ABSTRACT: Reproduction of animals in captivity is tightly controlled. In stark contrast, regulating the reproductive behavior of human beings is generally seen as impermissible. Why is this? This chapter discusses reproductive control of primates in light of two main reasons that human beings are granted reproductive rights: the importance of autonomy and human interest in procreation. I argue that captive primates pose a challenge to the use of birth control in captivity, because they too have important interests in reproductive autonomy and procreation. If we are to be consistent, it seems we must grant reproductive rights to some captive primates, perhaps at least the great apes. However, I further argue that there is room to limit reproduction within the framework of reproductive rights. Even in the case of human beings, it is widely accepted that limiting reproduction is permissible in certain circumstances. In captivity, unlimited reproduction would quickly lead to overpopulation, causing significant negative welfare for members of the group. In such cases, I suggest, the use of birth control is permissible. To further develop my account, I review the potential welfare costs to using contraception. I also discuss why it might be important to grant reproductive rights in the context of routine contraception, particularly in an era in which anthropogenic influences on native habitats require long-term survival in captivity.

1. Introduction

In 2001, 87 primate species were on some form of contraception, involving over 40 different methods of contraception (Porton and Dematteo 2005). All indications suggest that contraceptive use in captivity has only increased since 2001, and will continue to increase. For example, some experts have argued, in response to recent controversies over the use of culling, that zoos should invest even more heavily in contraception (e.g., Kaufman 2012). This has been echoed even by those who support culling in zoos (Carter and Kagan 2010).

In this paper I look at the use of contraception and other forms of birth control specifically for captive primates. In particular, I explore whether captive primates have a right not to have their reproduction interfered with. I am not aiming to provide a comprehensive analysis of reproductive rights for captive primates. Rather, I focus on whether captive primates have a moral right not to be prevented from conceiving, gestating, and giving birth to offspring—otherwise known as a right to procreate. I am considering cases where primates are able to reproduce and conceive, but there is a human interest in restricting this ability. Thus I will not address the question of whether primates should be assisted in reproducing.

Keeping primates in captivity, for example in zoos, is a practice that gives rise to moral controversy. I am not here taking sides in this debate. Rather, I assume that care must be provided to currently existing groups of primates, and I am asking if, as part of their care, they should be allowed to reproduce. Hockings et al. (2015) argue that in the Anthropocene—which is characterized by increased human influence on animals’ native habitats—we must learn to think about the lives of primates within a range of human-built environments. I assume that the ‘anthropogenic continuum,’ as they call it, must also include captive environments. The continued destruction of primates’ native habitats, due to human activity, requires reflection on what we owe to primates in captivity.
Primates present a particularly interesting challenge to the widespread use of birth control because 1) there is good evidence that contraception causes welfare problems for primates, and 2) some primate species, particularly the great apes, possess capacities often cited in defense of procreative rights for human beings. There are also new initiatives aimed at placing tighter controls on reproduction for some primate species. To take one example, the European Association of Zoos and Aquariums (EAZA) has decided to prevent interbreeding between the four subspecies of chimpanzees, in order to preserve their genetic distinctness (similar to what has been done for years with Sumatran and Bornean orangutans). This decision came in response to analyses showing diverse genetic subspecies in the wild, but significant intermixing in captivity (Carlsen and de Jongh 2015; Hvilsom et al. 2013). Preventing interbreeding in captivity will take significant effort, and will require a sharp change in the management of some captive chimpanzee groups. This case raises the difficult question of whether the goal of genetic distinctness can justify placing extensive limitations on chimpanzee reproduction.

I argue that there are good reasons to grant procreative rights to primates, but that there are countervailing factors that permit the restriction of reproduction. I further argue, however, that these restrictions are compatible with granting reproductive rights to primates. To develop these arguments, I begin by sketching some of the most basic reasons to think that human beings have a right to procreate. I then apply these considerations to captive primates. In order to further investigate whether restricting reproduction violates reproductive rights, I review the potential welfare costs to using contraception. I conclude by discussing why it might be important to grant reproductive rights in the context of routine contraception.

One additional note on the conception of rights discussed here: I am not addressing the question of whether animals are legitimate recipients of rights, nor the nature of rights for animals, nor the adequacy of rights theories generally. My goal here is justificatory: I am investigating the reasons underlying the right to reproduce for human beings, and critically examining the application of these reasons to captive primates. I use the terminology of rights in order to evaluate how we ought to treat captive primates and determine whether we are justified in interfering with their reproductive capacities. This should not be taken to mean anything particularly controversial. Assigning reproductive rights to primates is a way of saying that reproduction is particularly important for them and thus might require special protection. As my analysis illustrates, however, reproductive rights are not incompatible with consequentialist concerns; on the contrary, examining reproductive rights requires a detailed assessment of welfare impacts beyond just the individuals whose reproduction might be restricted.

2. Reproductive Rights for Human Beings

One of the best-known defenses of the right to procreate comes from Ronald Dworkin (1993). He grounds procreative rights in human autonomy, and the right generally for autonomous individuals ‘to make important decisions defining their own lives for themselves’ (p. 222). Dworkin offers two broad reasons to think that the decisions of autonomous individuals should be respected. The first is that ‘each person generally knows what is in his own best interests better than anyone else’ (p. 223). He ultimately rejects this as inadequate, however, because some people probably do not know what is in their best interest (e.g., those with severe mental disabilities). The second reason he offers is that ‘Autonomy encourages and protects people’s general capacity to lead their lives out of a distinctive sense of their own character, a sense of what is important to and for them’ (p. 224). Regardless of whether our interests are misguided,
Dworkin thinks it is important that we are allowed to pursue the interests that we take as particularly central in our lives. Reproduction is one such interest.

The idea that the right to reproduce should be protected because it is an important human interest has also been defended by John Robertson (1994). He argues, ‘Procreative liberty should enjoy presumptive primacy when conflicts about its exercise arise because control over whether one reproduces or not is central to personal identity, to dignity, and to the meaning of one's life’ (p.24). For Robertson, satisfying strong sexual desires is important, but more central is satisfying the human interest in having offspring. Having the choice to contribute to the next generation through one’s children is, according to Robertson, one of the most fundamental human desires.

The importance of autonomy and strong human interests in having children are widely taken to provide good reasons to protect decisions to procreate. However, there is significant dispute about what exactly follows from these considerations with respect to a ‘right to procreate.’ For instance, some have argued that a right to procreate does not entail that we have the right to unlimited procreation (Conly 2005; Quickley 2010). Preventing someone from having any children violates the right to procreate, one might argue, but preventing the twentieth child, for example, does not. At the very least, we might think that governments are more justified in coercing people to limit their procreation than they are in preventing procreation at all.

We can also distinguish different components of the right to procreate, some of which may not be necessary to express one’s right to procreate. For instance, consider the role of sex in producing offspring. It is of course possible to use reproductive technology to produce offspring without engaging in sex. So hypothetically, a government could use some form of technology to provide every citizen with offspring, while also preventing them from having sex, and still be legitimately protecting the right to procreate. This seems consistent with Robertson’s account, for instance. Or consider the formulation found in the UN’s Declaration of Human Rights, which states that all human beings have a ‘right to decide whether or when to have children.’ This right could conceivably be met through means other than sexual reproduction.

Rearing offspring might also be separated from the right to procreate. There is significant debate about whether humans have a right to rear their own offspring or to rear offspring generally (for a review, see Eijkholt 2009). Dworkin and Robertson’s accounts do not seem to entail that rearing offspring is included in the right to procreate. Onora O’Neill (2002) argues that procreation must involve the intention to give one’s children a decent quality of life. Engaging in sex without such an intention thus is not actually exercising one’s right to procreate, and so does not deserve to be protected. But this of course does not mean that you personally must provide a decent life for your offspring. Perhaps you would better fulfill your duty by letting someone else take over.

These concerns notwithstanding, we can identify a basic core to the right to procreate: non-interference in reproductive activities. Dworkin and Robertson’s accounts claim that our strong interest in procreation—which includes both an interest in sex and in the resulting creation of offspring—should be protected. One reason for this is just that these interests are central to our lives and give our lives value. Another reason, offered by Dworkin, comes from the value of autonomy: it is important to allow people to control significant aspects of their lives.

Some of the complications just mentioned will be returned to below, but I set these aside for now in order to apply Dworkin and Robertson’s considerations to primates. In the next section I examine whether the above considerations for human beings—autonomy and a strong interest in procreation—have similar implications for the procreative rights of captive primates. I
also examine arguments put forth by Sue Donaldson and Will Kymlicka (2011) for granting reproductive rights to domesticated animals, since many of the reasons they cite also apply to captive animals generally.

3. Reasons to Grant Procreative Rights to Captive Primates

It is difficult to know whether captive primates have an interest in creating offspring in Robertson’s sense—namely, in making a contribution to future generations. They do have a strong interest in sex, and many species show concern and affection for offspring, but it’s not clear if they actively consider the importance of offspring to their lives. As a result, it’s not clear how we might ground a right to procreate solely in a primate interest in procreation.

A similar obstacle pertains to autonomy. One view of autonomy (Velleman 2006) holds that an autonomous agent is one who is capable of determining future behavior based on past commitments. Primates are plausibly autonomous on this definition in that they have some sense of their past behavior, and are cognitively capable of future planning. But it is unlikely that they are autonomous with respect to their procreative commitments. And in captivity their autonomy is obviously limited in that human beings already limit much of their behavior. They require the support of humans to do the things they want to do.

Moreover, it is not clear whether many primates take an interest in autonomy as such. Some have argued that autonomy matters less for animals because they lack ‘higher-order interests regarding autonomy and self-respect’ (Ladwig 2015, p. 185; also see Cochrane 2012). Consider Dworkin’s argument, as outlined above, which is based on people living their lives in their own distinctive way. Though it is not stated explicitly, this seems to assume that people value individuality in some sense; they also want to live on their own terms. If primates do not take a similar interest, then perhaps their autonomy accordingly has less moral weight.

These skeptical concerns about the right to procreate have been tempered recently by Donaldson and Kymlicka’s (2011) arguments for granting reproductive rights to domesticated animals. They argue that a full-fledged sense of autonomy is not needed in order to ground certain important rights. It is enough that animals have strong interests, that we can discern these interests from their behavior, and that at least in some cases granting them increased control over their lives can contribute to their flourishing. Donaldson and Kymlicka further argue that domesticated animals should be granted certain rights by virtue of their membership in human communities. Domesticated animals, like dogs and cats, have been brought into human communities and are dependent on humans for their survival. Their ability to survive outside of these communities has been fundamentally altered. As a result, Donaldson and Kymlicka (pp. 77-89) argue that domesticated animals should be considered citizens of human communities, and receive certain benefits and responsibilities akin to those granted to other citizens in those communities.

One of nine rights Donaldson and Kymlicka attribute to domesticated animal citizens is the right to sex and reproduction (p. 123). It is precisely because the lives of domesticated animals are under tight human control that some important animal interests—like sex—should be protected. As they say, ‘In recognizing domesticated animals as citizens, to the extent that autonomous control over their sexual and reproductive lives is possible for such animals, then we should seek to restore it’ (p. 146). Domesticated animals may not have an interest in contributing to future generations, nor an interest in autonomy as such, but for Donaldson and Kymlicka this just provides additional reasons to protect their reproductive behavior. Domesticated animals do, for the most part, have an interest in sex, and their well-being is plausibly improved by being
allowed to satisfy that interest (see e.g., Palmer et al. 2012). This gives us reasons to grant them some degree of control over their reproductive lives.

Similar considerations apply to captive primates. They are arguably undomesticated in the sense that they have not been selectively bred to be tamer, for instance, or to provide services to human beings. But their behaviors have been altered as a result of captivity, especially for species that have lived in captivity for multiple generations. Since they cannot leave captivity, perhaps they should be granted protections more congruent with their status as permanent members of human-built communities. They cannot participate in the lives of humans like some domesticated animals, but they possess many of the same dependencies. They also have a strong interest in sex, the satisfaction of which presumably has a large impact on their well-being.

One group of primates for which reproductive rights seem particularly important are the great apes. Gorillas, orangutans, chimpanzees, and bonobos are often understood to be more similar to human beings in their cognitive capacities than to the other primates. They are more likely to have an interest in autonomy, for instance (Arruda and Povinelli, 2015; Beauchamp and Wobber 2014). Given their intelligence, they are presumably more affected by not being able to make their own reproductive decisions (e.g., choosing their own mates). They also arguably have a greater capacity to appreciate the significance of reproduction. For instance, some have suggested that great apes understand the link between pregnancy and offspring, and might also understand the role played by their own sexual activity (though this hasn’t been rigorously studied; Fouts and Mills, 1997; Patterson 1987). Most populations of captive great apes are also permanent members of captivity, because of past human actions, and so cannot ever return to the wild. We may thus have a duty to restore as much autonomy as we can to apes, including control over reproduction.

In summary, Dworkin and Robertson’s arguments for procreative rights do not neatly apply to all primates, though they seem to apply easier to great apes. This may not really matter though, because even a thinner sense of autonomy and interest in reproduction seem sufficient to ground procreative rights. Primates do have strong sexual desires, and they are capable of acting autonomously, even if they do not take a robust interest in bearing offspring or autonomy as such. On Donaldson and Kymlicka’s account, these interests are enough to grant reproductive rights to captive primates.

4. Problems with Granting Procreative Rights to Captive Primates
There are many problems with granting procreative rights to captive primates, some of which flow from deficiencies in the considerations just mentioned, and others that stem from the challenges posed by captivity. Let’s begin by discussing some issues that Donaldson and Kymlicka themselves raise with attributing reproductive rights to captive animals. They do not directly address zoo animals except for in a single footnote, where they say, ‘restrictions on their sexual and reproductive choices must be justified in terms of the interests of the individual who is being restricted’ (p. 283). Ultimately, however, they think that the institution of captivity is impermissible, and because captivity entails total control over an animal’s life, there is little room to talk about the implications of autonomy. It is only insofar as captivity must exist that Donaldson and Kymlicka think that decisions to control reproduction are justified. Nonetheless it is significant that they seem to think that this can be done while taking into account the interests of individual animals.

This can be better understood within the context of Donaldson and Kymlicka’s account more broadly, according to which animal citizenship entails both rights and responsibilities.
Along with reproductive rights come responsibilities as animal citizens to, in their words, ‘exercise their rights in ways that do not impose unfair or unreasonable costs on others, and that do not create unsustainable burdens on the scheme of cooperation’ (2011, p. 146). One might argue that free breeding in captivity places unreasonable burdens on zoos, for instance, in a way that is unsustainable. If all zoos allowed primates to breed freely, an overpopulation problem would quickly arise. And since captive primate populations cannot self-regulate, we as their caretakers are permitted to control their breeding. This could be seen as just part of the animal citizenship package. So according to Donaldson and Kymlicka’s account, captive animals do possess reproductive rights (for similar reasons as domesticated animals), but because captive populations are not capable of self-regulation, humans must impose some degree of restrictions on reproduction.

This point must be pushed further, however, since the issue might otherwise just seem like a problem with the institution of captivity. If zoos, for instance, do not have the capacity for primates to breed more freely, then perhaps zoos should not exist. It is not the fault of the animals if zoos cannot sustain a breeding population.

In response to this criticism of captivity, one could argue that restricting breeding is also in the animals’ interest; it’s not just zoos that would carry a burden. There are no predators in captivity or extra space to spread to when space becomes limited. Even if a zoo could expand significantly, there may nonetheless be costs to other animals in a group by allowing individuals to breed more freely. Competition for resources is inevitable in any context where there is prolific breeding. Captive primate citizens thus must also cooperate with each other. But assuming that they cannot adequately respond to population pressures on their own, it is up to human caretakers to do so in a way that balances the interests of all the individuals in a population—not just those looking to reproduce. Though Donaldson and Kymlicka do not argue for any of these conclusions, these are the sorts of concerns that seem to flow from their citizenship model, as applied to captive primates.

Another issue related to the balancing of interests is the balancing of rights. There is a good chance that unrestrained breeding will put other rights at risk. Even in the human case, the right to procreate can be outweighed by other rights, like the right not to be harmed or a right to a minimally decent life. These are of course potential outcomes when overpopulation occurs. In such cases, we may be justified in controlling reproduction in order to avoid causing harm to other members of a group.

In zoos, these population issues are sometimes dealt with through culling, or killing an animal that is considered surplus. Certain captive primate species are routinely culled, though the practice is highly controversial (Plowman et al. 2005). The right to reproduce may in any case go hand-in-hand with culling; adopting one practice necessitates the other. One might think this is in fact a good thing: through culling, zoos could create sustainable populations while also granting reproductive rights. But this may yet be objectionable because it infringes on the right not to be killed. Some zoos cull animals at a very young age, depriving them of a life at all. This, one might think, is not a tradeoff that is justified by the right to procreate.

The well-being of offspring raises an additional problem with free breeding. As mentioned above, on some accounts (e.g. O’Neill 2002) procreation involves the intention to give one’s children a decent quality of life. This is particularly relevant for captive primates, who in some cases many not be willing or able to provide a good life for their offspring. Primates’ decision to have sex might not be a decision to do anything but that. Their right to procreate may thus not be worth protecting because it does not include an intention to take care of potential
offspring. Relatedly, in the human case it is often claimed that reproduction should be limited if the children cannot expect a good life, whether that is directly a result of parental decisions or not (e.g., Conly 2005). This too may limit the importance of procreative rights for certain groups of primates.

To summarize the discussion thus far, even if we grant captive primates the right to procreate, we still seem justified in limiting their reproduction if 1) the population is not self-regulating, 2) unrestrained reproduction is unsustainable or puts significant burdens on others, 3) the rights of others are infringed, or 4) the well-being of individuals, particularly offspring, is significantly reduced by free breeding. These considerations are not unique to captive primates, however, but are also frequently mentioned in the context of human reproductive rights. So it’s not that primates necessarily lack reproductive rights. Rather, their reproductive rights can be trumped by other important concerns.

This general line of reasoning is also frequently applied to human reproductive rights. It is often argued that procreative rights must be sensitive to cost-benefit analysis. Benetar (2010), for instance, argues that limiting reproduction is permissible if doing so produces significant benefits with no other risks. Humans are typically allowed to reproduce freely because this is rarely if ever the case. If human overpopulation reached a critical level (as one might argue it has, though I will not discuss the issue here), limiting reproduction would be more justified. For instance, if human reproduction had consequences that were more similar to what we see in captivity, there would be similarly good grounds for placing restrictions on humans’ reproductive rights. It is only because of the unique circumstances of captivity that the reproductive rights of primates must be curtailed in a very different way than for human beings.

We should take seriously the idea that procreative rights must be sensitive to cost-benefit analysis. This cuts both ways though. Limiting primate reproduction may produce greater risks than benefits, in which case it would seem unjustified. I have considered reasons to restrict the right to procreate mainly based on the costs of free breeding. But we must also consider the costs involved in limiting reproduction. I do this in the next section by reviewing the welfare costs of contraception for primates, in terms of both physical and psychological health.

5. Welfare Costs of Using Contraception on Primates
Contraception does seem to have significant psychological and physiological effects on captive animals. A number of analyses have found that contraception is not reversible for many species, or causes significant delays in reproduction (Williams and Hoffman 2009). Callitrichids, chimpanzees, and lemurs, for instance, are known to have problems reproducing after being on contraception. There are also cases where contraception that was thought to be reversible resulted in permanent sterilization (e.g., Goeldi monkeys; Ballou et al. 2010, p. 223). These are not directly welfare effects, but they do suggest that there may be underlying welfare issues with contraception.

Asa and Porton (2010) review a range of behavioral effects contraceptives have on females from a variety of species, including mood changes, depression, lethargy, and docility. These all likely involve a negative impact on welfare. Asa and Porton recommend caution in choosing to use contraceptives, because while ‘the ramifications can be multifaceted,’ they admit that ‘there is limited information on what impact contraception has on individual and social behavior’ (p. 476).

The situation is somewhat different for primates, however, where more is known about the effects of contraception. The American Zoological Association’s (AZA) Wildlife
Contraception Center (2015), for instance, maintains a large database on the different forms of contraception used in AZA accredited zoos. They make recommendations for which form of contraceptive to use, based on the needs of the facility as well as the species and individuals who will be on the contraceptive. Many of their recommendations are also followed by zoos outside of North America (including members of EAZA).

For primates, the Wildlife Contraception Center recommends the use of MGA (melengestrol acetate) implants and Depo-Provera (medroxyprogesterone acetate) injections, which are used only on females, and GnRH agonists, which can be given to either males or females. For great apes, there is also the option to use human birth control pills. All of these are commonly used for captive primates. MGA implants and human birth control pills are arguably the most common, while Depo-Provera injections are typically reserved for exceptional cases. Although GnRH can be used with males, it is more common to use GnRH to control unwanted behaviors than to limit reproduction. Vasectomy is more common in order to prevent males from producing offspring (Silber et al. 2013). Another option, which is not specifically recommended by the Wildlife Contraception Center but is widely used, are IUDs.

According to the Wildlife Contraception Center, all of these options carry a degree of risk. MGA implants involve a surgical procedure that requires social separation afterward. IUDs require a similar process. MGAs, Depo-Provera, and birth control pills all can cause excessive weight gain. Depo-Provera can also cause mood swings and increased aggression, and long-term use has been linked to reduced bone density. GnRH agonists do not seem to carry significant health risks, but do induce hormonal changes that can affect social behavior. Human birth control pills can also produce various side effects that can be detrimental in certain contexts (like reducing the effectiveness of antibiotics).

So it seems quite clear that contraceptives can have negative welfare effects on captive primates. Numerous other studies have come to similar conclusions (e.g., Bourry et al. 2005; Porton and Dematteo 2005). Welling’s (2013) review of the social and psychological effects of hormonal contraceptives (like human birth control pills) argues that these effects can be observed across many primate species, including human beings. There is evidence that hormonal contraceptives have significant effects on female’s social preferences, including their choice of mates and their ability to form relationships with others. There is also evidence that hormonal contraceptives increase agitation and aggression while reducing affiliative behaviors and, in some cases, reducing interest in sex.

There are numerous other consequences of contraception that are harder to measure but are nonetheless important to consider. One that is important for several species, but particularly for chimpanzees and bonobos, is the significant reduction in the size of females’ anogenital swellings. These can sometimes be quite large (e.g. the size of a basketball) but when on contraception are significantly diminished (Bourry et al. 2005; Porton and Dematteo 2005). This presumably has extensive effects on group behavior. These swellings are, by all accounts, enormously influential on not just sexual behavior but social behavior as a whole. In bonobos, for example, anogenital swellings play a large role in non-reproductive sexual behavior, between both males and females, and works to reduce aggression and solidify social bonds (Furuichi 2011; Hohmann and Fruth 2000; Ryu et al. 2015, Savage-Rumbaugh and Wilkerson 1978). When swellings are severely reduced in size they cannot have the same impact, thus depriving bonobos (and other primate species) one of the most important aspects of their social lives.

Another consideration is how frequently interventions are required in order to properly control reproduction. Human birth control pills, for instance, typically require daily doses. Other
methods require routine monitoring. MGA implants, for example, must be replaced every two years and require a surgical procedure. Though this might seem relatively minimal, additional interventions are often required due to errors, inefficacy, and changes in breeding programs. Chimpanzees, for instance, are known to remove IUDs (Bourry et al. 2005; Gould and Johnson-Ward 2000). Porton and Dematteo (2005, p. 123) note that MGA implants have efficacy problems, with 9-54% of implants falling out or being removed, depending on the species. Properly addressing these issues requires repeated human interventions that presumably have negative welfare impacts but are hard to measure.

One final consideration is the consequences of spending an entire life on contraception. This too is hard to measure, but some have argued that we can see significant welfare consequences from forcing captive animals to spend all of their adult lives in a non-reproductive state (Glatston 1998; Penfold et al. 2014). Some of these are external to the individual; for instance, life might be very boring in groups where no reproduction is permitted, and thus there are no young offspring and enormous gender imbalances. Other welfare consequences, like those mentioned above, pertain to individuals and presumably aggregate over a lifetime. Moreover, Penfold et al. (2014) suggest that negative welfare effects are exacerbated in individuals who have never produced any offspring.

So what conclusions can we draw from the welfare effects of contraception? Though it is evident that there are numerous drawbacks to using contraception, most experts seem to agree that captive primates can be placed on contraception for significant periods of time with relative safety. Bolton et al. (2012), for instance, argue that there are no serious health risks from common forms of contraception, based on data collected from gorillas, bonobos, and chimpanzees. There are significant risks, as I have outlined, but some of the risks are manageable (e.g. weight gain), and overall it’s not clear if the risks outweigh the benefits of being able to precisely control population growth. There are also negative welfare effects of free breeding that must be considered (e.g., those caused by pregnancy and giving birth). The pervasive use of contraception suggests that institutions with captive primates have concluded that the costs of unrestricted reproduction are much greater than any welfare costs caused by contraception.

This creates a somewhat complicated situation. If we take reproductive rights seriously, the welfare impacts of contraception must be taken into consideration before restricting reproduction. Routine contraception is not unproblematic. Its widespread use might just reflect reluctance on the part of captive facilities to bear any costs from growing populations, in which case primates’ reproductive rights are being restricted unjustifiably. In the next section, I will outline some final challenges with attributing reproductive rights in the context of routine contraception.

6. Meaningful Reproductive Rights?
A skeptical take on my reasoning thus far is that there is no meaningful sense in which captive primates have reproductive rights. The same might be said for domesticated animals. Granting some control over their reproductive behavior, one might think, does not make up for the severe limitations placed on the rest of their lives. And as I have argued, there are in fact good reasons to place significant constraints on reproduction. For many captive primates then, reproductive rights might be granted only in principle, but not in practice. So what is gained from saying that captive primates have reproductive rights?

Reproductive rights are useful in reminding us why we cannot restrict reproductive behavior for any reason at all. The basic line of reasoning stemming from Donaldson and
Kymlicka’s account above seems sensible: We can restrict reproduction when it is in the interests of the individuals being restricted, and there are in fact occasions in captivity where that is the case. The danger comes in taking this line of reasoning to justify any form of restriction on reproduction. For example, it would be illegitimate to conclude from this that it always permissible to restrict reproductive behavior if doing so improves the overall sustainability of the group or the species. This is incompatible with reproductive rights. There are other conditions that must be met first, including benefiting the individual under contraception, preventing significant harm to others, preventing the violation of other rights, or preventing the group from becoming unsustainable.

A significant challenge, of course, is identifying when exactly these conditions are met. Zoos, for instance, likely lack the capacity to precisely weigh the reproductive rights of individuals against all the potential factors that would dictate limiting reproduction. Contraception, for instance, is typically adopted in accordance with a breeding plan or in order to prevent overwhelming financial and other burdens from multiple new offspring. Making the decision to use contraception or other forms of birth control may thus not ever really consider the rights of individuals.

The hope is that getting clear on primate reproductive rights can provide a corrective to this. There should be a presumption in favor of allowing primates to reproduce unhindered. As argued above, their autonomy and interest in sex seem sufficiently important to grant them control over their reproductive lives. This is bolstered by the fact that we are responsible for their captivity. Because we have placed primates in captivity, and made them dependent on us, we owe it to them to provide autonomy where we can. So although restrictions are permissible, and can be defended on ethical grounds, captive facilities must actually consider whether the relevant conditions have been met. It may turn out that most cases of routine contraception do in fact meet some of the conditions identified above, but this must be demonstrated rather than assumed. Reproductive rights should be part of the equation, even if the above conditions cannot be determined with perfect precision.

One may further object, however, that reproductive rights are still not really doing any work here. If the outcome is the same—routine contraception can continue—then why insist that reproductive rights should be taken into consideration? In response, I can envision certain concrete changes in the ways captive facilities use contraceptives. For instance, zoos could perhaps be more selective in which individuals to place on contraception. They could allow all individuals to procreate once, for instance, assuming that doing so does not cause significant harm to other group members or put the group’s sustainability at risk. Great apes could perhaps be treated differently from other primates in this regard. Ape offspring of course entail huge financial investments for captive facilities, but it may be worth finding a way to accept these costs for apes, even if not for other primate species.

Captive facilities may also need to reconsider how they invest their resources in controlling reproduction. For instance, presumably some groups are tightly controlled merely because the institutions that manage them refuse to increase enclosure sizes or invest the resources required for new offspring. There is no easy fix for this; captive institutions face difficult resource tradeoffs when choosing to accommodate offspring. But reproductive rights seem sufficiently important to be prioritized in at least some cases. Limiting reproduction cannot be justified solely on the grounds that it is the cheapest option.

There are also difficult questions that captive institutions must face regarding how to deal with surplus animals. As mentioned above, granting reproductive rights might necessitate the use
of culling. Primates present a particularly challenging case here: there are good reasons both to allow them to reproduce freely and to allow them to live long lives, but these will often come into conflict. Those who think it is wrong to kill primates may view birth control as the lesser of two evils. But the birth control methods required to adequately avoid surplus would place severe limits on reproductive behavior.

Some might argue that these difficulties indicate that the practice of keeping primates in captivity should be discontinued entirely. Why keep primates in captivity if they must have such severe restrictions placed on their reproductive lives? If we cannot properly care for them in captivity, which includes their reproductive behavior, then perhaps we should begin phasing out primate breeding programs.

I think there could be grounds for such a proposal. But there are many difficulties that must be sorted through as well. As mentioned above, Hockings et al. (2015) argue that primate conservation in the Anthropocene requires that we consider the lives of primates in a range of human-built environments. Captivity may be the only remaining sanctuary for certain primate species. If reintroduction is unlikely, reproductive rights could be particularly instrumental in providing a good life in captivity far into the future. Future conservation projects will also likely involve zoos. In such cases, reproductive rights will be important as zoos consider how to responsibly go about preserving the genetic health of primate populations. Spelling out the reasons to grant reproductive rights will have hopefully sharpened the importance for zoos and other captive institutions to address these sorts of issues.

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