

What's Wrong with Paying Parents to Not Have Children?

Benjamin Feis

Abstract

In this paper, I use the example of Project Prevention, a nonprofit that incentivizes people with substance abuse problems to not have children, as a launching point to pose a thought experiment. Namely, I consider a hypothetical policy whereby the U.S. government would issue a \$5,000 tax credit per year to poor women or couples if they refrain from having a child. I examine several arguments in favor of such a policy, most notably that it produces mutual gains for both parties and is, technically speaking, completely voluntary. I then outline three potential objections to the policy. The coercion objection worries that when a poor woman or couple “consents” to the policy, they are not truly acting freely. The social engineering objection says that it is not the government’s place to say who is and is not fit to have children, much less intentionally or unintentionally “select out” a specific category of people in society. Finally, the corruption objection says that the policy is wrong because it requires that the parties to the transaction value the activities of childbearing and childrearing in a corrupting way—in other words, by treating them according to lower norms than are appropriate. Despite finding all three objections quite compelling, particularly the latter, I do not go so far as to claim that payment for pregnancy refrainment should be illegal in the private domain. What makes this particular formulation of the hypothetical unacceptable is that the federal government itself is a party to the morally wrong transaction.

Introduction

Since 1997, North Carolina-based nonprofit Project Prevention has been offering cash incentives to women and men addicted to drugs and/or alcohol to use long term or permanent birth control (i.e., sterilization). As the organization explains, births associated with drug and alcohol abuse lead to a disproportionate number of Fetal Alcohol Syndrome cases, instances of child abuse and neglect, and placement of children into foster care. In light of this, Project Prevention’s stated mission is to “[lower] the number of children added to foster care, [prevent] addicts from the guilt and pain they feel each time they give birth only to have their child taken away, and [prevent] suffering of innocent children.”¹ In its nearly two decade existence, the organization has paid nearly six thousand people to use various forms of birth control, with the average payment per person amounting to approximately \$300.²

The purpose of this paper, however, is not to assess the moral permissibility of Project Prevention and its mission. Rather, I use the organization as a launching point to discuss a different, yet related thought experiment. First, though, consider the following facts. Children growing up in poverty experience poorer health, higher incidence of developmental delays and learning disabilities, and hunger compared to their more affluent

1 “Our Mission,” *Project Prevention*, <<http://www.projectprevention.org/>>.

2 Pam Belluck, “Cash-for-Sterilization Plan Draws Addicts and Critics,” *The New York Times* (23 Jul 1999).

peers.³ Additionally, among Americans who spend the majority of their childhood years (birth to age 15) in poverty, over 45 percent will still be in poverty by age 35.⁴ Finally, consider that means-tested government welfare spending in the U.S. amounts to around \$7,000 per year for individuals who have an income below 200 percent of the poverty line. This spending accounts for a full one-seventh of the federal government's annual budget.⁵ Clearly, welfare spending on the poor imposes significant financial costs on the U.S. government and American taxpayers.

Given this, I want to propose the following policy. For adults under age 40 who fall beneath the poverty line, the U.S. government will issue them a tax credit in each year that they refrain from having a child. The specifics of this policy are not crucial for the purposes of this paper, but I will clarify a few. First, I say under age 40 because it would not make sense to incentivize an older person to avoid having children, as he or she would likely not be interested in, or able to, have a child in the first place. Ultimately, however, the specific age chosen is arbitrary. Second, the tax credit would apply to unmarried women as well as married couples in order to ensure that young, unmarried women are still incentivized even if they are not married. Third, the annual amount of the tax credit would be large—let us call it \$5,000 per year. Again, the exact amount is not important so long as it is less than \$7,000 per year, which we previously said is the annual cost to the government of providing welfare to a poor individual. If the credit were larger than this, the policy would not make financial sense for the government.

In view of this hypothetical proposal, my aim in this paper is to assess what is morally wrong, if anything, about such a policy. I have chosen to define the policy in terms of refraining from having children as opposed to sterilizing oneself (as in the Project Prevention example) both because I believe it makes for a slightly more interesting philosophical question and because it is perhaps more believable (or less egregious) as a matter of public policy. In spite of this, I want to suggest that there is indeed something morally wrong about such a policy and that the strongest claims against it rely upon the corruption argument—that is, the policy corrupts the activities of childbearing and childrearing by treating them according to a lower norm than is appropriate to them.

Arguments Supporting the Proposed Policy

There are, admittedly, several compelling arguments in favor of the proposed policy. In fact, from a purely economic perspective, it makes perfect sense. The arrangement produces gains for both parties—the woman (or couple) receives an extra \$5,000 per year, and the government winds up spending less overall due to the reduced cost of providing welfare (a particularly appealing outcome given the pressures of the federal government's present fiscal situation). Therefore, according to standard market logic, we can safely say that the “transaction” is economically efficient.

One might also argue that the policy provides less obvious financial and nonfinancial benefits to women and couples. Young parents may not fully understand how

3 “Child Poverty in the U.S.,” *Center for Law and Social Policy* (13 Sep 2013).

4 Robert Wagmiller and Robert Adelman, “Childhood and Intergenerational Poverty,” *National Center for Children in Poverty* (Nov 2009).

5 Robert Rector and Katherine Bradley, “Obama to Spend \$10.3 Trillion on Welfare,” *Heritage Foundation* (16 Sep 2009).

challenging it is to raise a child while poor, and this policy discourages them from entering a situation they may be unprepared for. Not only does the policy provide a monetary benefit, it also saves parents from the large costs – time, mental and emotional stress, and financial costs, among others – that come with raising a child. Of course, this argument discounts the numerous undeniably positive aspects of having a child, which parents should weigh appropriately.

Finally, one can argue that the policy is, technically speaking, completely voluntary. As in the Project Prevention example, women and couples are never legally obliged to refrain from having children. They are free to claim the tax credit if they prefer having an extra \$5,000 over having a child in any given year. And if they value the utility of having a child more than they value \$5,000, this option is perfectly available to them, too. While we may find this argument compelling on its surface, we might also question whether consent given the conditions of poverty is truly voluntary. I turn to this concern – the coercion objection – in the next section.

Arguments Opposing the Proposed Policy

There are several objections we can make to the proposed policy, but I choose to focus on three in particular. I call them the coercion, social engineering, and corruption objections, and I will address each in turn.

Coercion

The coercion objection worries that when a poor woman or couple “consents” to refraining from having a child in exchange for a tax credit, they are not truly acting freely. Given the hardships imposed by conditions of poverty, the option to claim an extra \$5,000 per year may not actually feel like a choice. Even though nobody is telling them they must opt for the tax credit, burdens like paying rent, putting food on the table, and covering medical bills may make the credit too attractive to resist. As Satz writes, describing possible objections to the sale of kidneys, this is a sort of “desperate exchange,” the kind that “no one would ever make unless faced with no reasonable alternative.”⁶ If this is the case, then we cannot understand the party’s consent as voluntary in the same way that we would understand a wealthy person’s consent to be voluntary given the same set of choices.

One potential concern with this objection asks where we draw the line between coercion and freedom of choice in market transactions. If a poor person with few marketable skills accepts a job working at a fast food restaurant, is this coercion? Probably not, as such a belief would severely erode any notion of what it means to have a free market capitalist economy. As Nozick suggests, voluntary transactions in accordance with the principle of justice in transfer are what preserve justice in society.⁷ Surely, though, some will disagree and believe that the situation I have described is indeed coercive. Ultimately, the problem with taking the coercion objection too seriously is that it loses force when drawn to its logical extreme.

Social Engineering

Arguing against Project Prevention, some critics have likened the organization to eugenics

6 Debra Satz. *Why Some Things Should Not Be for Sale* (New York: Oxford UP, 2010), 195.

7 Robert Nozick. *Anarchy, State & Utopia* (Oxford: Blackwell, 1974), 151.

movements throughout history—the sterilization of Jews in Nazi Germany and blacks in the American South, among others. Project Prevention treats drug addicts as “less than human,” critics say, by encouraging them to not have children.⁸ One can imagine that a very similar argument can be made against the policy here in question. By incentivizing those who fall under the poverty line to not have children, the policy effectively proclaims one category of people in society as unfit to raise children. One can take this objection one step further by saying that the policy not only deems poor parents unfit to have children, but also intentionally or unintentionally “selects” poor people out of society over time. Even if the program is technically voluntary, as opposed to other eugenics movements, the social engineering argument says that it is not appropriate for the government to say who is and is not fit to have children, much less select out a specific category of people in society.

The strongest counterargument to the social engineering objection hinges on how we understand the motives behind the policy. Let us assume that the federal government’s intention behind instituting such a policy has nothing to do with selecting the poor out of society or even making a claim as to whether poor parents are fit or unfit to have children. Rather, let us assume that the only motive is to ameliorate some of the fiscal crisis and create a more balanced budget. After all, the policy potentially saves the government thousands of dollars per person if the tax credit issued is sufficiently lower than \$7,000. Now, how do we interpret the social engineering objection? If we care primarily about original intentions, then nothing here seems particularly morally problematic. If, however, we take the consequentialist approach, then the outcome of the policy is all that matters. My aim is not to take a stance in favor of either one of these positions. That being said, it does seem to me that if a policy like this were ever implemented in the U.S., a sizeable portion of the opposition would side with the consequentialist approach.

Corruption

The most forceful objection to the proposed policy relies upon the corruption argument, which says that the problem with paying poor people to refrain from having children has to do with the nature of the good being bought and sold, not the conditions under which the transaction occurs.⁹ According to this view, the activities of childbearing and childrearing are not ordinary market goods that can be assigned a simple market value. It is not just that these activities are incomparable with money—that no positive comparative evaluative judgment between the two is true. Rather, it is that childbearing and childrearing have value incommensurability with money. Because of the special nature of what these activities represent, their value cannot be reduced to a common measure with money. This implies, as Anderson notes, value pluralism in the sense that childbearing and childrearing are necessarily valued in a different way than money is valued. Consider a related example: baby selling. Sandel writes, “Having babies in order to sell them for a profit is a corruption of parenthood because it treats children as things to be used rather than things to be loved.”¹⁰ Whereas standard market goods (i.e., commodities) embody the ideal of economic freedom and can be fully valued through their use, childbearing and childrearing taken together

8 Andrew Brown, “Paying Drug Addicts to Be Sterilised Is Utterly Wrong,” *The Telegraph* (19 Oct 2010).

9 Michael Sandel. *What Money Can't Buy* (New York: Farrar, Straus & Giroux, 2012), 45.

10 *Ibid.*, 46.

embody a different ideal altogether. They are goods that fall squarely in what Anderson calls the personal sphere and they embody an ideal of intimacy and commitment.

The only proper mode of valuing goods in this personal sphere, Anderson claims, is through gift exchange. Anderson writes, “These goods cannot be procured by paying others to produce [or relinquish] them, because the worth of these goods depends upon the motives people have in providing them.”¹¹ Imagine the following scenario. A newly married couple is thinking about having children, but the husband is very busy with his budding career and is not sure that having a child now is in the couple’s best interest. The wife would prefer to have a child now, but refrains from doing so in order to respect her husband’s wishes. This interaction, in Anderson’s view, represents the gift exchange norm. What, then, is wrong about paying parents to refrain from having children? It is that the activities of childbearing and childrearing become corrupted as soon as we value them according to lower norms than are appropriate to them—in this case, the norms of purely economic goods.

Before proceeding, I want to make an important clarification about the specific kind of incommensurability we are talking about. Raz writes, “For many, having children does not have a money price because exchanging them for money is... inconsistent with a proper appreciation of the value of parenthood.”¹² Here, though, he discusses the case of selling one’s actual child (instead of one’s right to have a child), which he claims has a special kind of incommensurability with money called constitutive incommensurability. By this he means to say that holding the belief that children and money are incommensurable with one another is a necessary condition of what it means to be a parent. One cannot truly be a parent unless he or she believes that children and money are incommensurable with one another.

In the present case of giving up one’s right to have a child, I want to make a departure from Raz’s argument. While this right has value incommensurability with money, I do not want to go so far as to say that it has constitutive incommensurability with money. I say this for two reasons, one conceptual and one empirical. First, the right to have a child and actually having a child are two very different concepts. Even if someone is perfectly willing to sell her right to have a child at a given time, we should not be surprised if and when she refuses to sell her newborn baby (and indeed expresses indignation at the mere suggestion). Second, Raz writes, “If A and B are [constitutively incommensurable], then if an agent is in a situation in which option A is his and B can be obtained by forgoing A, he will normally refuse to do so.” As an empirical matter, this statement does not hold true. One need not look much further than Project Prevention, which has already gotten nearly six thousand people to refrain from having children in exchange for payment. All to say that giving up one’s right to have a child is not constitutively incommensurable with money—that is, just because someone sells or even entertains the thought of selling her right to have a child, does not mean that she is disqualified from childbearing at some point in the future.

In light of the corruption objection, one might argue that the woman (or couple) in this case is selling something that belongs to her and should therefore be entitled to sell it for a price. This stands opposed to bribery of a public official, for example, which is a

11 Elizabeth Anderson, “The Ethical Limitations of the Market,” *Economics & Philosophy* 6 (1990): 151.

12 Joseph Raz. *The Morality of Freedom* (Oxford: Clarendon, 1986), 348.

different form of corruption. Here, the official sells something that does not belong to him, such as his vote (assuming a democratic system of government) or a verdict if he is a judge. But whereas the public official should not have the right to sell something that does not belong to him, the counterargument here claims that women should have the right to sell something that belongs wholly to them, namely their right to reproduce. This argument resembles claims in favor of legalizing prostitution, which say that if women own their right to engage in casual sex, then they should also be able to sell this right for a price. To claim otherwise is to endorse a system of governmental paternalism whereby the government can tell its constituents what they can and cannot do with their own bodies.

Ultimately, though, the question of whether a woman or couple should be allowed to sell the right to bear children is a legal matter, not a moral one. My aim in this paper has been to show that selling this right is indeed morally wrong due to the coercion, social engineering, and, most powerfully, corruption objections. The proposed policy is morally wrong because it unjustly coerces poor people to “consent” to not having children and because it resembles a program of eugenics that aims to select out poor people from society. Most importantly, the policy is wrong because it demands that the buyer (i.e., federal government) and seller (i.e., woman or couple) value the activities of childbearing and childrearing in a corrupting way.

Just because an action is morally wrong, however, does not necessarily mean that it is or should be illegal. Consider cigarette smoking or cheating on a boyfriend or girlfriend as just two examples. What makes the proposed policy especially objectionable (i.e., perhaps illegal, not just morally wrong) is that it makes the federal government itself a party to the morally wrong transaction. Even if we agree that it is acceptable for the state of Nevada to permit prostitution, for example, we would likely find it problematic if the state government itself started paying women to prostitute themselves. For this precise reason, the proposed policy should not be allowed. The U.S. government should not be a party to a morally wrong transaction, even if it cannot ban such transactions in the private domain. This, of course, begs the question and brings us back to the example that opened this paper: Project Prevention. My view is that, even if we find payment for pregnancy refrainment morally wrong, it should still be allowed in the private domain. If a similar organization wanted to offer poor couples, not just drug addicts, money to not have children, this should likely be allowed. This, of course, would undoubtedly be a complicated legal matter, and one which I will leave to the imagination.

References

Anderson, Elizabeth (1990). *The Ethical Limitations of the Market*. *Economics and Philosophy*, 6, pp. 179-205.

Belluck, Pam. “Cash-for-Sterilization Plan Draws Addicts and Critics.” *The New York Times*. *The New York Times*, 23 July 1999. Web. 02 May 2016. <<http://www.nytimes.com/1999/07/24/us/cash-for-sterilization-plan-draws-addicts-and-critics.html>>.

Brown, Andrew M. “Paying Drug Addicts to Be Sterilised Is Utterly Wrong.” *The*

What's Wrong with Paying Parents to Not Have Children?

Telegraph. Telegraph Media Group, 19 Oct. 2010. Web. 02 May 2016. <<http://www.telegraph.co.uk/news/features/8071634/Paying-drug-addicts-to-be-sterilised-is-utterly-wrong.html>>.

Child Poverty in the U.S. Rep. Center for Law and Social Policy, 18 Sept. 2013. Web. 2 May 2016. <http://www.clasp.org/resources-and-publications/publication-1/9.18.13-CensusPovertyData_FactSheet.pdf>.

Nozick, Robert. *Anarchy, State & Utopia*. Oxford: Blackwell, 1974. Print.

“Our Mission.” Project Prevention. N.p., n.d. Web. 02 May 2016. <<http://www.projectprevention.org/>>.

Raz, Joseph. *The Morality of Freedom*. Oxford: Clarendon, 1986. Print.

Rector, Robert, and Katherine Bradley. Obama to Spend \$10.3 Trillion on Welfare: Uncovering the Full Cost of Means-Tested Welfare or Aid to the Poor. Rep. no. 67. Heritage Foundation, 16 Sep 2009. Web. 2 May 2016. <<http://www.heritage.org/research/reports/2009/09/obama-to-spend-103-trillion-on-welfare-uncovering-the-full-cost-of-means-tested-welfare-or-aid-to-the-poor>>.

Sandel, Michael J. *What Money Can't Buy: The Moral Limits of Markets*. New York: Farrar, Straus and Giroux, 2012. Print.

Satz, Debra. *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York: Oxford UP, 2010. Print.

Wagmiller, Robert Lee, and Robert M. Adelman. “Childhood and Intergenerational Poverty.” National Center for Children in Poverty. N.p., Nov. 2009. Web. 02 May 2016. <http://www.nccp.org/publications/pub_909.html>.