

## The Non-Identity Problem

February 9, 2022

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*The Non-Identity Problem:* You cause something bad to happen to a person who would not have existed had you acted differently.

PROCREATION (MARY). Mary wants to conceive a child: she can do so *now* or she can *wait*. She has a slight preference for having a child sooner. Her doctor tells her that if she conceives now, the child will be born with significant health problems. If she waits, however, her child will be perfectly healthy. Mary decides to conceive now. She gives birth to a daughter, Mariette, who has significant health problems.

Intuitively, Mary has done something wrong; she should've waited. But does Mary *harm* anyone by bringing Mariette into existence?

**Person-Affecting Principle:** An action is wrong only if it wrongs someone.

The following four independently plausible claims are jointly inconsistent:

- (1) *Wrong:* Mary has done something wrong.
- (2) *No Harm:* Mary doesn't harm anyone by bringing Mariette into existence.
- (3) *No Harm, No Wrong:* If Mary doesn't harm anyone by bringing Mariette into existence, she doesn't wrong anyone.
- (4) *Person-Affecting Principle:* If you don't wrong anyone, you don't do anything wrong.

Because these claims are inconsistent, we have to reject at least one of these claims. Which one do you think we should give up?

#### Argument for No Harm:

- P1** Had Mary *waited*, she would've instead brought into existence a different child than Mariette.
- P2** If Mary had brought into existence a different child than Mariette, Mariette would never have existed.
- P3** It would not be better for Mariette that she never exist.

So, had Mary *waited*, she wouldn't have made Mariette better-off.

*Harm:*  $\phi$ ing harms  $S$  only if  $S$  would've been better-off had you not  $\phi$ ed.

So, Mary didn't harm Mariette by choosing to conceive *now*. (And, by hypothesis, Mary's actions don't harm anyone else either.)

## *Response to the Non-Identity Problem*

1. *Deny (1): Mary has done nothing wrong.* The problem with this response is that, if we accept it, it's hard to justify that we have obligations to future generations.
2. *Deny (2): Mary harms Mariette even though she doesn't make her worse-off.* According to Elizabeth Harman an act can harm someone without making them worse-off; so long as the act causes someone "pain, mental or physical discomfort, disease, deformity, disability, or death" (or, more generally, to be in a "bad state") the person has been harmed.

The problem with this response is that it must employ a nonstandard notion of 'harm'.

3. *Deny (3): There are other ways to wrong someone.* You can wrong someone, without harming them, by (e.g.) violating one of their rights. Is it plausible that Mary has violated one of Mariette's rights? Parfit thinks not—because Mariette won't *regret* being born, even if she has a right against being in such a state, this is a right which has been *waived*. And one cannot violate a waived right.
4. *Deny (4): the Person-Affecting Principle is false.* Perhaps, Mary does wrong by making things worse (even though she doesn't make things worse for anyone in particular):

*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 have ever lived.

Problems: first, because people's lives are incommensurable, it's not clear that Mary makes the world a worse place by conceiving Mariette; second, the principle is implausibly demanding; third, what if your decision would affect not just the *identities* but the *number* of people that would exist?

Suppose it is wrong for Mary to not have waited. Does it follow that she has an obligation to bring about the happiest child possible? In other words, if we can "harm" in creating, can we also benefit? Or is there an *Asymmetry*?

*Example:* unsafely burying toxic waste in New Jersey.

*Worse,* it doesn't seem like Mary does anything wrong by conceiving Mariette if her child would have significant health problems no matter when she conceives it; but this notion of 'harm' can't distinguish between these cases.

This is Parfit's solution. [Parfit (1984), *Reasons and Persons*, p. 360]. If Mary had waited, she would've conceived a different child who would've been better off than Mariette actually is. So, according to *Q*, it would've been better for Mary to wait.