

Phil 108, August 11, 2010
Harming Future Persons

Parfit: The Non-Identity Problem

Our choices can affect *who* exists in the future:

This follows from the:

Time Dependence Claim: If any particular person had not been conceived when he was in fact conceived, it is *in fact* true that he would never have existed,

which is in turn based on the:

Origin View: Each person has the distinctive necessary property of having grown from the particular pair of cells from which this person in fact grew.

Can we benefit by causing to exist?

If we cause someone to exist, who will have a life worth living, do we thereby benefit this person?

- Some may say yes.
- Others may say no. We benefit someone only if it is true that, if we acted otherwise, it would have been worse for her. But if we had not caused her to exist, this would not have been worse for her, since she would not have existed at all.

The Non-Identity Problem

The 14-year-old girl: She has a child whose life is worth living. But if she had waited, then the child she would have had instead would have had a better life.

- It is very natural to think that it would have been better if she had waited. Why?
- If causing to exist can benefit, then she benefits the child.
- Even if causing to exist cannot benefit, the girl's decision was not worse for her child.
- But if the girl's decision is not worse for anyone, what is our objection to it? This is the *Non-Identity Problem*.

Note that the thought that it would have been better if she had waited can be upsetting. It implies that it would have been better if her *actual* child—the one before us now—had never been born and someone else had existed in her place. Parfit writes, though, that if *he* were the actual child of this girl, he could accept this implication.

Depletion vs. Conservation:

- Depletion would make the standard of living slightly higher over the next three centuries.
- But then it would mean that millions of people had a much lower standard of living, but lives still worth living, for several centuries after.
- However, Depletion would also affect who got married, and when children were conceived. As a result, completely different people would come into existence.
- So Depletion is not worse for these people, and it may even benefit them.
- Depletion is bad, but is not bad for anyone.
- The Non-Identity Problem again: What is the moral reason not to choose Depletion?

Perhaps our response should be to deny that a choice, or outcome, must be bad *for* someone in order to be *bad*. This is denied by the:

Same Number Quality Claim (Q): If in either of two possible outcomes the same number of people would ever live, it would be worse if those who live are worse off, or have a lower quality of life, than those who would have lived.

Can rights solve the Non-Identity Problem?

An alternative solution: Children have a right to a good start in life. The 14-year-old girl does not *violate* her actual child's right, because she *could not have fulfilled* that child's right. But she does bring the child into existence knowing that its right will go unfulfilled.

Reply: "When we cannot ask for someone's consent, we should ask instead whether this person would later regret what we are doing." *Question*: Is this always sufficient? (Keep this in mind when we turn to Shiffrin.)

Reply: It is implausible that we violate *rights* in *Lesser Depletion*. In that case, we give minor benefits to ourselves when we could have given much greater benefits to future people, but the future people are still better off than we are. This may be wrong to do, but not because it violates rights.

Does it matter *at all* that it won't be worse *for anyone*?

The *No-Difference View* says that it does *not* matter at all.

The:

Person-Affecting View (V): It would be worse if people are affected for the worse. implies that it does matter.

Pregnancy treatment vs. Preconception treatment:

- We must cancel one treatment.
- Pregnancy treatment causes 1,000 children to be healthy rather than handicapped.
- Preconception treatment causes 1,000 healthy children to exist rather than 1,000 handicapped children to exist.
- The difference: If we cancel pregnancy treatment, it will be worse for 1,000 children. But if we cancel preconception treatment, it will *not* be worse for *any* children.
- Does it matter?
- V says yes; the No-Difference View says no.

Shiffrin: Is it wrong to have children?

Wrongful life suits:

Wrongful life suit: a lawsuit brought by a child (typically a congenitally disabled child) who seeks damages for burdens he suffers that result from his creation.

Two common beliefs about such suits, which Shiffrin challenges:

1. Only those whose lives are *not worth living overall* may bring suit. *Assumption*: If the child's life is overall worth living, it has no valid complaint about choices or effects without which it would not have existed.
2. Suits may be brought *only for negligence, recklessness, or maliciousness* in procreation. Mere voluntariness in procreation is not sufficient.

Does the child have a complaint if it has a life worth living?

Note that “has a complaint” has different readings.

- *Stronger*: We *wrong* the child, and act impermissibly, by creating it.
- *Weaker*: We are *morally responsible* for the harm to the child that results from creating it: that is, we are morally required to provide compensation for the harm, or help in dealing with it.

Common belief 1 is supported by:

Rescue: In order to save someone’s life, a rescuer must break his arm. The rescuer does so, without his consent. It seems that the person has no complaint.

First explanation: If one benefits overall, then one does not harm, even if there is no consent. The person has no complaint because the rescuer does not harm him. To benefit is just to increase one’s welfare overall; to harm is simply to decrease it.

- Someone can be left at a lower level of well-being by a benefit when someone else is left at a higher level of well-being by a harm. So why should harming and benefiting be asymmetric? Why is failing to save someone from harm is usually worse than failing to benefit?
- Seems counterintuitive. Someone who is moved up the welfare scale can still be harmed if, e.g., her thumb is broken.

Alternative, *noncomparative* view of harm and benefit: harms given by a list of evils like broken limbs, disabilities, episodes of pain, death; benefits given by a set of goods like material enhancement, sensual pleasure, goal-fulfillment. This view implies that when someone’s arm is broken in the course of his life being saved, he is in fact harmed.

Second explanation: If one benefits overall, then the beneficiary has no complaint against one for harms that are necessary for providing the benefit, even if there is no consent.

Problem: Wealthy drops cubes of gold on the islanders, without their consent. There is no other way to deliver this benefit. Unlucky is harmed by a falling cube, but agrees that he is better off overall.

- Wealthy, unlike the rescuer, seems to owe Unlucky an apology. This suggests that Wealthy acts wrongly.
- Or, at least, Wealthy seems to be responsible for the harm he causes.

Shiffrin’s explanation: If one saves someone from a *greater harm*, then the person one saves has no complaint against one for harms that are necessary to saving him, even if there is no consent. By contrast, *benefiting*, without saving someone from a greater harm, does not immunize one from complaint.

- Rescuer saves the person from a greater harm.
- Wealthy’s gold cubes do not.
- Procreation also does not save the child from a greater harm. If the child had not existed, it would not have suffered a greater harm.

- In fact, procreation is, in one way, worse than Wealthy. No one will be worse off if the procreation does not take place. But Unlucky will be worse off (albeit not harmed) if the cubes are not dropped.

Does every child have a complaint against its parents?

Must parents, doctors have acted negligently, recklessly, or maliciously, in order for the child to have a complaint?

Shiffrin: No, voluntariness is sufficient for complaint. For example, Unlucky still has a complaint against Wealthy, even if Wealthy is not negligent, reckless, or malicious.

Must the child have a congenital disease for it to have a complaint?

Shiffrin: No, existence unavoidably brings other harms. “By being caused to exist as persons, children are forced to assume moral agency, to face various demanding and sometimes wrenching moral questions, and to discharge taxing moral duties. They must endure the fairly substantial amount of pain, suffering, difficulty, significant disappointment, distress, and significant loss that occur within the typical life. They must face and undergo the fear and harm of death. Finally, they must bear the results of imposed risks that their lives may go terribly wrong in a variety of ways.”

Equivocal View: Procreation “is not a morally straightforward activity, but one that ineliminably involves serious moral hazards.”

Implications:

- In theory, all children have basis to *sue* their parents. But in practice few children will want to, and it would be reasonable for the courts to recognize only the most egregious cases.
- In *adoption*, the biological relationship should not be privileged over the adoptive relationship. After all, the biological parents did, but the adoptive parents did not, impose the burdens of existence on their children.
- In *genetic donation*, a strong argument that donors should not be anonymous and freed from obligations for support.
 - “The person (partly) causally responsible for the child’s burdens has a duty of responsibility to that child that should not be waivable by a parent.”
 - “The fact that the donor might not provide genetic material if he were susceptible to liability or support requirements, and hence the child might not have otherwise come into existence, is not, as we have seen, a sufficient reason to disclaim responsibility to the child for burdens imposed by creation.”
 - Shouldn’t the same apply to parents who give their children up for adoption in the traditional way? In principle, but “it may facilitate adoptions that promote the child’s best interests to waive support requirements; if biological parents remain susceptible for support payments, this may deter unfit parents from relinquishing custody; but in genetic donation, liability may only deter creation in the first place, which will not harm the nonexistent, potential child.”