

The Non-Identity Problem

1. The Non-Identity Problem: Let's start by considering the following case:

Unhealthy Child: Wilma is deciding whether or not to conceive a child. Her doctor tells her that, due to some medication she is currently on, if she conceives now, her child will be born with an illness that causes minor health problems throughout life, and a premature death at age 30. But, if she stops taking the medication and waits a month for it to clear her system before conceiving, her child will be perfectly healthy. (Though, either way, the child's life will be, on the whole, a good life; i.e., a life worth living.) Wilma considers the doctor's advice. However, since it would be a minor inconvenience to switch medications and wait a month to conceive, she decides to conceive right away. She gives birth to a baby girl, Pebbles, who experiences some health issues and later dies at 30.

Now ask: **Was it WRONG for Wilma to conceive immediately, rather than waiting a month?** Yes, it really seems so! But, WHY is it wrong? Let's consider Wilma's options:

- (a) Conceive now (her child dies at age 30)
- (b) Conceive in one month (her child dies at age 80)

Why didn't she just wait a month!? If she had, her child would not have died so young! THAT is why it was wrong for Wilma to conceive immediately. When she chose option (a) she deprived her child of 50 years of a good life! In short, it seems wrong for Wilma to conceive immediately because doing so **harms** her child.

But, wait. Is that right? First, what does it *mean* to 'harm'? Here's a plausible answer:

Harm =_{df} Making someone worse off than they otherwise would have been.

Has Wilma *really* harmed her child—Pebbles—by conceiving immediately? Maybe not. For consider: If Wilma had waited a month to conceive, Pebbles would not have been born at all! Rather, some *other* child would have been born instead—say, a baby boy named Bam Bam.

[Why? We're making an assumption here—one which seems quite plausible. Namely, that each person necessarily originates from a particular sperm-egg combination. In other words, had some OTHER sperm-egg pair come together at the time that your parents conceived a child, YOU would not be here. You would never have existed. Rather, some OTHER child would have existed instead. Does that seem plausible?]

Once again: If Wilma had waited a month to conceive, Pebbles would never have been born. Rather, a DIFFERENT child—say, Bam Bam—would have been born (due to the difference in sperm-egg combination). In that case, her two options were really these:

Conceive Immediately
Pebbles lives 30 good years

Conceive After One Month
Pebbles is never born

Bam Bam is never born

Bam Bam lives 80 good years

NOW let us ask again: By choosing to conceive now, does Wilma HARM her child? i.e., By conceiving immediately rather than waiting one month, **Does Wilma make Pebbles worse off than Pebbles otherwise would have been?**

Answer: Seemingly, no. If anything, she has BENEFITTED Pebbles, by giving her 30 good years which she otherwise would not have had.

(Note: You might be thinking, "But, it looks like Bam Bam is harmed by Wilma's choice to conceive immediately, since he gets zero years of life rather than 80 good years!" But, that's false. If Wilma chooses to conceive immediately, then Bam Bam never exists—not now, not ever. And you can't harm someone who does not, has never, and will never exist.)

But, then, **what makes it wrong for Wilma to conceive immediately??**

We seem to have a problem. For, consider the following plausible argument:

1. Harm = Making someone worse off than they otherwise would have been.
2. (Using the definition of 'harm' from P1) In Unhealthy Child, by conceiving now, Wilma does not harm her child (or anyone else).
3. By conceiving now, Wilma benefits herself (as well as Pebbles).
4. But, any action which harms no one, and benefits some, is not morally wrong.
5. Therefore, Wilma's choice to conceive immediately is not morally wrong.

Remember, our initial reaction to the Unhealthy Child case was that Wilma WAS acting immorally by conceiving immediately rather than waiting a month! But, here we seem to have an argument for the OPPOSITE conclusion! What's worse, all four of these premises seem very plausible. What to do, what to do!?

I don't know. It's not clear. And THAT is **the Non-Identity Problem**.

2. Application to Climate Change: It's important that we recognize the gravity of this problem. It's not merely that it's difficult to explain why *Wilma* has acted wrongly. Rather, the Non-Identity Problem poses a challenge for a whole *host* of other moral issues. Take climate change, for instance. Imagine that we are trying to decide whether to conserve fossil fuels or deplete them.

Conservation vs. Depletion Global leaders convene in order to decide what to do about the use of fossil fuels. They decide that our options are: (1) Conserve. We the *present* generation will have to make tremendous sacrifices so that future generations will avoid the worst impacts of climate change. (2) Deplete. We the present generation will enjoy all of the benefits of "living it up" by depleting the global supply of fossil fuels, with the result that future generations will live suboptimal lives in a world wracked by climate change.

What should we do? It seems that, morally, *we ought to conserve*. That is, **it would be morally wrong to choose Depletion**. Why? Well, Depletion would harm future generations. ...Wouldn't it? But notice: Each of these two choices will, within just a few generations, result in completely different future populations (due to people making different procreative choices in the two scenarios)! As Parfit notes, "It may help to think about this question: how many of us could truly claim, 'Even if railways and motor cars had never been invented, I would still have been born?'"

In that case, it seems that our two choices are really these:

Depletion

Population A live mediocre lives in a world ravaged by climate change

Population B is never born

Conservation

Population A is never born

Population B live long happy lives in a world without climate change

Now ask: By choosing Depletion, do we actually harm future generations? That is, would Depletion make the people of population A worse off than they otherwise would have been? Answer: NO! For, had we NOT depleted – but chose Conservation instead – the people of Population A would never have been born! So, assuming that they still have lives worth living, * then Depletion has actually BENEFITTED the people of population A, rather than harmed them (by giving them lives that are worth living – albeit suboptimal – rather than nothing at all).

(* *That's plausible, right? Living in harsh conditions with extreme weather doesn't make life not worth living, does it? Like, consider those who live in the Arctic or the Sahara.*)

Here is an argument, parallel to the one about Wilma, above:

1. Harm = Making someone worse off than they otherwise would have been.
2. (Using the definition of 'harm' from P1) In Conservation vs. Depletion, Depletion does not harm future generations (or anyone else).
3. Depletion would benefit us (as well as Population A).
4. But, any action which harms no one, and benefits some, is not morally wrong.
5. Therefore, choosing Depletion is not morally wrong.

Like the conclusion of the argument about Wilma, this conclusion here seems false. And yet, it is not immediately obvious which of these premises are false. (Realize: If you want to reject the conclusion, then you MUST find a way to reject one of the premises!)

Worse still, a similar problem arises for a number of other moral issues (e.g., human cloning, animal ethics, and reparations for slavery). So, finding a solution to the Non-Identity Problem is of the utmost importance.

3. Potential Solutions: The two crucial moves in the argument above are that:

- (a) **No Harm:** Depletion doesn't harm future generations (just as Wilma's choice to conceive immediately does not harm her child), and
- (b) **No Foul:** Since Depletion doesn't cause harm, it is not morally wrong.

So, if we want to avoid the conclusion (that Depletion would be morally permissible), we seem to have two options:

- (a) **Deny the Harm Claim:** Argue that, contrary to what has been claimed, Depletion DOES in fact harm future generations.
- (b) **Deny the Wrongness Claim:** Argue that, even if Depletion does not *harm* future generations, it would still be immoral for some OTHER (non-harm-based) reason.

Let us examine each of those options:

(a) Redefining 'Harm': Consider the following case:

Nose Punch: I punch you in the nose. You rush to the hospital with a broken nose. As it turns out, at the hospital, they discover that you have a cancer in your nose. Because it was discovered early, it is treatable and your life is saved. But, had it gone undiscovered for another month, the cancer would have become incurable and you would have died.

In Nose Punch, have I *harmed* you, according to the definition of 'harm' we proposed?

Harm: To make someone worse off than they otherwise would have been.

Answer: Apparently not! By punching you, I have actually made you overall BETTER off than you otherwise would have been! (For, if I hadn't punched you, you would have died!) Some people find this counter-intuitive, and perhaps it is an indication that the definition of 'harm' given above is mistaken. (And therefore P1/P2 may be false!)

Consider another case:

Double-Shot: Abe and Bea simultaneously shoot CeCe in the heart, killing her.

Has Abe harmed CeCe in this case? Answer: Apparently not! For, had Abe not shot CeCe, she STILL would have died (due to Bea's shot). This is super counter-intuitive, is it not?

Here's one more:

New Restaurant: You are the owner of a local taco joint, and earning a livable profit. But, I open a taco restaurant a couple of miles from yours. I soon begin to get a lot of business. Many of my customers are ones who used to frequent YOUR restaurant. As a result, your profits plummet, and it becomes difficult for you to make ends meet.

By opening my restaurant, I *have* made you worse off than you otherwise would have been. But, have I HARMED you? Some find this implausible. Or consider this case:

\$100 Gift: You are my student, and we're in class. During class, I notice that I have a \$100 bill in my pocket. I briefly consider just giving it to you, but decide not to at the last second. I keep my \$100. (You never even know that I was considering giving it to you.)

Have I harmed you? Apparently I *have*, according to our definition. For, by not giving you the \$100, you ARE worse off than you would have been, had I given you the \$100. But that seems absurd. Surely we do not harm people every time that we fail to benefit them! Long story short, we may have some reason to think that:

- Perhaps you CAN harm someone without making them worse off than they otherwise would have been? (Nose Punch, Double-Shot)
- Perhaps making someone worse off than they otherwise would have been does NOT always classify as a harm? (New Restaurant, \$100 Gift)

If so, then there is something wrong with our present definition of 'harm'. For these reasons, we might seek a new definition of harm – and perhaps this new definition will deliver the result that Depletion really DOES harm future generations!

(Except... What would this new definition look like???)

(b.1) Redefining 'Wrong' as 'Failure to Maximize Utility': You may have noticed that it would have been much BETTER for Wilma to wait a month to conceive—or for us to Conserve rather than Deplete.

For, if Wilma waits a month, then she produces a child with a life of 80 good years. On the other hand, if she conceives immediately, she produces a child with a life of only 30 decent years. Waiting a month is clearly the BETTER choice.

But, keep in mind that we're looking for an explanation of what why it would be morally WRONG for Wilma to choose to conceive immediately. In that case, we need to add a moral claim about wrongness here that delivers this result. Something like this:

A Duty to Choose What is Best: When faced with a choice between various options with different consequences, you are morally obligated to choose the one that has the *best* consequences.

On this proposal, Wilma is morally obligated to wait a month to conceive (giving Bam Bam 80 good years), and we are morally obligated to Conserve (giving population B long and healthy lives). ...But wait... What does this proposal look like? Answer: It looks like **consequentialism**. Oh crap! Long story short, you can avoid the Non-Identity Problem by adopting consequentialism. (Yet, as we have seen, such a choice would come with a whole host of other undesirable implications. Think *Organ Harvest*.)

(b.2) Expanding 'Wrong' to Include 'Rights Violations' (or something): Plausibly, it is possible to act immorally without harming anyone. For instance, consider:

- Peeping Tom (victim never finds out)
- Cheating on a loved one (they never find out)
- Refusing to allow someone onto a plane for racist reasons, and it later crashes

The victim in each of these cases is not harmed. (And arguably the third victim is even *benefitted*.) Yet, isn't it plausible that one still acts wrongly in each of these cases? If so, then the claim about wrongness expressed in P4 is mistaken.

Consider the Peeping Tom scenario. One explanation of the wrongness of your action – even if it doesn't harm anyone – is that it violates the victim's *rights* (e.g., her right to privacy). In the Racist Airline case, even though you have saved the person's life, your refusal to let them board the plane seems wrong because it fails to *respect* the person. (Or, in 'rights' language, perhaps each person has a right to be treated with respect.)

In fact, we should probably modify the original Non-Identity argument, as follows:

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1. Harm = Making someone worse off than they otherwise would have been.
2. (Using the definition of 'harm' from P1) In Unhealthy Child, by conceiving now, Wilma does not harm her child (or anyone else).
3. In Unhealthy Child, by conceiving now, **Wilma does not wrong her child either** (or anyone else).
4. By conceiving now, Wilma benefits herself (as well as Pebbles).
5. But, any action which harms no one, **and wrongs no one**, and benefits some, is not morally wrong.
6. Therefore, Wilma's choice to conceive immediately is not morally wrong.

Put this way, the present objection would reject premise 3, above. Long story short, perhaps Depletion is immoral (and Wilma's immediate conception is immoral) because it **wrongs** the future generations (or wrongs Pebbles in some way). For instance, perhaps it violates the *rights* of future generations, or fails to treat them with the appropriate level of *respect*, or something like that.

(...But, then, what *kind* of right would we be violating, exactly, by choosing Depletion? or what *duty* would we be failing to fulfill, exactly?)