

The Non-Identity Problem II

Ryan Doody

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The Non-Identity Argument

Boonin: The Non-Identity Problem is only a “problem” if we think we have good reason to accept

(1) *Wrong*: Mary has done something wrong.

He thinks our only reason to accept (1) is our moral intuitions—but, he thinks, these moral intuitions can be explained away.

NON-IDENTITY PROBLEM

- (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.

Is he right? Let’s look at some other possible responses first.

Response to the Non-Identity Problem

1. *Deny (1)*: Mary has done nothing wrong. This is Boonin’s view. One problem with this response is that, if we accept it, it’s hard to justify having any obligations to future generations at all!
2. *Deny (2)*: Mary harms Mariette (without making her worse-off). According to Elizabeth Harman an act can harm someone without making them worse-off. If an 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.

Boonin rejects (1)—he thinks that Mary, by conceiving when she does, does not make a morally wrong choice.

However, Boonin makes a distinction between a choice being “morally wrong” and “morally worse”. Conceiving now might be *morally worse* than conceiving later, but—Boonin points out—it doesn’t follow that it’s *morally wrong* to do so.

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.

Or, consider surgeons. They perform acts that cause “pain, mental or physical discomfort” etc. But they don’t wrongfully harm their patients.

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?

A Closer Look at (1) Wrong

Boonin thinks our reasons for accepting (1) are mistaken (but for understandable reasons). Consider the following two statements:

1. Mary's act makes it the case that her child has significant health problems.
2. Mary's responsible for the fact that Mariette has health problems.

Boonin: These statements are ambiguous. On one reading (a), they support (1) but they are false; on the other reading (b), they are true but they don't support (1).

Our moral intuitions have trouble distinguishing between the (a) and (b) readings. He supports his hypothesis with an example.

Fred: Fred is walking past a lake in which two young boys, Billy and Timmy, are drowning. Billy is near Fred while Timmy is further away. Fred can only save one of the two boys. Since he would have to walk further to save Timmy, it would be somewhat more convenient for Fred to save Billy. . . . Billy is incurably blind, and Fred knows this fact. He also knows that Timmy is not blind. Fred decides to save Billy because this is more convenient for him.

Boonin: Fred has done nothing morally wrong. This case is analogous to Mary's. The reason we have different intuitions is because, in Fred's example, it's easier to distinguish between the (a) and (b) claims.

A Closer Look at (4) Person-Affecting Principle

Next week!

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.

Boonin's Response: It might've been better for Mary to wait, but does that mean it was morally wrong for her not to?

- 1(a) There is a specific individual who has health problems but wouldn't otherwise. [*de re*]
- 1(b) The person picked out by "her child" is an individual with health problems rather than a different individual without them. [*de dicto*]
- 2(a) Mary is responsible for the fact that Mariette has health problems rather than lacks them.
- 2(b) Mary is responsible for Mariette, who has health problems, exists rather than doesn't.