emission.⁹ Although the contribution of reproduction to climate change is an indirect one – it is not the children *per se* that contribute to climate change but rather their way of life – we do not yet seem to fully realise the results of the choices we make when it comes to reproduction.

If we accept this premise, along with the fact that both our planet as well as the number of resources it contains are limited, we can conclude that human population growth will at some point in time be limited, either by human choice, or by the carrying capacity of the planet. One might argue that it is preferable that humankind establishes the limits of population growth by itself, rather than having the boundaries be set by natural limits, which will more likely go hand in hand with human suffering due to geopolitical conflict, hunger, or scarcity in general. After all, in a world where there is not enough water, clean air and fertile soil, it is not unlikely that people will take up arms and fight each other for access to these resources.

A population controlling policy that prevents such a Mad Max-like scenario might seem eligible in light of its dystopian alternative. However, intuitively, if we were to adopt such a form of population planning we would also have to sacrifice part of our liberty. This intuition has a clear origin: people commonly associate measures to prevent people from having children with eugenic programs of totalitarian regimes, such as Nazi-Germany, or one-child policy communist China. But is it necessarily the case that we have to sacrifice our liberal values to solve the population problem? That is the

⁸ Naomi Oreskes, “Beyond the Ivory Tower. The Scientific Consensus on Climate Change,” *Science* 306 (December 2004): 1686.

⁹ The extent to which a child’s life affects the environment is of course largely dependent on its way of life. I find it reasonable to assume that in our current world, most children that are born will have a very negative impact on the environment, since in most parts of the world it is still a luxury to be concerned with sustainable choices.

main question of this thesis: (how) can we formulate a plausible liberalism that renders population planning possible?

Relevance

Over the past few decades, there has been growing attention for the problems that are caused by excessive population growth. The lion's share of this recognition has come from scientific fields such as ecology, demography and other social sciences. Some of this attention came from the philosophical field of population ethics. This branch of philosophy is concerned with two main issues. The first one is population axiology: on what principles can we determine the value of a population? The second is the non-identity problem, which is centred around the question how we can morally evaluate actions that determine who will exist in the future.¹⁰ One of the central problems of population ethics is what population ethicists call the Asymmetry: the intuitive idea that we have a moral obligation not to bring miserable people into existence, but are permitted to not bring happy people into life.¹¹ Population ethics is, in other words, concerned with morally evaluating different hypothetical futures. The field of population ethics is, in general, not very concerned with real-world problems such as actual population growth and its effects.

As for me, as a political philosopher, I think that it is our job as philosophers to engage in the real world and be concerned with pressing, urgent problems such as overpopulation. We should contribute to finding a solution to this worrying development. Reconciling our liberal ideals with population planning as a possible solution to the population problem will be the goal of this thesis.

Theoretical framework

Where does this thesis stand in relation to the existing literature on the subjects of liberalism and population planning? To start with the first, my analysis of liberalism and my critique on the common conceptualisation of liberalism is largely focussed on the ideas of Mill as explicated in arguably his most important work, *On Liberty*.¹² One of my core arguments will be that the conception of harm he endorses is obsolete and ripe for revision. In my critique of Mill, I will borrow arguments from Ben Saunders, who suggests that we should replace Mill's conception of harm, which is based on a distinction between self- and other-regarding action, with a conception of harm that is based on

¹⁰ Nils Holtug, *Persons, interests and justice* (Oxford: Oxford University Press, 2010), 244.

¹¹ For examples see Per Algander, "A Defence of the Asymmetry in Population Ethics," *Res Publica* 11 (2012), Torbjörn Tännsjö, "Why We Ought to Accept the Repugnant Conclusion," *Utilitas* 14, no. 3 (November 2002) and Martin Peterson, "Multidimensional Consequentialism and Population Ethics," in *Consequentialism: New Directions, New Problems*, ed. Christian Seidel (Oxford: Oxford Scholarship Online, 2019).

¹² John Stuart Mill, *On liberty* (London: Penguin Group, 2010, first published 1859).

consent. Following his suggestion, I investigate the way in which a consent-based conception of harm can provide an inducement to support population planning within a liberal framework.

An important idea that lies at the root of this inquiry is the idea that liberalism is a concept that is not written in stone. Although it has some core features, these features can be interpreted in different ways. Liberalism seems to be what W.B. Gallie has called an essentially contested concept.¹³ Let me illustrate the meaning of an essentially contested concept with one of Gallie's own examples.

"This picture is painted in oils" may be contested on the ground that it is painted in tempera, with the natural assumption that the disputants agree as to the proper use of the terms involved. But "This picture is a work of art" is liable to be contested because of an evident disagreement as to – and the consequent need for philosophical elucidation of – the proper general use of the term "work of art".¹⁴

On the surface, the same story seems to go up for liberalism. I cannot, however, commit myself to the formal description of liberalism as an essentially contested concept.¹⁵ After all, if liberalism would be contested in its essence, then the project of reconciling liberalism with population planning would not really be a project. It would simply entail coming up with a definition of liberalism to my liking without having to worry about staying close to the core ideas of liberalism, since there would be no such ideas.

I am not ready to give up on the idea that there are some essential features we can distract from liberalism. The problem is that these essential features may on themselves be contested again, maybe even in their essence. Throughout this thesis, I will take Gallie's idea of the essentially contested concept as an illustration of the complexity of the concept of liberalism. His idea motivates me to engage in conceptual engineering; to make the concept of liberalism better suited for sustainable policies.

Furthermore, there is a way to deal with the alleged contestedness of certain concepts. Olsthoorn has made a suggestion to overcome the difficulties that such concepts bring about:

'(...) while almost all political theorists agree that Locke and Mill are canonical liberal thinkers, which features of their thought are distinctively liberal is disputed. It is therefore commendable to state

¹³ W.B. Gallie, "Essentially contested concepts," *Proceedings of Aristotelian Society* 56 (1956): 167-198

¹⁴ Gallie, "Essentially contested concepts," 167.

¹⁵ According to Gallie, for a concept to be essentially contested it must be (I) appraisive, referring to a valued achievement; (II) internally complex; (III) variously describable; (IV) persistently vague or open-ended; (V) used competitively; (VI) heir of their original exemplar; (VII) subject to progressive competition through which greater coherence of conceptual usage can be achieved.

*explicitly the criteria that make something count as an instance of that concept on your account. This advice makes sense even if the idea of essentially contestedness does not.*¹⁶

So leaving aside the question of whether liberalism is formally speaking an essentially contested concept, I will keep in mind Olsthoorn's advice and formulate in chapter I what I take to be the core features of liberalism.

When it comes to the debate on the relation between liberalism and population planning, Greg Bognar has made an important contribution. In a recent essay he has convincingly shown how certain types of population planning can actually promote liberal values, as they prevent unplanned pregnancies. In that way, these types of population planning can actually enhance people's autonomy as they enable people to actively choose for a child. Through such a form of population planning, people can more purposefully influence their lives. In Bognar's own words, '(...) *letting people decide when they are fertile, (...) ensures that reproductive choices are made in accordance with people's own values and preferences.*'¹⁷

How will my project relate to the existing literature? In this thesis, I will contest our common 'intuitive' understanding of liberalism and try to adapt this understanding in such a way that population planning becomes defensible from within a liberal framework. My project should be seen as a continuation of Bognar's project, but based on a more general critique of liberalism. Rather than an investigation of how we can make population planning more liberal, my thesis is an attempt to discover the stretchability of the concept of liberalism – a philosophical exercise to learn how far can we extend it before it snaps.

Structure

In the first chapter of this thesis I will deal with establishing a working definition for the term liberalism and establish the liberal values upon which I can build my argument. First of all, I will establish why we should do our best to preserve our liberal attitude, even in light of climate change. I will then analyse the concept of liberalism, to show that liberalism is a dynamic term; a term that can be contested, adapted and improved. Subsequently, I will formulate an intuitive liberalism; a sort of liberalism that is based on the associations we commonly have when we think of liberalism. I will call this conception of liberalism 'cardboard liberalism', as I think it is too thin a conception. This

¹⁶ Johan Olsthoorn, "Conceptual Analysis," in *Methods in Analytical Political Theory*, ed. Adrian Blau (Cambridge: Cambridge University Press, 2017), 177.

¹⁷ Greg Bognar, "Overpopulation and Procreative Liberty," *Ethics, Policy & Environment* 22, No. 3 (2019), 322.

conception of liberalism will serve to show how liberalism and population planning might seem to have a tenuous relationship.

Then, in the second chapter, I will establish how the tension between liberalism and population planning arises. To do this, I will be using the cardboard conception of liberalism as established in chapter I. I will discuss three types of population planning in light of this type of liberalism. The types of population planning I will be unravelling are one-child policy, long-term mandatory contraception and tradeable procreative entitlements. I will show that all these types of population planning are at first sight at tension with liberalism because all three types of population planning reduce people's autonomy and infringe upon their personal freedom.

In chapter III I will make a suggestion to resolve these tensions between liberalism and population planning. I will suggest that to overcome the tension between population control and liberalism, we should thicken our concept of liberty by reformulating the harm principle on which our concept of liberty is built. Instead of defining harm in terms of self- and other-regarding action, we should define harm on the basis of consent. Furthermore, if we apply a choice-based, rather than a person-based conception of autonomy, according to which autonomy resides in the quality of a choice rather than in the person who makes the choice, certain types of population planning might in fact enhance our autonomy. I will refer to this suggested type of liberalism as a 'liberalism of limits', since it confines our liberties in a more strict way than a traditional conception of liberalism does.

After having formulated this 'liberalism of limits', I will in chapter IV reinvestigate the three types of population planning in light of the reformulated liberalism. I will show that some types of population planning are not as illiberal as they seemed at first sight. Furthermore, this chapter will deal with some of the obvious objections that this newly formulated type of liberalism will face. The first and most obvious one is: if a liberalism leaves room for a government to interfere with people's reproductive activities, is it then still really liberal? I claim it can be, although not in a traditional sense. The second challenge has to do with feasibility. Is this type of liberalism plausible? Is it in line with human dispositions? This section will lay out the challenges that have to be tackled before this new conception of liberalism will prove sustainable.

Chapter I: Liberalism and ‘cardboard liberalism’

In order to formulate a liberalism of limits, we must first establish what we mean by liberalism. In this chapter, I will be concerned with that matter. I do not seek to evaluate all different types of liberalism, for that would not be useful nor possible within the reach of this thesis. Rather, I seek to extract some core ideas from common liberal theories and combine them in a plausible theory of liberalism. The second goal is to answer the question: why should we care about these liberal values? Is it not more convenient to solve the population problem within a socialist or some other framework? At first sight, this would seem to be the case, since liberalism generally takes the individual as the analytical unit, whereas the population problem is of a collective nature. I will deal with this matter first.

As Lomasky has persuasively shown, humans are project pursuers.¹⁸ Projects, in this sense, are ends that play a central role within the ongoing endeavours of the individual. They reach, in Lomasky’s definition, indefinitely into the future and provide structure to an individual’s life.¹⁹ Some projects are devoted to bringing about or maintaining an external state of affairs, such as writing a book or becoming the best guitar player in the world. Others, such as not lying to oneself and to others or trying to stay in good shape, are directed at becoming or remaining a certain kind of person.

It is then no coincidence that if we describe someone in terms of what someone does, we usually describe their projects. To describe someone as a jazz enthusiast, a fanatic Real Madrid supporter, a Scientologist or an ambitious cook that wants to become a Michelin chef, tells us something not only something about the way someone spends her time in terms of action, it tells us something about who this person *is*. As Lomasky himself put it: *‘When we wish to understand or describe a person, to explicate what fundamentally characterizes him as being just the particular purposive being that he is, we will focus on his projects rather than on his more transitory ends.’*²⁰

If we accept the idea that man is in his essence a project pursuing animal, we may deem it worth it to maintain a system that enables humans to pursue these projects.²¹ And that is exactly what sets liberalism apart from other ideologies. Other ideologies, such as socialism or ecologism, might, at first, sight be better suited for tackling such an all-embracing problem as the population problem. Let me briefly elaborate on why that is the case.

¹⁸ Loren Lomasky, *Persons, Rights and the Moral Community* (New York: Oxford University Press, 1987), 25-27.

¹⁹ Lomasky, *Persons, Rights and the Moral Community*, 26.

²⁰ *Ibid.*, 26.

²¹ That is, as long as these projects do not hurt others, or negatively influence others people’s possibilities to pursue their projects. I will further elaborate on such a harm principle down below.

Ecologism, as an ideology, is based on the idea that nature is an interconnected whole, embracing humans, non-humans and the inanimate world alike.²² From an ecologist standpoint, it is easier to come up with solutions to the population problem, because according to the ecologist, humans take no special place in the natural order. Humans, therefore, have no right to suppress the rest of living nature by flooding the earth with our species. We have a moral duty to live in harmony with nature, and should, therefore, set boundaries to human population growth.²³ Socialism takes the collective to be the most important social unit. Because of that, socialism has, historically speaking, usually gone hand in hand with a strong government. Such a government, which is more concerned with the public good than with the individual, will be more likely to intervene with people's procreative activities than a liberal government.²⁴ In liberalism, the most important social unit is the individual, which on its own has little influence on a collective problem such as the population problem.

Despite the fact that liberalism is not the most suited ideology to tackle the population problem, I do find it worth it to uphold our liberal values. Because it is only in liberal societies where, as Habermas puts it, '(...) every citizen has an equal right to pursue his individual life projects "as best as he can".'²⁵

Some critics of liberalism may object to the view that humans are *in the first place* project pursuers. Indeed, some people have projects, they might say, but aren't humans social animals in the first place?²⁶ Such a different view on mankind would result in a different ideological preference. That last claim is certainly true, for if humans would be in the first place a social animal, we might as well throw liberalism out the window and resort to socialism. But there is a difference between the claims that humans are, let's say, social animals and that they are project pursuers. The difference is that the latter can be made on the base of observations. You may say humans are essentially social animals, and I may say they are in their essence selfish, and we could go on to debate forever, as the history of philosophy has shown. But we would probably never settle on the matter. Yet we can simply observe that there are no people who do not have *any* project in life; who have *nothing* that

²² Andrew Heywood, *Political Ideologies, An Introduction* (Hampshire: Palgrave Macmillan, 2012), 251.

²³ For a more thorough introduction in ecologist thinking see Andrew Dobson, *Green Political Thought* (London: Routledge, 2000) and Arne Naess, "The shallow and the deep, long-range ecology movement. A summary," *Inquiry* 16 (2008): 95-100.

²⁴ For examples of a socialist approach to climate change see: James Goodman, "Responding to climate crisis: modernisation, limits and socialism," *Journal of Australian political economy* 66 (2011): 144-165, Tom Whitney, "Green Strategy: To beat climate change, humanity needs socialism," *People's World*, November 14, 2019, <https://www.peoplesworld.org/article/green-strategy-to-beat-climate-change-humanity-needs-socialism/>, Steve Da Silva, "Climate Change and Socialism: An interview with John Bellamy Foster," *Alternate Routes* 25 (2014): 293-300.

²⁵ Jürgen Habermas, *The Future of Human Nature* (Oxford: Polity, 2003), 60.

²⁶ For an example of such a view on humankind see Gerald Cohen, *Why Not Socialism?* (Princeton: Princeton University Press, 2009).

they pursue. From the observation that all humans have projects, we can defend an ideology that best enables them to pursue these projects.

In short, I am not ready to give up on liberalism just yet, not even in light of the population problem. But before we can proceed in pointing out the tensions between liberalism and population planning we must ask: what does liberalism look like in the real world?

To answer that question I should first clarify the question. After all, liberalism is not a simple and unified concept that refers to physical things such as, for example, a table. We cannot point to it, nor is it likely that we can ever define it in such a way that everybody agrees.

As already noted in the introduction, liberalism seems to behave in many ways as what W.B. Gallie has called an essentially contested concept.²⁷ This term was coined to point out that there are certain concepts that are difficult to come to an agreement about. As Garver wrote:

*(...) in certain kinds of talk there is a variety of meanings employed for key terms in an argument, and there is a feeling that dogmatism ("My answer is right and all others are wrong"), scepticism ("All answers are equally true (or false); everyone has a right to his own truth"), and eclecticism ("Each meaning gives a partial view so the more meanings the better") are none of them the appropriate attitude towards that variety of meanings.'*²⁸

Good examples of these kinds of talk are talk on concepts as fairness, art, and social justice. The complex and diverse nature of these concepts usually evokes some kind of disagreement.

Talking about the concept of liberalism fits within that story; it is neither the case that there is but one 'real' liberalism, nor that all liberalisms are equally plausible. It is also not the case that a mere addition of views on liberalism makes for a more complete understanding of liberalism. After all, we generally don't understand a concept as a sum of all the different views we have on it. We rather tend to pick one view of our 'liking' and stick to it.

However, neither disagreement nor the existence of pluralism within the use of a concept gives sufficient reason to label it essentially contested. Gallie's essentially contestedness takes a more stipulated form.²⁹ Ruth Abbey has tried to demonstrate that contemporary liberalism fulfils all the criteria of an essentially contested concept.³⁰ Although I do not wish to settle the matter on whether

²⁷ Gallie, "Essentially contested concepts," 167-198.

²⁸ Eugene Garver, "Rhetoric and Essentially Contested Arguments," *Philosophy and Rhetoric* 11, No.3 (Summer 1978): 168.

²⁹ For the exact criteria to be labelled an essentially contested concept, see note 16 or Gallie, "Essentially contested concepts," 171-173.

³⁰ Ruth Abbey, "Is Liberalism Now an Essentially Contested Concept?," *New Political Science* 27, No. 4 (2005): 468-476.

liberalism is an essentially contested concept or not, I do have some doubts on how well liberalism fulfils Gallie's fourth criterion. According to this criterion, for something to be an essentially contested concept, it must be persistently vague or open-ended. With regard to this fourth criterion, Abbey writes:

*'I propose that liberalism offers the possibility of an inherently dynamic approach to politics and society (...). It does this in accordance with fundamental liberal principles but in ways that cannot be foreseen. This dynamic quality derives from the abstract and universal nature of the ideals that lie at the heart of liberalism—liberty, equality, autonomy and toleration.'*³¹

If liberalism is persistently vague and open-ended, then how can we speak of fundamental liberal principles and universal ideals that lie at the heart of liberalism? It seems problematic at least to declare the vagueness and open-endedness of a concept in terms of its universal and fundamental principles. I think this hints to the fact that we can subtract some core features of liberalism, which is what I will do in the second half of this chapter. For my purposes, the idea of essentially contested concepts serves to show the complexity of a concept as liberalism, without fully committing myself to the formal definition of an essentially contested concept.

So we must ask what it means to define a complex concept like liberalism? Apart from the question of whether liberalism is essentially contested, many have tried to define it before me, and most likely many will try so in the future. So what is the point? Most importantly, it is not the point to provide a definition that is perfect. If it would be possible to provide such a definition, philosophers could rest on their laurels. Rather, the point is to engineer a concept, so that it is best fit to serve its purposes. That is what, historically speaking, liberal philosophers (or all political philosophers for that matter) have always been doing. In that line of thought, Berlin's concept of liberalism was no more correct than that of Mill, nor was Rawls more right than Berlin. They were all searching for a plausible political theory, that was centred around the individual and that best served their purposes.

As Alexis Burgess and David Plunkett have convincingly shown, concepts structure our thoughts and define what is possible to think. They write:

'(...) what concepts we have fixes what thoughts we can think. The point isn't merely doxastic. Arguably, our conceptual repertoire determines not only what beliefs we can have but also what hypotheses we can entertain, what desires we can form, what plans we can make on the basis of such mental states, and accordingly constrains what we can hope to accomplish in the world. Representation enables action, from the most sophisticated scientific research,

³¹ Abbey, "Is Liberalism Now an Essentially Contested Concept?," 469.

*to the most mundane household task. It influences our options within social/political institutions and even helps determine which institutions are so much as thinkable. Our social roles, in turn, help determine what kinds of people we can be, what sorts of lives we can lead. Conceptual choices and changes may be intrinsically interesting, but the clearest reason to care about them is just that their non-conceptual consequences are pervasive and profound.'*³²

My project is involved in this type of conceptual engineering as well. Although I do not suggest that my conception of liberalism will be as thorough or eloquent as that of Rawls or Berlin, I will be engaged in a similar project: to make liberalism apt to solve a certain problem (that of excessive population growth). By engineering two core concepts of liberalism, I hope to make clear how we can defend population planning from a liberal standpoint.

To do so I will first formulate what I shall refer to as 'cardboard liberalism'. This will be anything but a strictly formulated conception of liberalism. Rather, it will be a formulation of liberalism based on the associations people usually have with the term. This common-sense approach to liberalism will enable us to locate where tensions between liberalism and population planning arise, so I can make suggestions on how we can rethink our concept of liberalism to overcome these tensions in the following chapter.

Liberalism is primarily concerned with leaving as much room for every individual in a society to pursue their own conception of the good life as possible, on the condition that this conception does not interfere with other people's attempts to pursue the good life. This is roughly what liberals take freedom to be. As John Stuart Mill put it: *'The only freedom that deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.'*³³

Liberalism is in that sense not just an ideology, but what Andrew Heywood has called a meta-ideology; *'a body of rules that lays down the grounds on which political and ideological debate can take place.'*³⁴ It strives to establish conditions in which every individual or group can pursue its own conception of the good life, without prescribing what that good life entails. That is exactly why it is so suited for project pursuing humans: it leaves room for individuals to decide themselves exactly what is worth to pursue.

³² Alexis Burgess and David Plunkett, "Conceptual Ethics I," *Philosophy Compass* 8, No. 12 (2013): 1096-1097.

³³ Mill, *On liberty*, 21.

³⁴ Heywood, *Political Ideologies*, 27.

It must be noted, however, that this does not mean that liberalism is morally neutral. On a meta-meta level, liberalism, even as a set of rules, is thoroughly rooted in certain ideas about ethics. It is, for instance, built on the idea that ‘the good’ is something that can be defined by the individual, and that it can therefore differ from person to person. In this way, liberalism leaves little room for people who want to spread their ‘absolute’ conceptions of the good. Although that is probably for the best, it shows that liberalism is not completely morally neutral.

So how does this work? What rules do we play by as to leave each other as much space as possible to obtain a good life, to all be as free as possible? The key is the harm-principle. The idea is simple: someone’s freedom ends, where she begins to harm others. Someone may buy a knife, sharpen it, juggle it around, even cut herself with it. But as soon as she hurts someone else with it, she exceeds her freedom by infringing someone else’s freedom.

Mill’s formulation of this harm principle is centred around the distinction between self-regarding action and other-regarding action. The first type of action merely concerns the actor. In this sort of conduct, Mill states: ‘(...) *his independence [of the actor] is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.*’³⁵ In contrast to other-regarding action, self-regarding action is not liable to social interference.

Other-regarding action, on the other hand, is the sort of conduct that can be interfered with by society, since it is this kind of action that can cause harm to others. This is, in fact, the only proper reason for interfering with someone’s action. In Mill’s own words: ‘*the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.*’³⁶ As we will see below, this dichotomy between self-regarding and other-regarding action brings about some difficulties. My attempt to formulate a new kind of liberalism will be largely intertwined with trying to overcome these difficulties.

Within the liberal tradition, the market as a social sphere takes a prominent place. Markets are considered to promote freedom because they operate according to the preferences and decisions of individuals. As Andrew Heywood writes:

‘Freedom within the market means freedom of choice: the ability of the business to choose what goods to make, the ability of workers to choose an employer, and the ability of consumers to choose what goods and services to buy. Relations within such a market – between employers and employees, and between buyers and sellers – are therefore voluntary

³⁵ Mill, *On liberty*, 17.

³⁶ *Ibid.* 17.

*and contractual, made by self-interested individuals for whom pleasure is equated with the acquisition and consumption of wealth.*³⁷

That is why markets are usually championed by liberals for their capacity to promote freedom amongst all their participants. However, as we will see in chapter IV, this does not always have to be the case.

What do liberals usually mean when they refer to liberty? Although most liberals agree about the great value of liberty, they are less unanimous on what it means for an individual to be truly free (I will use freedom and liberty as interchangeable terms). The common distinction to make here would be the one between negative and positive freedom, as defined by Isaiah Berlin in his 'Two concepts of liberty'.³⁸ Classical liberals usually perceive freedom in a 'negative' way. Freedom in that sense consists of a person being left alone and able to act in any way she pleases. It is based on the absence of interference. Modern liberals have formulated freedom in a more positive way. According to them, freedom is the ability to be one's own master, to be able to shape one's future through the development of skills and talents, the possibility to lead a fulfilling and worthy life. The rivalry between these two concepts has not only shaped much of the debate within liberalism. It has also lead to different views on what the relation between the state and the individual should look like.³⁹

In general, liberals have a preference for a small government. A government should, after all, only interfere with behaviour that harms others. How small exactly the government should be, is a matter for debate among liberal scholars. Here too, the most common distinction to make here would be that between modern liberals (such as Isaiah Berlin and John Rawls) and classical liberals (such as John Locke and Adam Smith) as well. N. Scott Arnold makes the distinction explicit: '(...) *modern liberals do believe that the state should take an activist role in addressing a wide range of society's problems, whereas classical liberals deny this. It is arguable that in one form or another, this has been the central dispute among liberals since the time of Mill.*'⁴⁰

The fact that modern liberals do prefer a stronger government derives from their positive conception of liberty. After all, if you want people to be able to develop themselves to the fullest and lead a fulfilling life, you also want that the government sets the boundary conditions for such a life right. According to modern liberals, it is therefore desirable that the government is also concerned with

³⁷ Heywood, *Political Ideologies*, 47.

³⁸ Isaiah Berlin, "Two concepts of liberty" in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), 118-172.

³⁹ Heywood, *Political Ideologies*, 31.

⁴⁰ N. Scott Arnold, *Imposing Values, An Essay on Liberalism and Regulation* (New York: Oxford University Press, 2009), 3.

social issues, such as poverty, because these issues usually stand in the way of people leading life at the height of their potential.

So doesn't that mean that modern liberals can already agree to population planning? Their preference for a stronger government suggests so. They would, however, have to throw overboard some of their original liberal values to do so. In this thesis, I will criticize some of these original liberal values. It will, in other words, be a radically modern liberal critique, of its own classical counterpart.

Now that we have discussed some of the most prominent features of liberalism, we can start by formulating an intuitive 'cardboard liberalism'. To do so, we radically boil down these prominent features to find two residual core values of liberalism: individual freedom and autonomy. Let me note here that the distinction between these two concepts that I will maintain throughout this thesis is an artificial one. Individual freedom and autonomy are two sides of the same coin; they are complementary. The distinction serves an analytical purpose. To make a distinction between the two enables me to criticize the traditional harm principle (as a demarcation criterion for individual freedom), and show how some types of population planning may, in fact, enhance autonomy.

As already noted, the liberal value of individual freedom rests upon a notion of harm, that serves as a demarcation criterion for distinguishing one individual's freedom from that of others. However, the harm principle that I will suggest is different from the one that Mill formulated. His distinction between self-regarding action and other-regarding action is, I think, a false one. In section III, I will make a suggestion for a more fertile way of understanding harm, so that it is also applicable on an intergenerational scale.

Second, intuitively, liberalism should promote autonomy. Autonomy is commonly associated with individuality, freedom of the will, integrity, independence, self-knowledge, responsibility, freedom from obligation, self-assertion, critical reflection, and absence of external causation.⁴¹ To be autonomous is an ideal in the liberal tradition. It is for that reason that governmental intervention, or any intervention really, is looked upon with suspicion by liberals. According to liberals, interference undermines the autonomy or the self-legislature of the individual. In this view, the more rules that are laid down by the government, upon the individual, the less autonomous an individual is. As I will show in chapter III, this conception of autonomy is too thin. I suggest that we should adopt a choice-based conception of autonomy, rather than a person-based conception of autonomy. In such a conception of autonomy, the degree of autonomy does not reside in the degree of interference with the individual, but within the quality of a choice. From such a conception of autonomy, it would

⁴¹ Nicole Hassoun, "Raz on the Right to Autonomy," *European Journal of Philosophy* 22, No. 1 (2011): 96.

become clear that some types of population planning are in fact not as much at tension with autonomy as we would at first sight think.

So individual liberty and autonomy are the two pillars of intuitive liberalism. In the next chapter, I will discuss three types of population planning to show how they are at odds with individual liberty and autonomy as we just conceptualised it.

Chapter II: Addressing tensions between cardboard liberalism and population planning

Why is our liberal intuition so strongly averse to the idea of population planning? In this chapter, I will discuss how both features of intuitive liberalism seem, at first sight, at tension with three types of population control. First I will introduce the three types of population planning I will be using for my analysis. I have chosen these three types because they show how different types of population planning can have different implications on liberal values.

The first type of population planning I will be discussing is what I will refer to as *numerus fixus* population planning. In this type of population planning the governments sets a number of children that parents are allowed to have. Undoubtedly the most famous example of this type of population planning is the Chinese one-child policy that was enforced from 1979 until 2015. The Chinese policy was based on a punitive system. People that would have more children than they were allowed to, would have to pay a fine (up to about 200.000 Yuan, or \$31.000 in the major cities).⁴² For my analysis, I will take the Chinese policy as a leading example.

The second type of population planning I will discuss is that of tradeable procreative entitlements. This type of population planning is basically a marketization of the possibility to bring a child to the world. It could look something like the following. Everybody is entitled to have 0.75 children. No one would be able to have a child (or 0,75 child) on their own. Two people, however, would have the combined entitlement to 1,5 children. If they were to make one, they would, as a couple, have the right to make 0,5 children left. Since it is impossible to make half a child, they would either have to buy the right to another 0,5 child, or if they would only want one child, they could sell their 0,5 entitlement so that other couples could have two children. Every individual would be able to have as many children as they want, as long as they would have the required procreative entitlements.⁴³

The last type of population planning I will discuss is mandatory long-term contraception. Imagine everybody of fertile age would get an implant which would release hormones that would prevent women to get pregnant and that would cause sperm cells to be infertile. Such contraceptives are in fact already available, although they still have some side-effects. For this hypothetical scenario, let's assume that these side-effects would not exist - the physical costs of getting the implant would be none and the implant would work as a reliable and safe contraceptive for decades.

⁴² Michael J. Sandel, *What Money Can't Buy, The Moral Limits of Markets* (New York: Farrar, Strauss and Giroux, 2012), 69.

⁴³ Bogner, "Overpopulation and Procreative Liberty," 321.

Although everybody would be summoned to have the implant inserted when they become fertile, they are free to refuse or to have the implant removed when they would want to become parents. So rather than to limit the amount of children people can have, or to limit the amount of children people are 'entitled' to, this type of population planning works through resetting the default.⁴⁴ After all, if people's standard state of being is infertile instead of fertile, they would only have children if they would actively choose to have them. Unintended pregnancies would no longer occur, which would entail a considerable drop in pregnancies worldwide.

How are these three types of population planning at tension with the two aspects of intuitive liberalism as formulated above? For the *numerus fixus* type that question is quite easy to answer. As we established, liberalism is concerned with leaving people free to pursue their vision of the good life. If my vision of the good life is to have as many children as possible, then it would be illiberal if the state would not enable that. Someone or some political entity steering me towards having fewer children, or intervening in some other way with me pursuing this goal would be an infringement of my personal liberty. *Numerus fixus* population planning is at conflict with the liberal value of individual freedom, since it does not leave room for a perception of the good life in which a large amount of children is considered desirable.

The second aspect of cardboard liberalism that is at odds with population planning is the ideal of autonomy. As stated above, autonomy here is taken to mean self-legislature. If one has the desire to bring into the world as many children as possible it would be an infringement of this person's autonomy to interfere with her doing so. After all, her autonomy lies in her making a choice for something and in her acting in a manner that brings about the desired state of affair. If the state would make the choice for her, or forced her to act in a certain way, it would no longer be *her* autonomous choice. A state that sets the amount of children people can have can therefore be deemed illiberal.

How do tradeable reproductive entitlements relate to the intuitive liberal values of individual freedom and autonomy? How illiberal would it be for a government to set the total amount of children a population is allowed to have, without limiting family size? After all, couples are still allowed to have as many children as they want, as long as they have the corresponding entitlements.

When it comes to the ideal of individual freedom, it is difficult to point out exactly where the tension with tradeable reproductive entitlements lies. On the one hand, it feels intrusive if a government intervenes with people's reproductive activities. Although in this case the government does not set a

⁴⁴ Ibid., 322.

fixed number of children people are allowed to have, it does make it more difficult to pursue certain visions of the good life (one with many children). On the other hand, tradeable procreative entitlements are arguably the most liberal means of setting limits, as it does so through a market in which people can trade according to their preferences.⁴⁵ If we accept that population growth should come to a halt, this measure probably involves the least violation of individual liberty. After all, people are free to trade or to abstain from trading and market prices will reflect people's preference for larger families.

Are people still autonomous in this situation? If we define autonomy in the strict, intuitive 'cardboard' sense as the absence of interference from third parties, then surely the introduction of tradeable procreative entitlements would reduce people's autonomy. In this conception of autonomy, an extra layer of rules always entails an infringement of autonomy. Although tradeable procreative entitlements do not directly prohibit any number of children per couple, and therefore do not exclude any particular (children-related) vision of the good life, they do in fact consist a new layer of rules. Only the fact that one would not be able to have a child without the required entitlement would, in this thin conception, form a threat to autonomy.

Furthermore, there is the matter of the number of options people have. Intuitively, people are most autonomous when they have as many options as possible or, formulated the other way around, when they are restricted as little as possible. Although in the case of tradeable reproductive entitlements, their options would on a hypothetical level remain the same (everybody can still have as many children as they want, as long as it is in accordance with their entitlements), their actual options will generally decrease (as it is, realistically speaking, very unlikely that all people will be able to afford the amount of entitlements that is required for the amount of children they want).

The last type of population planning I will analyse in this chapter is mandatory long-term contraception. As explained above, this type of population planning would consist of a mandatory contraceptive that would be administered to everyone of fertile age. Everyone who would be planning to have a child could freely get the contraceptive removed to regain their reproductive potential.

What would be the consequences of this type of population planning for the liberal value of individual freedom? It seems as though such a type of population planning would be a violation of procreative liberty. Such a policy would entail a state interfering with people's reproductive capacities, which, at least intuitively, would be an infringement of individual freedom.

⁴⁵ Ibid., 326.

A crucial way in which mandatory long-term contraception is more liberal than the previous two types of population planning I discussed, is that this type of population planning does not in any way withhold people from getting a lot of children. It leaves room for everyone to pursue their vision of the good life, whether that is one that includes a lot of children, a few, or none at all. The only thing it does is change the 'natural default' of human reproduction: that we are usually fertile and can get pregnant unintentionally. Through this type of population planning, getting pregnant would entirely become a matter choice, instead of chance – that is of course for people who are able to have children in the first place.⁴⁶

So how about the relationship between mandatory long-term contraception and autonomy? There is some ambiguity in the answer to this question. A state intervening with people's reproductive potential does always entail a reduction of autonomy in the narrow sense of the word. The same holds for mandatory contraception. Indeed, the word mandatory was already quite a strong hint towards that conclusion. After all, if things become mandatory, a reduction in options always takes place. However, the fundamental difference with the previous two types of population planning lies in the fact that mandatory long-term contraception is reversible: no one is prevented from becoming a parent.

⁴⁶ Ibid., 322.

Chapter III: Formulating a ‘liberalism of limits’

A consent-based conception of harm

Now that I have shown how population planning seems at first sight at tension with liberalism, I will show how we can overcome these tensions. One of the possibilities to resolve this tension lies in a reformulation of the harm-principle.

My argument about this consent-based perception of liberalism is structured as follows. First, I will show why the harm principle usually rests on the distinction between self- and other-regarding action. I will then claim this is a problematic distinction for two reasons that both criticize the self and other-regarding distinction on a different level. The first reason is that self- and other-regarding actions are not the defining factor for harm. What I mean by that is that both self- and other-regarding action (as Mill conceives them) can in fact harm others. Moreover, self- and other-regarding action are terms that are not mutually exclusive, and in many real world situations these categories are nonsensical.

I then go on to suggest that consent would provide a stronger logical fundament for harm. This consent-based conception of harm will prove more fertile in multiple ways. First, it enables us to make more sense of harm in real-world situations than the self- and other-regarding conception ever did. Second, and this is essential for the project I am pursuing in this thesis, it helps us understand how we are hurting future generations by leaving them with an excessively large population without their consent. It can therefore be argued that the sphere of reproduction is a sphere that can in fact be interfered with, even within a liberal framework.

The attentive reader may already notice that within the traditional self- and other-regarding distinction, a similar argument could be made. After all, the way we leave our world to future generations would count as an other-regarding action, and is therefore liable to interference. So then why bother trying to reformulate the harm principle? The answer is that the traditional conception of harm does not so much fall short for my argument, as it does in general. In other words, I will break down the traditional conception of harm from a general critique, but I will try to rebuild a new conception of harm with my own argument in mind. In the closing part of this section, I will refute some other obvious objections to my argument. Keep in mind, however, that my goal here is not to provide a conception of harm that we all agree on. Rather, the goal is to see how far and in which ways, we can stretch our idea of harm so to make it more compatible with population planning.

Mill wrote that:

‘(...) there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehending all that portion of a person’s life and conduct

*which affects only himself, or if it also affects others, only with their free, voluntary, and undeceived consent and participation.'*⁴⁷

He goes on to elaborate on what this sphere consists of. First, it consists of the inward domain of consciousness; the domain of thought and feeling, opinion and sentiment. According to Mill, even though he already noted that this sort of conduct does in fact concern other people, the liberty of expressing and publishing also falls within this liberty of thought, as it rests in great part on the same reasons. Second, Mill's principle requires freedom of tastes and pursuits; '*of doing as we like, (...) without impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse or wrong.*'⁴⁸ The last domain of this sphere is the domain of association: the freedom for individuals to unite as they see fit.

This distinction between the self-regarding and the other-regarding sphere of action is quite problematic. Let me try to illustrate this with a little story.

John Stuart likes eating meat. He prefers eating it all day long. One day he decides to dedicate all of his spare time to eating meat and spreading the word about the pleasures and benefits of only eating meat. He sets up a meat eating club, which gains resonance all over the world. As a result, people now eat way more meat than they used to.

So the question here is, when did John Stuart's behaviour become other-regarding? Mill would say: never. His preference for eating meat falls in the self-regarding sphere of action, and so does his choice to spend his time eating as much meat as possible (here we see the human as a project pursuer in its purest form). Even his meat fanatics club would fall under the freedom of association. Yet there is something uncomfortable about this conclusion. After all, surely, the excessive amount of meat that the club consumes, does affect others (assuming that industrial production of meat has a negative effect on the environment).

My answer to the question when John's behaviour became other-regarding would be: from the moment he started to act. In my definition of action, I follow Donald Davidson, who defined action as something an agent does that '*can be described under an aspect that makes it intentional.*'⁴⁹ His preference for meat is the only part of John Stuart's story which does not fall under that definition, since he did not intend to have that preference. He did not choose for his preference for meat, it befell him. It is also the only part of the story in which John Stuart had truly no effect on others. From

⁴⁷ Mill, *On Liberty*, 20.

⁴⁸ *Ibid.*, 21.

⁴⁹ Donald Davidson, *Essays on Actions and Events: Philosophical Essays Volume I* (Oxford: Clarendon Press, 2001), 46.

the moment he started acting upon this preference – that is, intentionally doing things in accordance with his preference - he started to affect other people as well. I am here not only talking about the environmental impact of the consumption of meat. I am talking also about the butcher he bought the meat from, the slaughterhouse that killed the cow and the farmer that raised it; all people who were affected by John's choice to promote eating more steaks.

That is where the traditional conceptualisation of the harm principle falls short. It is not able to take into account any sort of harm that is caused in an indirect way, while this type of harm can be harmful in the same way as direct harm can. Furthermore, our behaviour is usually too complex to make a clear distinction between behaviour that only affects the agent, and behaviour that affects others as well.

Now Mill wrote that when he talked about behaviour that only affected the individual himself, he meant '*directly, and in the first instance: for whatever affects himself, may affect others through himself.*'⁵⁰ But this demarcation seems rather arbitrary. What difference does it make, after all, whether I am affected by someone's action in a direct or an indirect way? The gravity of harm does not seem to have any relation to whether it was caused in a direct or an indirect way.

Another pressing problem for the harm principle as presented by Mill is that it relies on a distinction between two categories that are not mutually exclusive. If Mill's harm principle is meant to make some types of actions more liable to interference of others, then there should be a clear line between the type of action that is liable to interference, and the type that is not. The distinction between self- and other-regarding action clearly fails to meet this criterion, since most actions regard both the interests of the actor, as well as those of others.⁵¹

The critical reader might object that surely we can imagine a situation in which someone's actions do not regard others whatsoever. How about, for instance, the actions of a hermit who lives in the outskirts of Siberia? Surely his actions do not affect anyone else. I would agree that we are able to imagine a figure whose actions do not – at least not directly - affect anyone. But it says something about the applicability of the traditional harm principle that we need to look all the way in Siberia (or some other extravagantly remote area) to find a plausible example of such a person. Is the harm principle not meant as a guidance principle for how people should interact with and relate to one another? The fact that we need to resort all the way to apolitical figures such as Siberian hermits to find a situation to which this political principle is applicable should make us realize that the distinction between self- and other-regarding action is really not the relevant distinction to make.

⁵⁰ Mill, *On Liberty*, 20.

⁵¹ Ben Saunders, "Reformulating Mill's Harm Principle," *Mind* 125 (October 2016): 1008.

Principles in political philosophy should work in political life. This principle does not, so we should revise it.

In *On Liberty*, Mill already hinted on another problem with regard to this hermit objection. He did however fail to grasp the full consequences of this premise. ‘*A person might cause harm,*’ Mill wrote, ‘*not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury.*’⁵² If we take this back to the case of the hermit, we can see that even if the hermit’s actions do not affect others because of his seclusion, his inaction does in fact affect others. Even if someone would live in a complete social vacuum, he can harm others by not preventing any harm.

I would agree with James Fitzjames Stephen, who claimed that ‘*the attempt to distinguish between self-regarding acts and acts which regard others, is like an attempt to distinguish between acts which happen in time and acts which happen in space... altogether fallacious and unfounded.*’⁵³ After all, no behaviour takes place in an absolute social vacuum, and therefore all behaviour always, at least indirectly, has some effect on others.

So how then should we conceptualise harm? How can we replace the dichotomy between self- and other regarding action so that we have a clear demarcation of what counts as harm, and therefore what type of actions can be interfered with? It has been argued that Mill’s purposes would be better served if we were to reformulate the harm principle in terms of consent.⁵⁴ I will here discuss some of the advantages and difficulties of such a conception of harm.

The advantage of a consent-based conception of harm is that it explains why some types of self-regarding actions that lead to harm are liable to interference (preventing a drug addict to take drugs, for instance), and why some other-regarding actions that lead to harm are not (punching someone during a boxing match). I will now discuss the case of the drug-addict and the boxing match in more detail in order to show how a consent-based understanding enables us to delineate in a way that is more consistent with our intuition what actions should be liable to interference.

In the case of the drug addict, the addict engages in an action that primarily only affects himself. In the traditional conception of the harm principle, this is therefore an action that should not be interfered with. The drug addict is harming no one but himself and should therefore be left alone. Intuitively, at least to most of us, it feels as though this person should be prevented from causing this harm to himself. It would at least feel morally negligent to leave this person to wither away.

⁵² Mill, *On Liberty*, 19.

⁵³ James F. Stephen, *Liberty, Equality, Fraternity* (London: H. Elder&Co., 1874), 134–50.

⁵⁴ Saunders, “Reformulating Mill’s Harm Principle,” 1005.

Through the consent-based conception of harm it becomes clear why this type of action should in fact be liable to interference. It could be the case that the drug addict is using drugs in order to answer to his addiction, without actually consenting to the harm he is causing himself. That is to say that he might be very aware of the harm he is causing himself, while not being able to stop using drugs because of his addiction. He is, in a way, harming himself without consenting to the harm he is causing himself. Moreover, if we include the intervening party in this story, we can imagine a situation in which a drug addict asks for help, and prevent him from taking drugs. The idea of consent makes clear, how an intervention is in this case not at all a restriction of the drug-addicts liberty.

Another interesting case that shows how consent is a valuable addition to the traditional conception of harm is that of a boxing match. To take part in a boxing match counts as other-regarding action in which the goal is, when you leave out abstract matters such as the pursuit of honour and glory, to hurt the other party as effectively as possible. Yet it would make no sense to interfere with a boxing match because both parties have consented with the harm that will be caused during the match (or at least with the risk that harm will be done during the match, but I will get back to that later).⁵⁵ To make sense of the extent to which a boxing match is liable to interference it is essential to take some notion of consent into account.

And that is exactly where one of the challenges of this consent-based harm principle lies: what notion of consent should be taken into account? What exactly counts as proper consent? And what must an agent consent to in order to consent to harm? Indeed, it is unlikely that anyone would ever consent to harm as such. One suggestion could be that one does not need to consent to harm as such, but to the risk of harm.⁵⁶ During a boxing match for instance, a boxer does not consent to get his nose broken, but to the *risk* of getting his nose broken. This does, however, suggest that people can only consent to risks they know.

What about situations in which they are not aware of the risk? After all, we can imagine situations in which that is the case. As Onora O'Neill states it: '*I may consent to A, and A may entail B, but if I am blind to the entailment I need not consent to B.*'⁵⁷ In other words, consent is not transitory: when I consent to something, it does not mean that the logical implications of the thing I consent to are clear to me. But for consent to work in a political principle, it should be transitory, for if one does not know exactly what one is consenting to, then what is the consent worth? It seems that for consent to be valid, it needs some degree of rationality and consistency.

⁵⁵ That is of course with the exception of the trainer who can throw the towel, who does not interfere from political considerations, but rather from sport technical considerations.

⁵⁶ *Ibid.*, 1011.

⁵⁷ Onora O'Neill, "Some limits of informed consent," *Journal of Medical Ethics* 29 (2003): 6.

The second challenge for a consent-based view of harm is of a more practical nature: how does this work in reality? How should people make their consent clear? Consent is something that is not always evident or visible. In the case of a boxing match, we might assume that both parties are at least to some extent aware of the risk of getting their nose broken. It speaks, in a way, from their engagement in the activity of a boxing match that they know what the consequences are. In other situations this is more difficult to deduce.

Consider the following example. A man crosses a dangerous bridge to his work every day. First of all, him walking that bridge says nothing about him consenting to the risk of falling off (or experiencing whatever else that made the bridge so dangerous in the first place), as was more clearly the case in participating in a boxing match. Now one could try to inform this person that this is a very dangerous bridge, and he might accept this risk and keep walking the bridge to work like he did before. Did he now consent to this risk or not? Do we know that he is fully aware of the actual risk he is taking. Much in line with the critique of O'Neill on the consent-based view, it is anything but clear that this man now has a clear overview of all the logical implications of his actions.

To return to the main aim of this thesis, and apart from all the analytical difficulties a consent-based perception of harm brings about, the idea of consent helps us see how we harm future generations through the excessively large population we leave them with. Leaving them with this excessively large population is an other-regarding action, that was not consented to by the afflicted (as they do not yet exist; I will elaborate on that below). This means that, even within a liberal frame, such an action would be liable to interference. Although a consent-based view of harm bears its analytical and practical difficulties it legitimizes a policy that would prevent future generations from being harmed through overpopulation. I will now make some suggestions to overcome these difficulties.

There are two difficulties with the consent-based conception of harm in relation to future generations that require some elaboration. Although I do not suggest that I am able to fully overcome these difficulties, I will provide some ideas that might point in the right direction. The first crucial problem is that the (non-)consenting party does not yet exist. How can we work around this problem and give meaning to the idea of consent of non-existing people? The idea of proxy consent, a term that frequently features in biomedical debates, might prove useful. As Gerald Dworkin defines it:

'The moral and practical issue that is raised by proxy consent is the issue of when one individual may make decisions about, speak for, and represent the interests of another. In the case of a fetus, or a young child, or a mentally retarded person, or an unconscious person, or a person in great mental distress, or a person who has been found "unfit" to perform certain

*obligations and duties, the individual whose interests are to be secured and rights protected is viewed as not in a position to, not competent to, make certain important decisions.*⁵⁸

It can be argued that the rights and interests of future generations should in a same way be represented as those of someone who has been found unfit to perform certain obligations or duties. This might seem absurd at first, since their 'unfitness' resides mainly in the fact that they do not yet exist. However, it is not all that uncommon for us to represent the interests of non-existing people. To be specific, we take into account the interests of our not-yet-existing children quite regularly. We save up money as a backup for the future, we buy houses with spare rooms for family expansion or move to a nice neighbourhood where there is plenty of room for our not-yet-existing children to play outside. Proxy consent for future generations could operate in that same fashion. We could represent their interests just like we would for our own children.

The second problem is that speaking of the consent of future generations suggests that the interests and preferences of these future generations are uniform. Regarding the population problem, we might assume that future people will prefer a world that is not overpopulated and still has some natural resources left. Yet we cannot rule out the possibility that some people actually prefer a planet with an excessively large population. We could imagine people who see a large world population as an economic advantage, for a large population bears a larger number of potential workers. Moreover, perhaps a bit absurd, we could imagine people for whom 'the more the merrier' also applies on a global scale. The point is that it is highly unlikely that *all* future people will agree on the matter of population size. How do we deal with this?

A suggestion that might point us in the right direction is that of hypothetical consent. Although hypothetical consent brings about new problems of its own, it might prove helpful in conceptualizing consent of future generations. What is hypothetical consent? Imagine a person had an accident, and is being brought into the emergency room while he is unconscious. To survive this person needs a blood transfusion, but for a doctor to transfuse blood, a patient normally needs to consent to this treatment. In this case, it is impossible for the patient to consent, since he is unconscious. So we might settle for the second best option in this case: hypothetical consent. It could be argued that, because this patient surely would have consented would he have been conscious, administering the life-saving treatment without his actual consent is morally permissible.

For another example of how hypothetical consent works we can revisit the example from the bridge as discussed above. Someone wants to cross a dangerous and unstable bridge. I know that this bridge

⁵⁸ Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988), 85.

is dangerous, but the person who intends to cross it does not. The difference with the example as discussed above is that this time, I am not able to convey this information to this person sufficiently quickly because, for instance, we do not speak the same language. My way of solving this problem is to physically restrain the person from getting on the bridge. In a normal situation, I would need this person's consent to do this. Yet we can see why it is morally permissible to restrain a person from getting on a dangerous bridge: if this person would have been aware of the state of the bridge, he would have either consented to being restrained from crossing the bridge, or changed his plans to cross it altogether.⁵⁹

These examples illustrate two of the conditions one needs for hypothetical consent to be efficacious.⁶⁰ First, it must be impossible to solicit actual consent. Only if that is the case, hypothetical consent might cover some of the normative work that actual consent normally does. In the case of the blood transfusion, for instance, the doctor can only appeal for hypothetical consent because the patient is unconscious. Second, one must have reason to believe that the relevant party would consent, based on their actual general beliefs and values. In the case of the person who wants to cross the bridge, I might assume that this person who wants to cross the bridge values his own life. Therefore it is in his best interest not to cross the dangerous bridge. If I would be able to explain this to him, and he would still be determined to cross the bridge, it would not be morally permissible to obstruct him from crossing the bridge. However, since I am not able to make the danger of the bridge explicit to him, and since it is in line with his own values, it is morally permissible to stop him from crossing the bridge.

If we link this back to the question about the uniformity of the preferences of future generations, we could argue the following. Since future generations do not yet exist, they can not make their preferences explicit. As we have no means to solicit their preferences, we must resort to the hypothetical sphere to say something about these preferences. It is very likely that most people in the future, just like present day people, prefer a world with a clean environment, the presence of natural beauty and access to natural resources over an overcrowded world without these features. It is also very likely that people who do actually prefer the overcrowded world without these features have some sort of inconsistent beliefs, since it is very hard to live a meaningful and flourishing life in accordance with a preference for a planet that is deprived of its liveability, resources and beauty. We can then conclude that future generations will in a hypothetical situation not consent to the

⁵⁹ David Enoch, "Hypothetical Consent and the Value(s) of Autonomy," *Ethics* 128 (October 2017): 7.

⁶⁰ Michael Huemer, *The Problem of Political Authority. An Examination of the Right to Coerce and the Duty to Obey* (London: Palgrave Macmillan, 2013), 57.

overcrowding of the planet, even though their preferences will probably not be uniform in the actual future.

It is important to note here that hypothetical consent can never do the same normative work as actual consent does. If somehow, people from the future would be able to make clear that they actually prefer the overcrowded earth that is deprived of resources (imagine some Terminator-like scenario in which cyborgs can be sent back to the past), the hypothetical scenario I described above would be off the table. Until then, however, the hypothetical scenario is all we have got.

Furthermore, as David Enoch notes:

*'(...) even if hypothetical consent can never do the normative work that actual consent does, this does not mean that it doesn't do any normative work at all. There are many ways for things to be normatively significant, and not being significant in the way that actual consent is just does not entail not being normatively significant at all.'*⁶¹

I have tried in this section to provide a conception of harm through which we can render population planning possible within a liberal framework. The consent-based conception of harm I have defended seems to provide fertile ground for a solution to the population problem. I hope to have shown, moreover, that it provides a more plausible account of real life situations. With the addition of the notions of proxy-consent and hypothetical consent, a consent-based conception of harm helps us to see how the liberty of future generations can be affected by choices we make in the present; to see how we can harm them through leaving them with an overpopulated earth without their consent.

[A choice-based conception of autonomy](#)

In the previous chapter I have tried to make a suggestion to adjust our conception of harm, so that it becomes reconcilable with population planning. In this section, I will try to thicken our 'cardboard conception' of autonomy, with the same goal in mind. How could we adjust our understanding of autonomy, so that it renders intervention in reproductive capacities possible within a liberal framework? I suggest, that through adapting a choice-based view of autonomy, rather than a person-based view of autonomy we might better be able to understand how some types of population planning can actually enhance autonomy.

As explained in chapter I, autonomy is traditionally understood in a negative sense. It is often equated with an absence of interference and self-legislature. Yet, if we were to take the idea of self-legislature just a bit more serious, we come to find that autonomy is not just about doing what you want; it is also about doing it for the right reasons. Autonomy, in other words, does not only consist

⁶¹ Enoch, "Hypothetical Consent and the Value(s) of Autonomy," 16.

in the exemption of interference in one's life, but also in the possibility and the desire to actively, purposefully shape one's own life. This notion of autonomy hinges strongly on the presence of choice. To be truly autonomous means to actively and consciously choose for something, so that the choosing individual can not only influence outcomes, but also be held responsible for these outcomes. To promote autonomy then, according to this vision, means to promote the presence of a choice.

However, the mere presence of choice is not sufficient to be autonomous. After all, choices that promote autonomy should be actively and consciously made. A part of being autonomous seems to lie in the quality of this choice as well. Let me illustrate this with an example of a drowning man being presented with the choice to be saved for the bargain of \$5.000 or to drown. Can he, in this particular circumstance, be considered autonomous in choosing either of these two options? Probably not. The context, or quality of a choice defines the extent to which a person can be truly autonomous. As Joseph Raz summarizes it:

*'If a person is to be maker or author of his own life then he must have the mental abilities to form intentions of a sufficiently complex kind, and plan their execution. These include minimum rationality, the ability to comprehend the means required to realize his goals, the mental faculties necessary to plan actions, etc. For a person to enjoy an autonomous life he must actually use these faculties to choose what life to have. There must in other words be adequate options available for him to choose from [my emphasis].'*⁶²

So how can we know whether the options a person has are adequate? In other words, what does an autonomous choice look like? Important factors are intentionality, voluntariness and a substantive understanding of all relevant facts.⁶³ For a choice to be autonomous, it must be made deliberately, and made by a person who has *'(...) acquired pertinent information and [has] relevant beliefs about the nature and consequences of their actions.'*⁶⁴

For some readers this notion of autonomy might seem too strict for the irrational creatures humans usually are. I must grant them that according to a choice-based conception of autonomy, people are generally speaking not very autonomous at all. In daily life we encounter so many different choices, a lot of which take place in a context that is engineered to push us in a certain direction. Consider going to a supermarket, where products are displayed in such a fashion that influences consumer behaviour. It is true that in such situations, we can sometimes behave as a slave to our biological

⁶² Hassoun, "Raz on the Right to Autonomy," 97.

⁶³ Erin Nelson, *Law, Policy and Reproductive Autonomy* (Oxford: Hart Publishing, 2013), 18.

⁶⁴ Tom Beauchamp and James Childress, *Principles of Biomedical Ethics* (Cambridge Massachusetts: Harvard University Press, 1994), 127.

hardwiring. Yet, the fact that humans are generally not very autonomous, does not mean they cannot be autonomous. A choice-based conception of autonomy entails that to be truly autonomous would become a rare state of being; an exceptional quality. Yet it would make autonomy all the more worth striving for.

To shift the attention from autonomous persons (the traditional conception of autonomy) to autonomous choices (the conception of autonomy that I am defending) has several consequences. After all, both are distinct concepts, with distinct implications.⁶⁵ For instance, through this shift, it becomes clear how an autonomous person can make non-autonomous decisions, due to a lack of information. In the same manner, someone who would not generally be considered an autonomous person, would be capable of making an autonomous choice, if all the conditions of the choice would be right.

If we return to the population problem with this choice-based conception of autonomy in mind, we encounter an interesting dilemma. After all, the importance of choice also resonates on an intergenerational scale. Whose autonomy is at stake in dealing with the population problem? It seems unfair to claim that it is only that of our contemporaries. Bryan Norton has argued that sustainability is best expressed as the obligation to maintain options and opportunities for the future. *'We will have been fair to the future,'* he writes, *'provided we do not reduce the opportunity of persons in future generations to be as well off as prior generations have been.'*⁶⁶ This all goes to show that, to reduce population growth in our time, not only has an effect on our autonomy, but also on that of future generations.

In the this last section I have tried to defend a choice-based conception of autonomy. In this thickened conception of autonomy, it is the quality of a choice that defines the extend to which a person is autonomous, not the exemption of interference. I think this conception of autonomy is more accurate because it makes purposivity a condition of being autonomous. This makes the choice-based conception more in line with our common understanding of autonomy, and prevents inflated use of the word autonomous. In the next, chapter I will discuss how well this choice-based conception of autonomy can accommodate the three different types of population planning we discussed in chapter II.

⁶⁵ Nelson, *Law, Policy and Reproductive Autonomy*, 18.

⁶⁶ Bryan Norton, "Ecology and Opportunity: Intergenerational Equity and Sustainable Options," in *Fairness and Futurity, Essays on Environmental Sustainability and Social Justice*, ed. Andrew Dobson (Oxford: Oxford University Press, 1999), 94.

Chapter IV: Population planning and a liberalism of limits

So how well would liberalism of limits I formulated above be able to accommodate different types of population planning? Let us start by analysing the way a consent-based idea of harm interacts with the different types of population planning we discussed above. The reason I will discuss this first is that the effect of a consent-based view of harm on population planning seems to apply to population planning in general, rather than work differently for the three different types of population planning we discussed. The main effect of a consent-based view of harm on population planning is that it provides a stronger incentive to implement some type of population planning policy. Since a large population negatively affects future generations, and since future generations are not able to consent to current generations having children, it can be argued that population planning, of any type, is a legitimate interference in people's lives.

How does a choice-based view of autonomy accommodate different types of population planning? As for autonomy and *numerus fixus* population planning, the case seems to be quite clear. Whether one employs a choice- or person-based conception of autonomy does not make much of a difference. Just as *numerus fixus* population planning reduces people's autonomy by laying down the law on their reproductive activities, it makes the choices regarding reproduction less autonomous by reducing the options people have.

The relation between the choice-based perception of autonomy and tradeable procreative entitlements puts forth new considerations. At first sight, it does not seem to make much of a difference whether we employ a choice- or a person-based conception of autonomy in relation to tradeable procreative entitlements. From both of these conceptions, tradeable procreative entitlements can be deemed intrusive. From the traditional perspective of a person-based conception of autonomy tradeable procreative rights are intrusive, as they add a layer of rules to the sphere of reproduction. In other words: they interfere with the individual, and therefore make the individual less autonomous. From the perspective of a choice-based conception they are intrusive, but for a different reason: because they take away a number of options (to have children without the corresponding number of entitlements).

But to see what the real implications are for this type of population planning on choice-based autonomy, one should ask the question: does this type of population planning provide people with *better* choices? The answer to this question is, I think, still negative. The main reason for this is that the question whether one would like to have a child should be free from financial considerations. It is not so much the decrease of options that negatively affects the autonomy of the choice, but the

addition of these financial considerations which parasitizes on the original question of reproduction. The answer on the question of whether to reproduce becomes inseparable from one's financial situation.

This works both ways. In a hypothetical future in which we trade our right to procreate, it is not unlikely that it are only the affluent who will be able to reproduce as they please. They will be the ones who have the financial resources to both buy the rights to have multiple children as well as raise them. In this situation, it will be the less prosperous whose autonomy would be under serious pressure. They would probably be more easily inclined to sell their procreative rights and less inclined to buy them, since the price of the reproductive entitlements would be relatively high in relation to the income of the less prosperous. One could say that this type of population planning destabilizes the choice architecture of these people, not so much in a direct way – after all, no one is directly prevented from having as many children as they want *as such* – but through the addition of certain conditions to have children.

We can conclude that tradeable procreative entitlements are not as liberal as one may think at first sight. Yes, maybe they seem liberal, in the sense that they leave individuals free to trade their procreative rights through a market, in accordance with their preferences, but they do not promote genuine, autonomous choices – at least not for everyone. Both *numerus fixus* population planning, as tradeable procreative entitlements do not promote autonomy, not even in the thickened choice-based conception.

How does a choice-based conception of autonomy render mandatory long-term contraception possible within a liberal framework? To see that, we have to look into some numbers. On a global scale, more than 200.000 children are born every day. At the same time, about 40 percent of all pregnancies are unintended. Of these unintended pregnancies, about 60 percent ended in abortion and miscarriage, and about 40 percent resulted in unplanned birth.⁶⁷ In other words, a considerable share of our population growth occurs due to unintended pregnancies. 'So what?' one might think. If a pregnancy is unintended, it does not necessarily mean that the child is unwanted. I agree. Yet, if we talk about autonomy, I would argue that it is not at all autonomous to have a child 'happen to you'. In that sense, mandatory long-term contraception can in fact promote people's autonomy.

Some people might object that it is the beauty of nature that people are gifted with a child, even when the child is unintended. Moreover, we can think of religious objections to mandatory long term contraception; the same objections that some religions have to anticonception in general. Let me

⁶⁷ Gilda Sedgh, Susheela Singh and Rubina Hussain, "Intended and Unintended Pregnancies Worldwide in 2012 and Recent Trends," *Studies in Family Planning* 45, No. 3 (2014): 301.

first of all point out that everyone is free to refuse the implant or take it out. No one is forced into anything. People with religious objections to mandatory long-term contraception can simply refuse treatment.

Regarding non-religious motives to leave having children up to chance, I would claim that it is rather absurd to intend an unintended child, just like it would be absurd to want an unwanted child. People do not in general take a neutral stance towards having a child, since it is such a far-reaching experience. Roughly put, they either want one or they don't, and to be autonomous they should act upon that preference instead of letting the universe decide for them. Passivity can never promote autonomy, at least not in the sense that I have argued for. When it comes to important decisions with big consequences, such as bringing a child to life, people need to actively engage with the choice to be autonomous.

By changing the natural default setting from fertile to infertile, mandatory long-term contraception forces people to actively make a choice for having a child. Because people who want to have children in this situation have to get rid of their implant to be able to make a child, they are forced to consider whether they actually want one. Ironically, to push people to temporarily sterilize themselves, enables them to gain authorship over their own lives. Mandatory long-term contraception adjusts the choice architecture in such a way that people do not lose their freedom to choose. On the contrary, it makes them more free to live their life in accordance to their own preferences and less subject to the whims of our biological hardwiring.

To a fair share of the readers, the conclusion of the previous paragraph will feel counterintuitive, or awkward at least. Can we really enhance autonomy by pushing people to temporarily sterilize themselves? Let's delve into this tension a bit deeper by discussing another example of a similar autonomy enhancing intervention which also seems morally objectionable. Imagine a country in which amniotic fluid tests – a test to prenatally diagnose children with chromosomal abnormalities such as Down syndrome - are mandatory, just like in the case of mandatory long term contraception. All women have to take such a test, unless they actively object to taking them.⁶⁸ In other words, all pregnant women would know whether their unborn child would have Down syndrome, unless they actively chose to remain ignorant. In such a world, one could argue, people would become more autonomous in a similar way as in the case of long-term mandatory contraception. Knowing whether one's child will be mentally challenged enables people to act upon that knowledge.

⁶⁸ I am aware that this example differs from the story about mandatory long term contraception in the sense that it is only the bodily integrity of women that is at stake here. Although the gender-aspect of this thought experiment is surely worth considering, it is not relevant for my purposes here.

Most people will find it a repugnant idea to oblige women to take an amniotic fluid tests. I agree that there are good reasons to disapprove such a practice. If, for instance, one believes that all human life is of the same value, then obliging women to take an amniotic fluid test, which would entail a decline of births of disabled children, is surely wrong. However, if we leave other moral considerations to the side and focus strictly on autonomy, then making women take such a tests does enhance their authorship over their lives, much in the same way as mandatory long-term contraception does.

Let me here summarize the discussion on the relation between population planning and the liberalism of limits I have tried to defend. The consent based conception of harm on which this type of liberalism is built, provides an incentive to look for ways to restrict human reproduction. Excessive human reproduction is depriving future generations of a liveable planet without their consent and is therefore an infringement of their freedom. Both *numerus fixus* population planning and tradeable procreative entitlements remain problematic, even in light of a choice-based conception of autonomy. Mandatory long-term contraception, however, may both effectively counteract overpopulation, and promote autonomy, since it forces people to actively choose to have a child.

I am fully aware that my argument has been somewhat controversial. Part of that controversiality finds its roots in the delicacy of the subject of reproductive autonomy. More fundamentally, my claims do raise some difficult follow-up questions. Although I will not be able to cover all of them, I will now discuss the ones that I think are most important.

First of all, is the type of liberalism I have proposed still liberalism? The reason for this question is that the type of liberalism I have proposed enables a government to interfere with peoples reproductive activities. That does not sound very liberal to me. But as I have already expressed in chapter I, liberalism is not a fixed term. It is a term that has changed throughout history, and will continue to change in the future. My project was to see how we could make liberalism suitable for population planning. In other words, the goal has always been to alter the theory of liberalism. To link that back to the question: is this still liberalism? No, not in a traditional sense. I hope to have shown, however, how an altered understanding of liberal values as autonomy and individual freedom can make room for something that intuitively seems illiberal, such as population planning.

Then a more practical objection: will people buy into this? A fundamental criterion for any political theory is feasibility. In other words: is a political theory workable in the real world, or does it only work on paper? Let me note here that it was never part of my question whether the type of liberalism I suggested would actually work. My project was merely about the way it could accommodate population planning. But since I am engaging in the field of political philosophy, I do need to say something about the feasibility of this type of liberalism. On the theoretical level the

suggested type of liberalism is plausible. Its implications, however, such as the room it leaves for a policy like mandatory long-term contraception, will encounter more resistance. People may object to such policies for different types of reasons – probably mainly on ground of religious convictions and ideas about bodily integrity.

Yet there is another way of looking at mandatory long-term contraception. Greg Bognar argues we should see it as similar to vaccination programs. These programs are coercive, but most people do not consider them to be coercive. *‘Rather, they consider them to be a public health benefit to themselves (or their children), and perhaps doing their bit in the effort to eradicate a disease as well.’*⁶⁹ If people would see how mandatory contraception would contribute to a greater good – that is, to make human life on earth more sustainable – they would probably perceive this type of population planning in the same way as vaccination programs.

Furthermore, vaccines are just as ‘mandatory’ as mandatory long-term contraception would be, and they entail a similar infringement upon people’s bodily integrity. Even though the opposition against vaccines has been growing over the past few years – note that these anti-vaxxers are not so much concerned with liberal ideals as with the alleged side effects of vaccines – the vast majority of people does not have a problem with these programmes. In the Netherlands, the vaccination rate usually dangles somewhere between 90 and 95 percent of the population.⁷⁰ If 90 percent would accept the mandatory long-term anticonception, the effect would already be tremendous. Lastly, there is the financial aspect. In a situation where mandatory long-term contraception is applied, contraception is payed for by the government. Realistically speaking, the financial advantage is probably enough of an incentive for people to buy into such a policy.

The last objection I will discuss will be a ‘slippery slope’ style objection. Such an objection derives from the following question. If a government can interfere with peoples procreative activities, within a liberal context, then what will be next? Christopher Freiman and Javier Hildago illustrate this tension with a tale about RestrictiveLand:

‘Imagine a state, call it RestrictiveLand, that lets you worship in a Mormon church – just not after 6 p.m. Publishers can print the Communist Manifesto – just not more than 5,000 copies per year. And you are free to major in folklore and mythology – just as long as the country’s total majors have not exceeded 300. No doubt RestrictiveLand’s policies are strange. But it

⁶⁹ Bognar, “Overpopulation and Procreative Liberty,” 322.

⁷⁰ A. van Lier, P. Omen, H. Giesbers, J. van Vliet, I. Drijfhout, I. Zonneberg-Hoff en H. de Melker. *Vaccinatiegraad en jaarverslag Rijksvaccinatieprogramma Nederland 2018*. Bilthoven: Rijksinstituut voor Volksgezondheid en Milieu, 2019. Accessed January 21, 2020.

*has its reasons. At the margins, these restrictions will tilt the country's culture, politics and economy in a way that most of its citizens prefer.'*⁷¹

The tale about RestrictiveLand leads Freiman and Hildago to ask the question whether RestrictiveLand can be considered liberal. Their answer is negative. For them, the theoretical price of supporting small restrictions – viz., compromising a commitment to liberal principles – is too steep to pay.⁷² Whereas they built their argument on the restriction of immigration, the same argument applies for restriction of reproduction.⁷³ It would look something like the following. They could argue that reproductive freedom is only plausible on a par with other liberal freedoms. Then they could argue that, if a state can restrict people's right to procreate, the state acquires prima facie justification to start breaking down other core liberal freedoms, such as freedom of speech and assembly, as well.

Although I understand their concerns, I think their worry is rooted in a misunderstanding of 'ideal world' liberalism and real life politics. In an ideal world, perhaps, it would make sense to employ this sort of all-or-nothing view on liberalism. The real world, however, is way too complex for such an idealized view on liberalism. If we take their conception of liberalism serious, then no political entity in history would be able to live up to the standards. Moreover, in their view, any restriction on anything – taxes, no trespassing signs, speed limits - can be seen as a precedent to restrict core liberal freedoms. This is not a very fertile way of thinking about actual, real-world politics.

In general, their argument overlooks the challenge of politics: to make changes in the real world, through motivations from the ideal world. That is the thin line I have tried to walk throughout this thesis. I have tried to make a suggestion for a solution to a real world problem, without losing sight of ideological ideals that seemed at first sight at tension with this solution.

⁷¹ Christopher Freiman and Javier Hildago, "Liberalism or Immigration Restrictions, But Not Both," *Journal of Ethics and Social Philosophy* 10, No.2 (2016), 1.

⁷² Freiman and Hildago, "Liberalism or Immigration Restrictions, But Not Both," 1.

⁷³ *Ibid.*, 1.

Conclusion

The goal of this thesis was to investigate a tension, and make some suggestions to resolve that tension; to reconcile population planning with liberalism. I have tried to do so by investigating two core values of liberalism – individual freedom and autonomy – and tweak them in such a way that it becomes clear how population planning can, in some respects and certain contexts be liberal, against our liberal intuitions.

The first step in the right direction is, I have argued, a reconceptualization of the harm principle; our demarcation criterion of individual freedom. By replacing the traditional distinction between self-regarding and other-regarding action, with a conception of harm that is based on consent, we come to see that contemporary generations passing on an overpopulated world to future generations without their consent is a way of harming them. The area of human reproduction then becomes a matter that is liable to interference, since reproduction is a potential way of harming others. To some, a conception of harm that hinges on the consent of non-existing future generations will seem problematic. I too must admit that such a conception of harm is not without its problems. However, if we borrow the idea of proxy consent from bio-ethicists and the idea of hypothetical consent from social contract theorists, we might be able to overcome some of these problems.

The second core value of liberalism I have tried to reconcile with population planning is that of autonomy. If we take autonomy to be a quality of choices, rather than of persons, some types of population planning do in fact promote autonomy. Mandatory long-term contraception forces people to make an active choice for a child, a choice that desires purposivity and enhances people's authorship over their lives. In doing so, mandatory long-term contraception promotes the liberal agenda of the project-pursuing human being. Moreover, this type of anticonception does not stand in the way of people have as many children as they want and live according to their vision of the good life.

I have maintained that this is a plausible type of liberalism. I am, however, fully aware that it is plausible under *my* precisifications of the term liberalism. I am also fully aware that it remains inconsistent with most traditional views on liberalism. Be that as it may, through the conceptual gymnastics I have engaged in throughout my argument, I hope to have demonstrated the flexibility of the concept liberalism. In a broader sense, I hope to have shown that liberalism is not just a sum of freedoms, a house of cards that comes tumbling down as soon as you take one card away. Rather, it is an ever changing concept, that has proven to be impossible to pin down.

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