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Procreative Justice and genetic selection for skin colour

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Abstract

Should nonprejudiced reproducers genetically select embryos for light skin under background conditions of racism and colourism, given that darker skin will be disadvantageous for their child? Many intuit that there are strong moral reasons not to select light skin in these contexts. I argue that existing procreative principles cannot adequately account for this judgement. Instead, I argue that a more compelling rationale for this intuition is that such selection *completes* an instance of race or colour injustice. Given this, I propose a new, complementary principle—Procreative Justice—which holds that reproducers have strong *pro tanto* moral reasons to avoid completing race and colour injustices via their selection choices. While these reasons may be overridden by competing considerations, they nonetheless continue to exert normative force.

KEYWORDS

discrimination, genetic selection, procreative beneficence, procreative justice, skin colour

1 | INTRODUCTION

Consider the following two cases:

Embryo Choice: Bo is undergoing IVF and has a choice to implant Embryo A, likely to develop a fairer skin tone, and Embryo B, likely to develop a darker skin tone. Having fair skin will be advantageous to their potential future child, due to background colour injustice.

Donation Choice: Devi wants to conceive a child via sperm donation and can select Donor A, racialised white, and Donor B, racialised Asian. Being racialised as white will be advantageous to their potential future child, due to background racial injustice.¹

Let us assume that Bo and Devi are not prejudiced in any way. If they select the lighter-skinned option (either fair or white skin), this will not be an expression of their racist or colourist beliefs, biases, and so forth. Further, let us suppose that their only goal is to bestow benefits on their child. Many intuit that even reproducers like Bo and Devi have strong moral reason not to select for lighter skin.² Specifying what the reason consists in, however, is more difficult.

In this paper, I explore such reasons. First, I assess existing procreative principles offered in the literature and argue that these cannot adequately explain the intuition against selecting

technology. While by no means accurate in its success, it is technically more plausible that reproducers could select gametes for lighter skin—by choosing donors who have fair or white skin. The latter is not a far-fetched or hypothetical case. For instance, see a recent letter to noted agony aunt *Dear Prudence*, where one partner (who is white) in a mixed-race couple wishes to use sperm from a white, instead of Black, donor because of background conditions of racism—see Yoffe, E. (2015, May 22). *Dear Prudence: Black and white issue*. *Slate*. Retrieved May 14, 2021, from <https://slate.com/human-interest/2015/06/dear-prudence-my-white-wife-wont-let-us-use-a-black-sperm-donor.html>

²I do not suggest that this is the only intuition in these cases but that it is at least one common intuition.

¹Much of the philosophical literature that I draw on discusses the selection of embryos, but the actual possibility of selecting the skin colour of embryos is remote, at least with current

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for light skin in conditions of background injustice. Second, I propose a new principle that more satisfactorily accounts for this intuition: Procreative Justice (PJ). According to PJ, reproducers have strong *pro tanto* moral reasons to avoid *completing* race or colour injustices in their selection decisions. Completion occurs when agents constitutively contribute to making background injustice more successful. By selecting light skin in a context where such skin is advantageous, reproducers instantiate that background injustice and make it more effective. Third, I discuss how reasons grounded in PJ may be overridden, such that reproducers may be, *all-things-considered*, justified in selecting for lighter skin. Finally, I conclude by noting the wider implications of my argument.

To be clear, my project aims to identify a plausible moral reason against selecting light skin under background conditions of injustice. Throughout, I use language like 'wrongful' or 'unjust' interchangeably (as both terms describe moral reasons to refrain from action) and as a shorthand for expressing this position against selection. But, unless otherwise stated, I mean that reproducers have *pro tanto* strong moral reasons not to select for lighter skin. This is compatible with a reproducer having stronger countervailing reasons that outweigh the reasons against completing injustice.

When anti-completion is overridden, however, this does not make it any less of a plausible reason not to select light skin. Rather, it remains a credible reason against which reproducers weigh their other reasons. In addition, completion helps explain other aspects of the experiences of oppressed groups facing such moral dilemmas. Nonprejudiced reproducers may well lament having to select light skin under conditions of injustice to secure advantages. That anti-completion continues to exert *some* normative force against selection, despite stronger reasons to select light, makes sense of any ongoing unease they may harbour.

Let me add two clarifications before I start. First, my argument focuses on identifying moral reasons that apply to reproducers. It does not draw conclusions about the further question of whether selection for skin colour should be legally permitted or restricted. This would require argument beyond the scope of this paper. Second, the claim that reproducers have strong moral reasons not to select for lighter skin does not entail that reproducers are necessarily blameworthy if they do so. I elaborate in Section 4.

2 | THE INADEQUACY OF EXISTING PROCREATIVE PRINCIPLES

To begin, I set out six extant procreative principles discussed in the literature on the ethics of procreative selection. These principles are most plausibly understood as identifying *pro tanto* moral reasons to select in particular ways, rather than all-things-considered obligations. I show that none adequately account for the intuition against selecting for light skin.

2.1 | Existing principles

Current principles guide procreative decisions in terms of their effects on well-being. The first three principles focus on the well-being of *the child produced*:

Procreative Beneficence (PB): Reproducers have strong *pro tanto* moral reasons to 'select the child, of the possible children they could have, who is expected to have the best life, or at least as good a life as the others, based on the relevant, available information'.³

Person-Affecting Procreative Beneficence (PAPB): Reproducers have strong *pro tanto* moral reasons to 'not select a child, of the possible children they could have, whose life can be expected, in light of the relevant available information, to be for *her* not worth living'.⁴

Procreative Non-Maleficence (PNM): Reproducers have strong *pro tanto* moral reasons to 'ensure, insofar as this is possible, that any child they have has a reasonable chance of a good life'.⁵

PB is a maximising principle that instructs reproducers to select the child whose life will contain the greatest amount of well-being. For example, given a choice between having a child with moderate asthma or a child without asthma, PB holds that reproducers have significant moral reason to select the child without asthma. By contrast, PNM and PAPB are satisficing principles. So long as the child has a minimally adequate life, the threshold for which differs by principle, reproducers have discretion about which child to pick, even if this means not maximising welfare. Procreators should select a child with a reasonable chance of a 'good' life under PNM, whereas they should not select the child expected to have a life 'not worth living' under PAPB.

To illustrate, PNM and PAPB (but not PB) would permit procreators to select either the child with moderate asthma or the child without asthma (assuming that moderate asthma is compatible with having a good life and is not a terrible life). But PNM, PAPB and PB would prohibit selecting a child that is expected to have an excessively bad life, such as a child with Tay-Sachs (their life is neither minimally decent nor maximally best).

Two further principles direct procreative decisions in terms of their effects on the well-being of *others*:

³Savulescu, J. (2001). Procreative beneficence: Why we should select the best children. *Bioethics*, 15, 413–426, p. 415.

⁴Magni, S. F. (2021). In defence of person-affecting procreative beneficence. *Bioethics*, 35, 473–479, p. 278.

⁵Parker, M. (2007). The best possible child. *Journal of Medical Ethics*, 33(5), 279–283, p. 283.

Principle of Generalised Procreative Non-Maleficence (PGPNM): Reproducers have strong *pro tanto* moral reasons to 'choose a child that will do no harm (or will minimise harm) to other people'.⁶

Procreative Altruism (PAL): Reproducers have strong *pro tanto* moral reasons to 'select a child whose existence can be expected to contribute more (or detract less from) the well-being of others than any alternative child they could have'.⁷

For instance, given a choice between Embryo A (with a genetic predisposition for asthma but not aggression) and Embryo B (with a genetic predisposition for aggression but not asthma), both PGPNM and PAL morally recommend selecting Embryo A. Embryo A's asthma is less likely to harm (under PGPNM) or detract from the well-being (under PAL) of others than Embryo B's aggression. PGPNM gives reproducers more latitude than PAL, however, since it requires only that the child not harm others, rather than promote their well-being.

A final principle focuses on the interests of *reproducers*:

Procreative Liberty (PL): Reproducers have strong *pro tanto* moral reasons to select any trait of a child, if that trait determines whether they procreate at all and if it does not directly harm others.⁸

Reproducers can select in any way meaningful to them if it is critical to them having children, limited by direct harm to others. If a reproducer wants a child but will *only* have one with asthma, and there is *only* indirect harm to others, such as non-asthma sufferers being offended at the selection, PL permits the reproducer to select for asthma.

2.2 | Limitations

Whatever their respective merits, none of these principles adequately captures the intuition that selecting for lighter skin under conditions of race and colour injustice is morally problematic.

Let us start with PB. Under unjust conditions in which lighter skin is advantageous for a person, PB implies that reproducers *should* select the lighter embryo over the darker one. Defenders of PB acknowledge that this may be an objectionable implication of PB, and have offered two lines of response. The first holds that it would be better to change 'pernicious attitudes' or opt for 'social institutional reform' that renders darker skin disadvantageous, rather than yield to

that disadvantage in selection.⁹ This seems obviously true. But this response fails to address the issue at hand because it misrepresents the options that are open to *individual procreators*. Bo and Devi simply do not have the option of fixing the pernicious attitudes or institutions that result in lighter skin being beneficial to their child's well-being.¹⁰ PB thus still recommends that *they* ought to choose the lighter-skinned child, even though it is true that *it ought not to be the case that they ought to choose in this way*.

The second response accepts that PB recommends choosing the lighter-skinned child, but holds that other moral reasons defeat or outweigh PB's well-being-based considerations.¹¹ This seems very plausible. But it amounts to admitting that PB is not the full story when it comes to the ethics of procreative selection. Most importantly, it leaves the question of what, exactly, these overriding reasons consist in unanswered. Understanding these reasons is the aim of this paper.

Whereas PB problematically implies that one *ought* to select the lighter-skinned child, the remaining four principles fail to explain why one *ought not* to select on this basis. Since (extreme circumstances aside) light or dark skin is not necessary for a minimally good life, PNM is indifferent between the choice. As children with either light or dark skin will have lives worth living in this situation, PNPB maximises parental choice and refrains from further guidance too. There is no direct harm to specific light- or dark-skinned persons either, so PL likewise leaves it to reproducers to select as they wish. Similarly, PGPNM and PAL are silent on this choice, since the traits that partly determine whether the future child will harm or benefit others do not correlate with skin tone.

Of course, advocates of PGPNM and PAL might appeal to broader social benefits or indirect harms to generate the intuitively right result. For example, a proponent of PAL might argue that selecting for darker skin could lead to advancing scientific knowledge of medical conditions affecting dark-skinned people or lead to improved social attitudes towards such groups. Alternatively, a proponent of PGPNM might argue that selecting for dark skin serves to mitigate the 'expressive' harms inflicted on darker-skinned groups or counteracts the 'eugenic' harms that occur with a reduction in darker-skinned people via lighter skin selection.¹²

I grant that these effects on well-being *could* occur, but these (somewhat speculative) manoeuvres fail to get at the heart of the intuitive objection to skin colour selection. Selecting lighter skin under background conditions of racial and colour injustice seems objectionable in itself, independently of its contingent causal consequences. I believe that a more satisfying rationale for the intuition can be found.

⁶Saunders, B. (2017). 'First, do no harm: Generalized procreative non-maleficence. *Bioethics*, 31(7), 552–559, p. 557.

⁷Douglas, T., & Devolder, K. (2013). Procreative altruism: Beyond individualism in reproductive selection. *Journal of Medicine and Philosophy*, 38(4), 400–419, p. 403.

⁸Based on Robertson, J. A. (1996). Genetic selection of offspring characteristics. *Boston University Law Review*, 76, 421–482, p. 428.

⁹Savulescu, J., & Kahane, G. (2009). The moral obligation to create children with the best chance of the best life. *Bioethics*, 23(5), 274–290, p. 290, footnote 60; Savulescu, op. cit. note 3, p. 424.

¹⁰This response also poses problems for the application of PB to the case of disease and disability, insofar as the effects of disease and disability on well-being are partly attributable to background injustice.

¹¹Savulescu & Kahane, op. cit. note 9, p. 278; Kahane, G., & Savulescu, J. (2010). The value of sex in procreative reasons. *The American Journal of Bioethics*, 10(7), 22–24, p. 23.

¹²There are parallel eugenic concerns of gynocide or gendercide in sex-selection cases. See also Marway, H. (2018). Should we genetically select for the beauty norm of fair skin? *Health Care Analysis*, 26(3), 246–268.

3 | A NEW PRINCIPLE: PROCREATIVE JUSTICE

I argue that the moral reason against selecting for lighter skin is grounded in the procreator's reasons to avoid *completing* injustices. To make the case, I first distinguish between *causally* contributing to injustice and *constitutively* contributing to injustice. I focus on one prominent form of constitutive contribution: that which involves completing injustices perpetrated by others. I then show that completion occurs in various skin tone selection cases under conditions of background race and colour injustice. In light of this, I propose a new procreative principle: Procreative Justice.

3.1 | 'Completing' injustice

An agent can contribute to injustice in multiple ways. There are two kinds of contribution that I want to distinguish: causal and constitutive. An agent causally contributes to an injustice when their act helps bring about an *independent* wrong. For instance, when I lend Curly a hammer that he uses to assault Moe, I causally contribute to Moe being assaulted. Similarly, when I give Joan the extra loaf of bread that I mistakenly bought, which she then discards, I causally contribute to unjust food wastage.

An agent constitutively contributes to an injustice when their act is *part of* the wrong. Consider some nonmoral examples of constitutive contributions. Samira taking the train to meet Sally causally contributes to Samira greeting Sally. By contrast, Samira shaking Sally's hand *constitutes* greeting Sally. Joseph and Paul cause themselves to become married by making the necessary wedding arrangements, but saying 'I do' (in the relevant context) *constitutes* getting married.¹³

Completing an injustice is a variety of constitutively contributing to injustice.¹⁴ An agent completes an injustice when their act *constitutively brings about* the success of (or constitutively makes more successful) *another agent's* wrongdoing. Consider:

Admirer: Stu admires Jay and is keen to make him happy. Jay and Mae are in competition for a job that Jay desperately wants. Stu murders Mae knowing that Jay will secure the job and that Jay will thereby be elated, which will please Stu. Before accepting the job, Jay finds out about Stu's plan.¹⁵

Jay cannot causally contribute to Stu's murderous plan; the murder has already occurred. However, Jay can still contribute in a different way by determining whether Stu's plan succeeds or not. The relationship between Jay's choice and the realisation of the plan is constitutive: the success of the plan *just is* his taking the job. We might say that to take up the position would *complete* Stu's wrongdoing. It seems intuitive that Jay has strong moral reason not to accept the job in virtue of this completion.

Consider a further example:

Revenge: Dave consensually films himself having sex with Jaya. After they break up, Dave uploads the recording to a revenge porn site without Jaya's permission in order to humiliate her. Don, a stranger, visits the site and watches the video, knowing that the site contains non-consensually posted material.¹⁶

Don's act of watching contributes *constitutively* to Dave's wrongdoing. Dave's wronging Jaya *just is* the combination of posting the material and third parties watching. If no third party watched, Dave would merely be unsuccessfully attempting to wrong Jaya.¹⁷ We might express this by saying that Don *completes* Dave's wrongdoing by watching. The notion of completion helps make sense of the intuition that Don has strong moral reasons not to watch the video.

3.2 | Selection as completion

Armed with the basic notion of completing injustices, I now show how it applies in a range of skin-colour selection cases and helps ground our intuitions about the normative situation of reproducers like Bo and Devi. I begin with simpler cases, which feature (as in *Admirer* and *Revenge*) clear and identifiable agents of injustice. I then show that the same underlying rationale holds in more difficult cases (like *Embryo Choice* and *Donation Choice*), in which the injustice is structural and diffused.

First, imagine an individual who intends a wrongful plan to come into fruition:

Racist Clinician: Jen runs a reproductive clinic. She explicitly tells patients that white children are superior and that it is wrong to fail to select 'white' embryos over 'Asian' embryos. Jen does this to encourage patients to produce more white children. Bey, a patient, must decide which to pick.

¹³Pettit, P. (2018). Three mistakes about doing good (and bad). *Journal of Applied Philosophy*, 35(1), 1–25.

¹⁴Frowe, H., & Parry, J. (2019). Wrongful observation. *Philosophy and Public Affairs*, 47(1), 104–137.

¹⁵This is a variation on Victor Tadros' (unpublished) example of an obsessed lover killing their obsession's rival job applicant. Similar examples appear in the literature on benefiting from a previous injustice—for example, see Duus-Otterström, G. (2017). Benefiting from injustice and the common-source problem. *Ethical Theory and Moral Practice*, 20(5), 1067–1081; Barry, C., & Wiens, D. (2014). Benefiting from wrongdoing and sustaining wrongful harm. *Journal of Moral Philosophy*, 2014, 1–23; Goodin, R. E., & Barry, C. (2014). Benefiting from the wrongdoing of others. *Journal of Applied Philosophy*, 31(4), 363–376; Parr, T. (2016). The moral taintedness of benefiting from injustice. *Ethical Theory and Moral Practice*, 19(4), 985–997.

¹⁶Frowe & Parry, op. cit. note 14, p. 112.

¹⁷Dave, of course, independently wrongs Jaya by posting the material, thereby violating her trust, degrading her, infringing her autonomy, acting vindictively, and so forth. However, given that Dave wants to humiliate Jaya, which relies, in part, on other people viewing, this requires third parties, like Don, to contribute constitutively to Dave's wrong by watching.

By selecting a 'white' embryo, Bey constitutively contributes to Jen's racist goal of producing 'racially superior' white children. Bey choosing 'white' just is a further manifestation of this goal. Bey thus helps to complete Jen's wrongful plan. This rationale explains why Bey has strong moral reason not to select a 'white' embryo, in the same way that Jay has strong moral reason not to accept the job in *Admirer* and Don has strong moral reason not to watch the video in *Revenge*.

However, this case involves a clear individual agent (Jen) who intends to carry out an unjust plan. One might be sceptical that we have similar reasons not to constitutively contribute to injustices carried out by *groups*, where it is harder to attribute intentions and plans. As the subsequent case shows, though, we seem to have similar anti-completion reasons in these cases too.

Suppose a group harbours ambivalent intent about a specific wrongdoing:

Racist Group: LLL is a secret society that seeks to eliminate people of colour, but there is internal disagreement about which methods to adopt. In one contested tactic, LLL covertly takes over a reproductive clinic and subtly encourages clients to select 'white' embryos over 'non-white' embryos. A client, Jo, hears rumours about this and is nudged to choose a 'white' embryo over an 'Asian' embryo.

If Bey has reason not to select a 'white' embryo in *Racist Clinician*, then intuitively, Jo has very similar reasons not to select a 'white' embryo in this case too. As many philosophers have argued, it is plausible that groups can have intentions and goals (even if it is not true that every individual member of the group shares the group's intentions and goals).¹⁸ Though more clandestinely and nonunanimously than Jen in *Racist Clinician*, LLL aims to eliminate people of colour in *Racist Group*. Jo selecting 'white' in this context completes this groups' aim. Just as we have reason not to complete the unjust goals of individual wrongdoers, we have reason not to complete the unjust goals of groups.

However, while the group example may be relatively straightforward, the greater challenge is whether we have similar completion-based reasons when it comes to injustices (like racism and colourism) that are (at least partly) structural. In structural injustices, multiple agents (individuals, institutions, states, etc.) participate in an injustice, but no particular agent necessarily intends to do wrong.¹⁹ This poses a problem since we have so far assumed there *are* distinct agents who intend wrongdoing. Yet, in structural cases, the injustice cannot be straightforwardly traced to the intentions or goals of specific agents (either individual or group). Without such intentions or goals, it is unclear that third parties can go on to complete an injustice. Determining whether completion applies to structural injustices is important because it seems probable that this is the kind of injustice

present in real-world colour-based selection, like *Embryo Choice* and *Donation Choice*. Is it credible that procreators like Bo and Devi have completion-based reasons not to select light skin?

I contend that it is. Even if we assume (rather implausibly) that there are no agents with racist beliefs, biases, and so forth, now, people operating within social structures shaped by historic injustices can make decisions that inadvertently result in injustice.²⁰ In other words, when we act within the rules and frameworks of such structures, as all of us do, we can end up reproducing those same injustices and do so unwittingly.²¹ Each time we instantiate that background injustice, we render that injustice complete.

To illustrate, consider a selection case in which there is no obvious agent who intends racist colour selection. However, in this case, some people face various limitations owing to historic injustices relating to their skin tone:

Racist Structures: In the past, lighter-skinned people proclaimed that they were superior to darker-skinned people and overtly oppressed them. This ideology is now largely discredited and (let us assume) no one intends to act on it. However, the ideology continues to have insidious and profound effects such that lighter-skinned people are preferred (as workers, partners, citizens, etc.) in society. Isherpreet attends a reproductive clinic that promotes parental choice and is faced with a decision between implanting an embryo likely to be lighter-skinned or an embryo likely to be darker skinned.

There is no agent that intends that Isherpreet select the lighter-skinned embryo. Yet, there are structures that track the preference for fairer-skinned people (as more competent, beautiful, law-abiding, etc.) that is a legacy of racist ideologies. The relevant injustice in *Racist Structures*, then, is in preferring the fair-skinned, given the background (historical and still lingering) conditions of racism and colourism. Notably, this injustice materialises not just each time existing members of the lighter-skinned group are preferred (such as when favouring them for opportunities). It also occurs each time yet to be born members are preferred (favouring them for selection). It is this latter injustice that is at stake in Isherpreet's decision.

How might Isherpreet complete the identified injustice? The clinic offering a service to select the skin tone of an embryo in *Racist Structures* is to optimise parental choice and seems like a benign and routine matter. However, in a context of background injustice, this in fact results in reproducers being able to replicate unjust norms around the preference for lighter skin *at the stage of selection*. If Isherpreet selects the fair-skinned embryo because it will have greater benefits in her society, she repeats those unjust patterns and makes them that much more successful. While causing one more fair-skinned person to

²⁰Haslanger, S. (Ed.). (2012). *Oppressions: Racial and other*. In *Resisting reality: Social construction and social critique*. Oxford University Press.

²¹Young, I. M. (2006). Responsibility and global justice: A social connection model. *Social Philosophy and Policy*, 23(1), 102–130, pp. 60–61, 113.

¹⁸For instance, Miller, D. (2004). Holding nations responsible. *Ethics*, 114(2), 240–268.

¹⁹Young, I. M. (2011). *Responsibility for justice*. Oxford University Press.

be brought into the world will not stop injustices amongst existing groups, implementing the preference for fair skin at selection is itself an instantiation of an injustice and *that* can be stopped. Isherpreet selecting light skin in the context of this historic but still pervasive ideology *just is* an instance of reproducing the injustice. Isherpreet *completes* an injustice when selecting for fairer skin.

In sum, the injustice in *Racist Structures* is attributable to the original racist ideology that lighter-skinned people are superior to darker-skinned people. Were the group that originally espoused that ideology around now, as LLL are in *Racist Group*, they would want Isherpreet to select fairer. While the group no longer exists and there is no racist intent or plan that we can assign to an individual or group, acting in routine ways via our structures in contexts of historic background injustices, as Isherpreet does, can end up unintentionally replicating those injustices. That is, it can complete. If viable, we have a powerful reason not to instantiate the effects of the ideology (i.e., not to complete injustice), even though there is no identifiable agent of injustice in the present world.

The assumption in *Racist Structures* is that no one intends racism or colourism but, of course, *Racist Structures* is a better world than ours. The actual world is likely to harbour *both* agents that intend wrongdoing (as in *Racist Group* and *Racist Clinician*) and unjust historic structures (like *Racist Structures*). If it is intuitive that we have anti-completion reasons in *Racist Structures*, which feature *only* structural racism, it should be *even more intuitive* that we have such reasons in *Embryo Choice* and *Donation Choice*, where the world is shaped by both structural and agent-based racism and colourism.

Extending the completion argument to *Racist Structures* establishes our conclusion. The fact that we have moral reasons not to complete injustice explains why Bo and Devi have strong reason not to choose light skin in our current world, even if it bestows an advantage on their child.

Before moving on, it is worth noting two features of completion in *Racist Structures*. We might be tempted to think that Isherpreet's decision not to select the fairer embryo is *insignificant*. This is because, even if Isherpreet does not select for light skin, other reproducers will do so at some point, which makes background injustice effective regardless of what she does. It is true that Isherpreet's decision will not prevent all associated injustice, but it is not right that it makes no difference on my account. To illustrate, recall the case of *Revenge*. Though Don is one of many people who will view the video, he still has a completion-based reason not to do so himself. While his viewing makes no difference to whether Dave successfully wrongs Jaya *simpliciter*, it still makes Dave's wronging *more* successful than it would otherwise be since each view not only completes but also compounds the wrong. Hence, Don's viewing constitutively contributes to, and makes more successful, Dave's wrong despite the fact that many others are acting similarly.²²

²²Note also that the same conclusion seems true in the case of causally contributing to wrongdoing: if a prisoner is being tortured by electrocution and 1000 people contribute a few volts of the electricity, each contributor still acts wrongly by virtue of their contribution. See Parfit, D. (1987). *Reasons and persons*. Clarendon Press.

The same is true of the situation of reproducers like Isherpreet, Bo and Devi.

We have also taken it that Isherpreet's preference for light skin is *attributable* to background injustice. But, in unjust contexts, reproducers could hold preferences for light skin that are not necessarily *due* to that context. Imagine, for instance, a white reproducer in the U.S. South—a place with historic and contemporary racism—who wants a child with white skin. Suppose this is an aesthetic preference because he is accustomed to being around white people and has no impetus to change this, not because of hatred or dislike for others. For argument's sake, we might interpret this as a preference that derives from his (nonracist) conservatism, not from (racist) background injustice. Though his preference is not attributable to the racist context on this view, it seems like he would complete simply because he lives in a racist context.²³

In general terms, the suggestion that there is *no* connection between preferences and background injustice is incorrect, if we take feminist insights on social construction seriously.²⁴ Individual aesthetic preferences about what is desirable emerge from social norms, including historically unjust ones about the 'best' skin tones. Similarly, individuals being familiar with and so having preferences for racially homogeneous groups in the United States today relates to historic injustice, like segregation.²⁵ Background injustices *do* bear on preferences in these sorts of ways. More specifically, however, completion does not attempt to distinguish which preferences are due to background race or colour injustice and which are not. It only tries to address what is at stake and what should be done *when* reproducers select in line with operative background injustice. This applies even when reproducers themselves do not endorse the content of that background injustice, such as when they are egalitarian, like Isherpreet, Bo and Devi, or indeed conservative, like our imagined reproducer here.²⁶

3.3 | Procreative Justice

The preceding argument can be summarised in a new procreative principle:

Procreative Justice (PJ): reproducers have strong *pro tanto* moral reasons to avoid completing race or colour injustices via their selection decisions.

²³Thanks to an anonymous reviewer for this case.

²⁴For instance, Zheng, R. (2016). Why Yellow Fever isn't flattering: A case against racial fetishes. *Journal of the American Philosophical Association*, 2(3), 400–419; Bartky, S. L. (1990). *Femininity and domination: Studies in the phenomenology of oppression*. Routledge; Chambers, C. (2008). *Sex, culture and justice: The limits of choice*, Penn State Press.

²⁵Anderson, E. 2010. *The Imperative of Integration*. Princeton University Press, Oxford

²⁶I emphasise here that consciously endorsing racism or colourism in selection would equate to *being* prejudiced. Completion does not require this. Completion only requires bringing about a certain state of affairs through selection; it requires instantiating background injustice and making it more effective than it would otherwise be, which can happen without endorsing that injustice.

There are four remarks to make about PJ. First, PJ aligns with the political ethos of the 'reproductive justice' movement. Reproductive justice aims to reveal how systematic inequalities shape individual decisions around reproduction and parenting and encourages us to challenge those inequalities.²⁷ Likewise, while reproducers selecting light skin may seem like a private, apolitical matter, PJ emphasises the background conditions of racism and colourism in which these decisions occur and articulates a reason to resist those injustices.

Second, PJ is an other-regarding principle, like PGPNM and PAL.²⁸ But there are important differences between these principles. Whereas PGPNM and PAL are framed in terms of causal notions (such as promoting others' welfare or avoiding harm to others), PJ asks reproducers to refrain from making constitutive contributions to injustice (completing injustices). In addition, while PGPNM and PAL are more speculative by focusing on harms or benefits to others sometime in the future, PJ explains that selecting for light skin completes an instance of injustice *in itself*.

Third, PJ proposes an additional procreative principle, not a replacement. PJ can operate alongside the other principles discussed in a pluralist fashion (though it is beyond the scope of this paper to provide a full account of how these principles are to be weighed against each other). It is unlikely that any single principle can deal with the range of moral issues arising from procreative selection. PJ draws our attention to an unappreciated, but powerful, subset of moral reasons in the selection debate.

Finally, PJ is nonabsolute. Though individuals always have strong moral reason to avoid completing injustices, procreators are not always morally required *all-things-considered* to select in a way that avoids completion. Our anti-completion reasons for selecting against

light skin may be overridden by countervailing moral considerations. I explore these considerations in the next section.

4 | COUNTER-REASONS AND COMPLEXITIES

I end by discussing how other reasons might be weighed against anti-completion and how PJ might be used to navigate more complex cases. I argue that PJ is suitably constrained while not losing its explanatory appeal, and that it allows for discretion and sensitivity to broader social justice concerns. This adds to its plausibility as a principle.

4.1 | Counter-reasons

What kinds of justifying reasons might outweigh PJ? I cannot document all such reasons here but I will instead outline two central considerations grounded in the prospective child's welfare. I then show that, even when weightier reasons exist, anti-completion reasons nonetheless persist and exert normative force.

One obvious countervailing reason against completion involves bringing a child into existence whose life is 'not worth living'.²⁹ Imagine a situation where children born with dark skin are murdered at birth or are tortured on their 5th birthday.³⁰ Avoiding completion here would be excessively bad for the child. Procreators have an overriding reason not to select darker skin in this example.³¹

A more difficult set of reasons are reduced life chances. Take a life where darker-skinned people end up with fewer opportunities, greater risks of violence, shorter than average lifespan, and so forth. Whether reduced life chances are sufficient to override PJ requires detailed information about the context and is not answerable *a priori*. I leave the judgement of how bad this will be for the child to individual reproducers in specific contexts to determine.³²

Importantly, where reasons *are* weighty enough to override PJ and reproducers select light skin, completion *still* transpires. In general cases of wrongdoing, we are sometimes justified in carrying out a *pro tanto* wrong. But the overridden reasons nonetheless exert normative force and manifest themselves as reasons to regret, apologise, compensate, and so forth. For example, if A stamps on B's foot in the process of saving C's life, A wrongs B despite having strong countervailing reason to do so. It is reasonable, even in this case, for A to offer B apology, explanation, assistance, and so forth, because *a wrong has nonetheless occurred*. Likewise, even if a reproducer *does* have justifying reasons, so it is not all-things-considered wrong to select light skin, completion has *still* happened.

²⁷As Loretta Ross puts it: "reproductive justice is rooted in the belief that systematic inequality has always shaped people's decision making around childbearing and parenting, particularly vulnerable women. Institutional forces such as racism, sexism, colonialism, and poverty influence people's individual freedoms in societies", including reproductive freedoms. Ross, L. J. (2017). Reproductive justice as intersectional Feminist activism. *Souls*, 19(3), 286–314, p. 291.

²⁸PJ is neither child-regarding nor parent-regarding. It is not child-regarding as the rights of the child—for example, the right to an open future, where parents hold rights 'in trust' to protect the autonomy of the future child—are not the focus. On the right to an open future, it is worth observing that, so long as the prospective lighter- and darker-skinned child both have a sufficiently wide range of options, wanting to protect the child's open future does not give us a reason to prefer either child. Similarly, so long as a sufficiently wide set of options remain for both the lighter- and darker-skinned child, the right to an open future does count for or against PJ. If one of the prospective children *does* have insufficient options for an open future while the other *does not*, however, then this may be an overriding reason to select one way over another. This, though, is already factored into the all-things-considered discussion (see Section 4). For right to an open future, see Feinberg J. (1980). The child's right to an open future. In W. Aiken & H. LaFollette (Eds.), *Whose child? Children's rights, parental authority, and state power* (pp. 124–153). Littlefield. PJ is also not parent-regarding, as it is not focused on the right of parents to procreate. As such, it is different to reproductive justice, which is based on three human rights that parents hold—to have a child under the conditions of the parent's choosing, to not have a child and to parent in safe and healthy environments. Reproductive justice is a framework to 'shed light on the intersectional forms of oppression that threaten Black women's bodily integrity' and to 'fight for reproductive dignity'. The rights are typically claimed against the state, such as to protect women and nonbinary people from forcible sterilisations and unwarranted interference when raising children, and to provide them with good reproductive care, such as access to safe and accessible abortions, menstrual supplies, antenatal care, counselling after sexual assault, and so forth. By contrast, PJ offers guidance to reproducers (rather than entitlements against the state) in instances of genetic selection (rather than being about reproductive dignity more generally). Ross, op. cit. note 27, p. 290, 291.

²⁹Parfit, op. cit. note 22.

³⁰This situation has parallels to femicide at birth or during childhood.

³¹This can be interpreted as the reasoning in PAPB overriding that of PJ, if it is a life 'not worth living' for that person.

³²Here, PNM overrides PJ, if reproducers judge that it is not possible for the child to have 'a reasonable chance of a good life'.

Indeed, it is a virtue of my account that this feature rationalises the lived experience of people who make justified trade-offs in light of injustice. The nonprejudiced reproducer may undergo angst, regret, anger, and so forth at having to select light skin in conditions of background injustice—emotions not uncommon in oppressed groups facing tragic dilemmas.³³ Such experiences may be because there is a gap between what the reproducer has to do under oppression and that which they feel they ought to do. The fact that they have completed an injustice, despite being justified, accounts for this experience. Even in tragic cases, then, the reason of completion does not disappear; it lurks and explains this sort of residual emotion in moral dilemmas.

Furthermore, my account recognises that reproducers who select light skin under background conditions of injustice are not necessarily blameworthy for doing so. Since oppression disproportionately burdens some groups and only grants benefits reserved for other groups on disadvantageous terms, it is not apt to blame oppressed groups for doing what it takes to get those benefits under PJ. It can be entirely reasonable, excusable and understandable for them to complete given the context.³⁴

PJ is thus appropriately limited. It does not demand anti-completion all-things-considered. It explains any feelings of enduring unease or a need to offset when completion occurs. Finally, it does not entail that anyone is blameworthy for completing, especially in tragic cases.

4.2 | Complexities

We have so far been considering relatively simple cases of selection. What guidance does PJ offer in more complex cases? Does it necessarily imply that reproducers should always select as dark skin as possible, never select for white skin and never select to resemble themselves, for example? I argue that my account allows for more nuance than this, and that a degree of discretion is compatible with PJ. Further, I show that the recommendations that PJ makes in more complex cases dovetail broader anti-racist and feminist considerations. Let me explain how.

Imagine, under background conditions of injustice, the following reproducer–donor combinations and selection options:

³³Tessman, L. (2010). Idealising morality. *Hypatia*, 25(4), 797–824.

³⁴This, I believe, is similar to the conflict that oppressed agents might feel and how we might understand their situation in more common examples under oppression. Suppose, for instance, that Jasmin uses skin lightening cream to make her skin fairer and that, though she wishes it were otherwise, having lighter skin will give her greater advantages. Jasmin's discomfort is, plausibly, that lightening skin completes a sexist and racist norm: it instantiates the norm that lighter skin is preferable and it makes background injustice more successful. However, it is also true that Jasmin is not blameworthy if she lightens her skin. Since oppression disproportionately burdens darker-skinned groups and only grants benefits reserved for lighter-skinned groups on disadvantageous terms, it is not apt to blame Jasmin for using the cream to get those benefits. It is reasonable, excusable and understandable for her to complete, given that she has correctly understood the benefits in oppressive contexts where light skin is valued. Nonetheless, she may feel various emotions about having to make the justified trade-off she has. That she has completed, despite being justified, helps explain why this might be.

Same-Race Parents: Lou and Sam have white skin and want to use donated sperm to conceive. They can (i) select a white donor; (ii) select a non-white donor; or (iii) ask the fertility clinic not to provide information about the race of the sperm donors. Lou and Sam must decide what to do.

Mixed-Race Parents: Mo has lighter skin than Han, and they want to use donated sperm to conceive. They can (i) select a donor that is the same colour as Mo; (ii) select a donor that is the same colour as Han; (iii) select a donor who is mixed in a way that 'matches' the couple; (iv) select a donor darker than the colour that 'matches' the couple; (v) select a donor that is the darkest of all their viable donors; or (vi) ask the fertility clinic not to provide information about the colour of the sperm donors. Mo and Han must decide what to do.³⁵

I comment on just three recommendations that PJ makes in these more complex cases and connect these to wider anti-racist and feminist debates in adoption and assisted reproduction.

First, white- or light-skinned reproducers *do* have *pro tanto* moral reasons to select non-white or dark-skinned donors in these cases. This is not without controversy. For one, it implies that the children will be raised by parents without lived experience of racism or colourism or without positive experiences of shared marginalised identity. It is vital that children receive such support. But, it is possible—as examples of successful transracial parenting show—for reproducers to provide it sensitively in indirect ways. For instance, they might seek out communities of colour to help children better understand and explore their world and identities.³⁶ This takes labour all round but, if white- or light-skinned reproducers *can parent in a race- or colour-responsive way*, they have strong reason not to complete. Of course, the best interests of the child or limitations of the reproducer can override this reason.

More generally, darker- and lighter-skinned reproducers *alike* have *pro tanto* moral reasons to select dark, not light, skinned children under PJ. Yet, another point of contention is that this outcome could reflect a racial hierarchy evident in transracial adoption about who is fit to parent which type of child. In this hierarchy, Black women are never regarded competent mothers of white children, while white women can be competent mothers of any child.³⁷ Suggesting that dark-skinned reproducers should not select light children, while light-skinned reproducers should select dark

³⁵There are other combinations that we could imagine including same-race parents with different skin tones and mixed-race parents with the same skin tones. The options presented in the main text are at least available in these other combinations too. Thanks to an anonymous reviewer for these cases.

³⁶For instance, Haslanger, op. cit. note 20; Fogg-Davis, H. (2018). *The ethics of transracial adoption*. Cornell University Press.

³⁷Perry, T. L. (1998). Transracial and international adoption: Mothers, hierarchy, race, and feminist legal theory. *Yale Journal of Law and Feminism*, 10(1), 101–164, p. 124.

children, seems to imply similar. However, if Black women are not perceived to be adequate mothers of white children in society, this is a *disadvantage for the women*. Opting for the donor with lighter skin to challenge this stereotype, while it will bestow advantages on the child, is a strong reason to complete. PJ can thereby deal with such issues and subtleties.

Second, PJ provides reasons *not to colour 'match' in many instances*. For the reproducers just discussed, for example, PJ guides the white reproducer and allows the non-white reproducer to select in ways that do not match their skin colour. This outcome has the potential to disrupt our assumptions about what a 'normal' family looks like and to be socially progressive. For instance, assuming that children must physically resemble parents implies that mixed-race adopted families or families that do not use colour-matched gametes are anomalous and even inferior.³⁸ By contrast, normalising diverse families, as PJ does by not advocating colour-matching, encourages us to value equally any type of family.

Yet, PJ does not rule out race or colour being an important consideration entirely. For instance, dark brown reproducers may want to use a colour-matched gamete despite colourism that the child will experience *because* they are a stigmatised group in some contexts.³⁹ This reason to colour-match challenges rather than completes injustices, however, and the reproducer selects the child not likely to be skin colour advantaged: it is not completion.⁴⁰ It is permissible to select a child that approximates one's skin colour under PJ *for injustice-undermining reasons*. PJ allows for nuance and distinctions to be drawn on the issue of colour matching.⁴¹

Third, PJ does not always require selecting the *darkest* possible donor as there are *multiple ways to satisfy anti-completion*. One way to avoid completion is to select the darkest donor or a donor darker than the reproducers. Another way, however, is that reproducers request clinics not disclose the colour or race of the donor, if they regard such traits as unimportant. The random assignment of gametes and viable embryos forestalls individuals choosing for advantage at the point of selection. A third, hybrid approach, if reproducers want to colour-match for the aforementioned positive reasons or think full randomisation pejoratively colour blind, is to randomise from a subset of dark-skinned donors. Here, reproducers select dark skin, thereby not completing. They need not select in more fine-grained ways for the darkest skin thereafter, since they leave the rest to randomisation. PJ thus grants various ways to avoid completion.

³⁸Fogg-Davis, op. cit. note 38; Maung H. H. (2019). Ethical problems with ethnic matching in gamete donation. *Journal of Medical Ethics*, 45, 112–116.

³⁹Maung, op. cit. note 38.

⁴⁰This differs from the earlier example of the conservative. There, the reproducer has an aesthetic preference for his (dominant) group and selects in line with (unjust) skin colour advantage.

⁴¹The discussion in points 1 and 2 also contrasts with Savulescu's claim that "reproduction should not become an instrument of social change". That is, the comments show that there is some social change that can be made in reproduction. Of course, this does not imply anything like eugenic state intervention in reproduction for such change. Savulescu, op. cit. note 3, p. 424.

The practical upshot of my argument is not that reproducers ought to select the darkest skin possible, or ought to select against resemblance, or ought to select for non-white skin, *in every case*. Rather, it is that it is better that reproducers not select for skin colour at all when it is to bestow a socially advantageous benefit, connected to background injustice, on their child. This leaves open selecting for skin colour when it is for positive reasons in support of a marginalised group, since this is not selection for skin colour advantage. It also permits colour selection to unsettle assumptions about what a 'normal' family looks like, which has radical and progressive potential.

5 | CONCLUSION

PJ states that we have strong *pro tanto* moral reasons not to complete injustices via our procreative choices. It offers a more plausible explanation of the intuition against selecting light skin under conditions of background injustice than existing procreative principles, which appeal to harm or benefit individual children, society, reproducers or a particular class of people.

Significantly, while I have focused on skin colour selection under conditions of racism and colourism, the analysis applies more broadly to selection for other traits under conditions of background injustice. For example, a reproducer faced with selecting a male or female embryo in patriarchal contexts has anti-completion reasons not to opt for the male. Likewise, when choosing between embryos with or without disability in ableist societies, reproducers have reasons not to select against disability.⁴² The guidance of PJ is thus generalisable to a wide range of procreative choices that take place against a backdrop of injustice.

CONFLICT OF INTEREST STATEMENT

The author declare no conflict of interest.

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⁴²If reproducers can simultaneously select for multiple socially advantageous traits (such as those relating to disease *and* sex *and* skin colour), then intersectional injustices apply. How reproducers should weigh these under anti-completion is something I hope to explore in future work.