The Non-Identity Non-Problem

Michael Plant, DPhil candidate, Oxford University [Michael.Plant@Philosophy.ox.ac.uk](mailto:Michael.Plant@Philosophy.ox.ac.uk)

Many, if not most, population ethicists abandon the Person-Affecting Restriction (PAR) in response to the Non-Identity Problem (NIDP). I argue we should instead hold onto the PAR and embrace the NIDP and advocate a version of the PAR called Strict Comparativism. In rough slogan it holds we ought to make people happy but are indifferent about making happy people (Narveson 1973). The view faces three difficulties: it gives unacceptable results in NIDP cases; fails to accounts for the intuition it’s wrong to create unhappy people; it generates intransitive results. I argue all three challenges can be met.

1. **The Person-Affecting Restriction is a very attractive way of understanding ethics.**

PAR: An outcome can only be better (worse) than another if there is someone for whom it is better (worse) for.

In contrast, saying things are good “for the world” is rather mysterious. Unclear if it lacks independent motivation except avoiding the NIDP.

1. **Introducing Comparativism and Strict Comparativism**

How does the PAR work in cases where people don’t exist? Comparativism holds we should distinguish between uniquely and non-uniquely realisable people: former exist in one out of two outcomes, latter in both of compared outcomes (Arrhenius 2005; Bykvist 1998). Comparativism holds we should give different weights to the welfare of uniquely vs non-uniquely existing people.

Strict Comparativism (hereafter 'SC') counts the welfare of non-uniquely realisable people and disregard the welfare of uniquely realisable people.

Narverson’s (1973) slogan is not quite right. Strict Comparativism holds we’re neutral about creating people, but not indifferent to their welfare between all the outcomes where they do exist.

Note also SC doesn’t discount welfare of future people just because they are in the future, as presentists would. Planting a bomb to go off in 1,000 years is very bad.

Asymmetric Comparativism counts the welfare of all non-uniquely realisable people and uniquely realisable people with negative welfare, but disregards uniquely realisable people with the positive welfare.

1. **Why be a Strict Comparativist?**

Because you reject the Value of Existence thesis (VOE): existence can be better or worse for a person than non-existence.

Classic argument against the VOE from Broome is that, if it would be better for someone to exist, that means it would be worse for her if she never had existed, which seems nonsensical. (Broome 1999, p168; see also Narveson 1967 and Heyd 1988)

Strict Comparativism captures several key intuitions: it’s neither good nor bad to have children; we think it’s better to increase happiness by X by helping suffering people than increase happiness by X by creating new people; it avoids the Repugnant Conclusion because there’s no reason to create new people that make others less happy.

1. **Non-identity problem**

I think SC gets the right results. In *14-year-old girl* case where she chooses between child A at welfare 5 and child B at welfare 8, and it effects no one else, even her, the two are equally good and she had no reason to do either. Things can only be good if they are good for people (PAR) and I reject that existence can be better or worse than non-existence.

Strict Comparativists reject many apparently implausible NIDP cases by either 1. by counting the effects on non-uniquely realisable people (typically the living) or 2. by pointing the these are really ‘three-alternative’ rather than ‘two-alternative’ cases.

**Count effects on others**. With Parfit’s (1984) *14-year-old girl* example, you can explain our objection by saying we think having the child earlier with be worse for the mother, her family and society as a whole. All of these people exist in both outcomes.

In Broom’s *Global Warming* case, you can argue it will make life worse for existing people: those born today will live to see the effects in their lifetimes:

Conservation

Depletion

A - 11

A - 10

B - 6

C - 7

B - 8

D - 2

However, that wouldn’t allow SCs to object to *Slow Global Warming*, which I’ve represented below:

B - 8

C - 7

A - 10

A - 11

D - 6

E - 2

In fact, I think *Slow Global Warming* really would be good. It’s better for non-uniquely existing people and there isn’t an alternative that is better for the B, C, D and E people.

**Many NIDP cases are really Three-Alternative cases.** NIDP applies only in cases where there are two options: create person with flawed existence or create no one at all. It doesn’t refer to cases where there are really three alternatives (Roberts 1998)

Consider *Slave Sale*: parents accept money to create a child that will be sold into slavery (Kavka 1981).

Despite appearances, it’s not a NIDP. There are at least three options: 1) don’t create child, 2) create child and sell into slavery or 3) create child and refuse to sell into slavery. We can imagine more e.g. 4) don’t sell child into slavery but don’t give it any candy. It’s easy for SCs to object to selling your child into slavery because there’s an identifiable person *for whom* it’s bad if you sell it.

*Slave sale* is thus relevantly disanalogous from *14-year old girl*. The former isn’t a NIDP case, the latter is and the latter is much less objectionable.

Three-alternative cases can also be applied to *Global Warming*. Can we find alternatives between Conservation and Depletion which changes no identities and improves welfare for some?

1. The problem of creating unhappy people

On the face of it, SC is implausible because it can’t object to what I’ll call *horrific* NIDP cases:

Non-horrific

Horrific

A - 11

A - 10

B - 8

C – (-7)

It might be tempting to opt for Asymmetry and be neutral about creating happy people and against creating unhappy people.

However, Asymmetry appears to have two inconsistent thoughts (McMahan 1981, p100; 2009, p49): 1) The fact a person could be brought into a miserable existence – a life with negative well-being – *counts against* creating then. 2) the fact a person could be brought into a good existence – a life with positive well-being – *doesn't count in favour of creating them*.

However, I argue Strict Comparativists can achieve a sort of *practical asymmetry*. There seem to be two types of horrific cases.

1. *Horrific conception* cases, where the new person is created and could not have been happy due to some fact of conception, such as the *Magic Pill:* a couple take a pill that gives them extra pleasure but causes their offspring to have constant pain.

In response, the Strict Comparativism can simply suggest that you abort the child to stop it having a miserable life. For *horrific conception cases* to bite, it has to be the case the created person can’t be aborted. Consider:

*Martian magic pill*: a couple take a pill that gives them pleasure but causes a suffering child to be created on Mars who cannot subsequently be aborted.

This is far-fetched, but it needs to be. There’s no reason the SC has to let the prospectively-suffering child from *Magic Pill* grow up when the SC could advocate abortion. Hence the scenarios only bite when there’s no way of bringing the newly-created individual out of existence.

1. *Instrumentally horrific* cases, where the creation of suffering people is necessary to confer a benefit to others. On the face of it, once such case is *Sadistic Torturers*: children are created for the amusement of their captors who enjoy torturing them.

However, this isn’t a NIDP case, it’s three-alternative case: the torturers don’t have to torture. You might argue it’s wrong for the torturers to do this even if maximise happiness, but that’s an argument against *consequentialism* and has nothing to do with population ethics. Consider:

*Soma suffering*: a group of humans are grown in vats before being processed and turned into soma – a fabled happiness drug. They exist in intense suffering because this is the only way soma can form.

This is a bona fida two-alternative case. However, as with *Magic Pill,* we could decide to abort those being grown in vats to prevent more suffering. Again, this is a problem for consequentialism. We can tweak this:

*Martian Soma Suffering*: as in *Soma Suffering*, but this occurs on Mars so we are unable to prevent it. Despite this being unpreventable, the soma still manages to get back to Earth.

It’s unclear how problematic we should find these outlandish cases given.

1. **Intransitivity**

Cases such as the following lead SC to be accused of Intranisivity (Arrhenius 2005, Temkin 2011 pp428-435)

Dick - 10

Harry - 8

Tom - 8

Harry - 10

Tom - 10

Dick - 8

A B C

On the face of it, A is better than B (better for Dick), C is better than B (for Harry) and C is better than A (for Tom). So we have Intransitivity which is puzzling when they look equally good.

However, suppose we are considering which world *to create*. Intransitivity is rejected: on SC, we have no reason to create any of them.

For the SC to care, we can state this scenario refers to existing people. Suppose A is the current state of the world:

Harry - 10

Tom - 8

Dick - 0

Tom - 0

Dick - 10

Harry - 8

Dick - 8

Tom - 10

Harry - 0

A B C

Moving to B implies Tom dies, Dick gets happier and Harry gets created. This is better because it’s better for Dick – he’s the only one that exists in both A and B. Moving to C implies Tom has been resurrected. Intransitivity is denied because the scenario is impossible.

Finally, we could assume A is the current state of the world and the third character isn’t dead but has neutral welfare. In which case all the scenarios are equally good: the total amount of welfare for those who exist in each choice is the same.

Bibliography

Arrhenius, Gustaf 2005."The person-affecting restriction, comparativism, and the moral status of potential people." *Ethical Perspectives* 10.3: 185-195.

Broome, J. 1999. *Ethics out of Economics*. Cambridge: Cambridge University Press.

Bykvist, K, *Changing Preferences: A Study in Preferentialism*, Ph.D. diss., Uppsala University, 1998

Heyd, David. 1988. “Procreation and Value: Can Ethics Deal With Futurity Problems?” *Philosophia* 18: 151-170

McMahan, Jeff. 2009."Asymmetries in the morality of causing people to exist." Harming future persons. Springer Netherlands:. 49-68.

Narveson, Jan. 1973. "Moral problems of population." *The Monist*: 62-86

Parfit, Derek. 1984 *Reasons and persons*. Oxford University Press,

Roberts, M. 1998. *Child versus childmaker: Future persons and present duties in ethics and the law*. Lanham, MD: Rowman and Littlefield.

Temkin, Larry S. 2011. Rethinking the Good: Moral Ideals and the Nature of Practical Reasoning. Oxford University Press,.