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The non-identity problem: accounting for future people and animals

Master thesis

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1. Introduction:

Global warming, though happening now, will have most drastic effects in the future. Global warming is known to be human-caused, that is, caused by past and current humans. However those who will suffer most – both humans and animals – have not been born yet. We often hear claims, that by continuing current policies we make future generations worse off than they would be if we would use more sustainable practices. But could this actually be true? After all, people and animals that would live when we would use sustainable practices and those who will live if we go on with current practices, are not the same people and animals. There are millions of people living just one meter above the sea level in Bangladesh, when the sea level rises due to global warming people will be forced to move – as a consequence different people will meet and have children (Broome, 2005: 404). For example, Aisha and her family would have to move from the home village to the metropolis, where she would meet the father of her future children. However when we would choose sustainable practices and sea levels would not rise Aisha and her family would stay in their home village and Aisha would meet a local boy and thus would have different children. The choice of policy itself determines who will live in the future. So exactly for whom and why is global warming bad?

This is a classical example of the non-identity problem, puzzle that was described separately by Derek Parfit, James Woodward and Gregory Kavka in the 1980s; however it is mostly associated with Derek Parfit who also coined the term (Roberts, 2015). The vast majority of literature on the non-identity problem is concerned with accounting for future human generations and children, but very little has been said about the non-identity problem in the context of animals. The non-identity problem is also highly relevant in animal instances – millions of animals are born each year with particular genetic makeups (identity) to satisfy human needs. While in human cases the effects of creation are often unpredictable and accidental, like in the above example, or are clearly deviations from accepted behaviour, in animal breeding the effects are both deliberate and widely accepted. Considering non-identity issues in the animal context shows that some possible solutions to the non-identity problem do not work as such in all animal cases, and on the other hand, the animal context removes prejudices we as humans have while considering the non-identity problem in human context.

In this thesis I will propose way to account for future people and animals alike in the context of the non-identity problem – the only way to consider future individuals before making identity-fixing decision is adopting *de dicto* understanding of future individuals. I will start by giving an overview of what the non-identity problem is and in which cases it arises in the second chapter. In the third chapter I will discuss previous attempts of solving the non-identity problem and apply these possible solutions to animal cases. The critique will largely follow David Boonin's breakdown of the non-identity argument that gives rise to the problem. To better address Clare Palmer's (2012) critique, I will expand one of the animal examples of the non-identity problem to show that in some instances it might be the breed or the species that is harmed in the fourth chapter. Such approach has not been used in previous discussions of the problem – however, breeds and species are also not immune to the non-identity problem.

In the fifth chapter I will outline my own view. I will argue for a *de dicto* understanding of future subjects of our concern – whether it is a child, an animal, a breed or a species. I will defend the view that *de dicto* understanding is the only way in which we can think of future individuals before they have been conceived. I will suggest that in some situations and relationships, *de dicto* harms are enough to make the action wrong. Finally, in the last chapter I will discuss some potential limitations of, and objections to my approach.

2. The non-identity problem

2.1. Future generations

The best and the shortest statement of the non-identity problem, which I have encountered and that does not depend on any examples, is presented by Elizabeth Harman:

> The non-identity problem concerns actions that affect who exist in the future. If such an action is performed, certain people will exist in the future who would not otherwise have existed: they are not identical to any of the people who would have existed if the action had not been performed. Some of these actions seem to be wrong, and they seem to be wrong in virtue of harming the very future individuals whose existence is dependent on their having been performed. The problem arises when it is argued that the actions do not harm these people because the actions do not make them worse off than they would otherwise be. (Harman, 2004: 89)

So the non-identity problem is a puzzle generated by conflicting intuitions when dealing with future generations: on the one hand we have the intuition that the decision maker is doing something morally objectionable, on the other hand we cannot ground this intuition on a person-based approach by saying that the action is objectionable since it makes some persons worse off than they would have been if that decision had not been made (Roberts, 2015). The problem arises when the action in question – action that seems to be harmful for future individuals, like using current practices in the global warming example – is also a precondition of existence for those individuals. The original aim of the non-identity problem was to show that this person-based conception of harm is not always helpful when trying to account for people who do not yet exist (Parfit, 1986: 351). In following subchapters I will focus on different examples of the non-identity problem and instances in which it arises. Further, I will discuss person-based approach of harm itself in next chapter under different proposed solutions. I will grant for now that such person-based approach is part of our common-sense morality or as Parfit (1986: 363) has put it: "what is bad must be bad *for* someone".

Since the non-identity problem is about actions that concern future individuals, then I will now turn to the three potential scenarios that present themselves when we evaluate possible outcomes of a certain action for the future generations (Parfit, 1986: 356-357):

> 1) Same people choices: the same individuals would exist in different courses of action.
>
> In these scenarios the identity of individuals who would exist in the future is not affected by the action in question. Consider Tom planting a landmine, hundred

years after his action a child steps on the mine and is severely injured – this child was born after Tom planted the mine, but this particular child would have existed also if Tom had not planted the mine. The same individual would have existed whether Tom had or had not planted the landmine.

2) Same number choices: different individuals would exist but their number would be same.

In these scenarios the identity of individuals is dependent on the action in question. Consider a woman who decides whether to have a second child now while her first child is one year old, or wait until her first child is much older. The child she could conceive now would not be the same she would conceive in a few years; the identity of her second child is dependent on her decision. However, whether she waits or not, she would have the same number of children.

3) Different number choices: different individuals and different number of individuals would exist.

In these scenarios not only the identity but also the number of future individuals is determined by the action in question. Consider China's one-child policy: it is obvious that by allowing every couple to only have one child, the policy influenced the number of individuals existing. Without such policy at least some couples would have chosen to have more children. But it also influenced the identity of children existing – without the policy at least some couples would have had children at a different time, but also many couples would not have opted for aborting female foetuses. [1]

The same people choices scenario does not pose the non-identity problem, since the identity of person does not depend on a different course of action (Parfit, 1986: 355). What Tom does in my example has no bearing on the identity of the child who will suffer as result of his action. This is quite a straightforward case where Tom harms the child and that harm can be accounted by person-based approach, that is - Tom's planting the mine makes her worse off than she would otherwise be. The same principle of harm as making someone worse off than they would otherwise be applies as when accounting for actions

[1] For more on China's one-child policy see for instance Howden, D., Zhou, Y. (2014) China's One-Child Policy: Some Unintended Consequences, *Economic Affairs*, Vol. 34 Issue 3, pp. 353-369

affecting already existing people. It makes no difference whether the person suffering from the land mine exists at the moment of planting the land mine or comes into existence at some later point.

The rest of the scenarios are two cases of the non-identity problem distinguished by Parfit. Boonin (2014: 1-10) adds to them a distinction between direct and indirect version of the non-identity problem and between "bad event" and "bad condition" cases. The example of the mother choosing between having child now or later falls into the category of direct cases – the choice that she makes determines who and how will exist in the future in a direct way. The example of China's one-child policy on other hand affects future generations in an indirect way. Policy makers are not deliberately choosing for more boys to be born, nor are they choosing who exactly will get together and when their children will be born. However by restricting the number of children people are allowed to have, they indirectly influence all the above and thus change the identities of people who will be born in the future[2]. In "bad event" cases the decision maker is putting someone in certain bad circumstances. Future individuals themselves are healthy and their wellbeing is not compromised due to any intrinsic factor, but rather due to environmental circumstances, due to the situation they find themselves or due to events that happen to them (Boonin: 2014: 9). In "bad condition" cases the decision maker chooses to create an individual who for one reason or another is born such that they have (genetic) health and wellbeing problems or they are predisposed to develop them later in life (Boonin: 2014: 8).

The Same and Different Number choices can be either direct or indirect, bad event or bad condition cases – and any solution to the non-identity problem should be able to work in all of these combinations (Boonin, 2014: 10). All of these scenarios presuppose that the action in question is a contributing factor to which individuals will exist in the future. As will be shown in the following examples the problem is how to explain how an action can be wrong when it does not make future individuals worse off as they otherwise would have been, and in fact the action in question is contributing to their existence in the first place.

[2] One-child policy also has an element of a direct influence, since lowering the numbers of future people is its main goal.

2.2. The non-identity problem, illustrated

2.2.1. Hasty mother

Wilma wants to have a child, but is informed by her doctor that she has an illness that as a side effect will most likely cause a significant disability to her child if she decides to conceive now. However her child would still have a life worth living (the disability is not that severe). The doctor advises Wilma to wait for a few months to make a full recovery and have a healthy child. Wilma decides not to wait and conceives now. Nine months later she gives birth to Pebbles, who as predicted has a significant disability. (Example adapted from Boonin, 2008: 128; 2014: 2)

Intuitively it appears that what Wilma has done is wrong[3] or at least morally problematic and most will find that whatever she has done wrong she has done so to her child, however it is less clear where to ground that understanding. If Wilma had decided to wait as the doctor said she should have, the child born would not have been Pebbles, she would have conceived a different child that would have been non-identical to Pebbles. So we cannot say that she has harmed Pebbles in any way. Firstly, because she has not made her worse off than Pebbles would otherwise have been, since if Wilma had listened to the doctor, Pebbles would not have existed at all. The only existence for Pebbles is as a disabled child and the only alternative for her is to not exist at all. Secondly, Pebbles has a life worth living; that is, in her life there are more intrinsically good states than intrinsically bad states (Palmer, 2012: 158). Latter is a non-comparative constraint to the already introduced person-based approach to harm. If Pebbles's life would be worth not having – that is, intrinsically bad states would overweight intrinsically good states – then we could say that Wilma's action harmed Pebbles in a narrow non-comparative way (Palmer, 2012: 158).

To be clear, in Boonin's (2008: 128) construction of the problem Wilma has to take medication every day for two months to cure herself and fails to do so, since this is inconvenient for her. The disability her child is predicted to have and ends up having is blindness. However I do think that blindness might not be the best example of a severe disability. Not because blindness is not severe, but because it is possible to have a highly functional life in today's society despite of blindness. Although Boonin (2014: 2) does acknowledge that and suggests one could imagine a different disability if they wish, I find

[3] Boonin (2014: 25) refers in his book to short polls he has done in his philosophy classes. However despite the fact that most literature refers to Wilma's action or other similar actions as morally wrong ones, I do feel that this might be too strong claim, but I do agree that action would still be morally problematic.

that his choice does influence the intuitions that are triggered throughout the discussion of the problem.

Consider this real case familiar from recent news. The outbreak of Zika virus in Latin-America has been linked to growing cases of microcephaly – a condition where children are born with smaller brains and heads than considered normal. Many countries have recommended women to postpone having children for two years. Giving the assumption that Zika virus is not just correlating with but also causing microcephaly, would it be immoral for women to conceive within those two years anyway? Microcephaly has much more severe consequences than blindness of Boonin's case, however it would be extremely hard to argue that such a child would have a life not worth living. If a woman would decide to conceive and would give birth to a disabled child, then it cannot be claimed that this child was harmed, because this particular child would not have existed if the mother had decided to wait. The healthy child that she could have had in two years is not identical to the disabled one she would have now.

The non-identity problem in the hasty mother case can be phrased as such: it cannot be said that the mother made her child, Pebbles, worse off than she would otherwise have been. So if this child was not harmed (that is, not made worse off than she would otherwise have been) and thus was not wronged, then how can the mother's action be wrong? The hasty mother example is considered to be a same number choice – the choice is between having one child now and having another child later. Using Boonin's distinction, it is a direct case of non-identity problem – the mother influences her child's identity directly and very knowingly. In this example the mother chooses to have a disabled child, thus choosing the child to have a specific existence and as such this is an example of bad condition cases.

2.2.2. Teenage girl

A teenage girl decides to conceive a child now rather than later in life. A most commonly used argument to convince her to wait before having a child is that by having a child now, she would not be able to give that child a good start in life. However if she waits, she will be able to finish her education, find a job and housing and thus would also be able to give her child better opportunities. The girl still decides to have a child now and gives nine months later birth to Tim. Tim does not have what is usually considered a good start in life – his family is constantly struggling financially, his mother herself is still a

child and he grows up without a father. Despite all the struggles Tim still has a life worth living. (Based on Parfit, 1986: 358; Parfit, 2011: 220)

The example of a teenage mother is somewhat similar to the hasty mother example, both are same number choices and both are direct versions of the non-identity problem. However unlike the hasty mother, the teenage girl does not bring about a flawed existence, since both Tim and her other potential children would be perfectly healthy – for this reason many will be inclined to call her choice 'hasty' without wanting to say that it is immoral. The difference between two examples is in the external situations future children would find themselves in and these situations are bound to the decision the mother makes. Tim could not have a better start in life. Any other child to whom his mother could have given a better start in life, if she had waited, would not have been Tim. If the hasty mother example fell under bad condition case, then the teenage girl is a bad event case example.

2.2.3. Depletion

A wealthy society has to decide between two strategies of using its resources. If they choose "depletion", their standard of living will grow over the two next hundred years, but due to the running out of resources, the living standard of future generations will drop to the level similar with today's situation after this time. If they decide for "conservation", their living standard will still grow in comparison with the current situation, but not as much as in the depletion scenario. However the living standard of future generations will still be growing in two hundred years and will be much higher than in the depletion scenario.

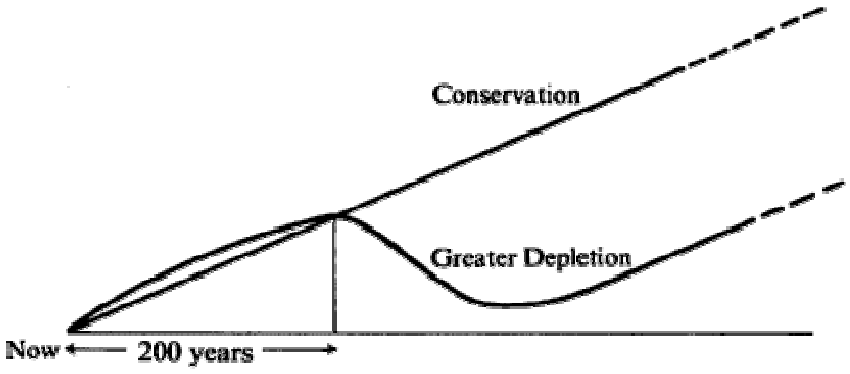

Figure 1. Graphic explaining different depletion example scenarios in Parfit (1986: 362)

The future population in the depletion scenario is not identical to the future population in the conservation scenario. Due to the different living standards resulting from the decision, different people get together and marry or the same people get together

but have children at slightly different times, therefore in two hundred years, the two populations would not be identical. So if society chooses a depletion policy, since it is more beneficial to *them*, it cannot be said that they make future generations worse off than they otherwise would have been, because the existence of those future people depends on the depletion choice. (Adapted from Parfit, 1986: 361-362; 2011: 218)

Similarly with the teenage mother example this is a bad event case: when comparing the two populations, the people in both scenarios have similar health overall, the differences come from the situations they find themselves in and the events that will happen to them. These situations and events are the result of the decision of the wealthy society, and also a precondition for the existence of the populations in question. The first two examples represent a same number choice, whereas the depletion scenario can be reconstructed as a different number choice – the size of populations can be different as a result of the chosen policy.

The depletion example is in fact strikingly similar to the issue of global warming: today's societies have to make a choice concerning their way of life but those who will most suffer or benefit from it have not been born yet. One alternative is to go on as before and enjoy same or slightly growing living standards; however it is future generations that will be put in a bad situation and will have to face bad events, among other things lower living standards (Parfit, 2011: 218), but also many will be killed due to the global warming (Broome, 2005: 403-404). The other alternative is slightly uncomfortable for the present and the next generation, and will result in lower living standards for some time compared with the first alternative, but the generations to come will benefit from a better situation compared to the alternative (Broome, 2005: 404). However it is clear that like in the depletion scenario, the populations in the two alternatives will be different both in terms of their identities and number of individuals (Broome, 2005: 404).

2.2.4. Transgenic mouse

I will now turn away from classical examples of the non-identity problem and concentrate on examples based on animals. Considering the non-identity problem in the animal context gives new perspectives that might put the whole debate in a new light.

Consider a transgenic mouse that was born in the laboratory and due to its genetic makeup will develop a painful cancer at some point in its life. The mouse itself has not been genetically modified - its parents were genetically altered, but the mouse in question

was born as the result of natural breeding. This transgenic mouse will definitely have a life worth living, it will be provided with everything necessary for its wellbeing and once cancer develops, it will be given painkillers and experimental treatment and will be euthanized before suffering will grow too unbearable (example adapted from Palmer, 2012: 159).

The only reason this particular mouse exists is due to the need for such mice in research and the only way of existence for this mouse is with the particular genetic makeup that will result in suffering. There is no alternative for this particular mouse; it would not have been bred if research had not needed such research animals (Palmer, 2012: 161) – that is, without research activities this mouse would not have existed. Like in other examples, it cannot be said that being a research animal makes this mouse worse off than it would have otherwise been. Although some aspects of research can still harm this mouse (i.e. make it worse off), like not administering painkillers when needed or not providing it with species specific food and shelter, this cannot be said about it developing cancer or being bred for the research project.

Unlike with other examples, the alternative for this example is not a healthier mouse, but no mouse at all or maybe a mouse bred for a different kind of research and thus exhibiting some other kind of properties that are essential to the research. Further, the decision maker in this case is the researcher and sometimes the decision making process can be complicated and involve many people on different levels. In this regard our transgenic mouse might be much more similar to the depletion example than to the examples of hasty mother and teenage girl. This example can be constructed as a same number choice (when alternative is to breed another similar research mouse) or a different number choice (when in alternative no research mouse is bred), it exhibits features of direct version of non-identity problem (researcher chooses to create this specific mouse) and also features of indirect version (when we acknowledge that there is a whole industry involved in contributing to creation of this research mouse), and it is an example where the individual in a bad condition, that is the cancer prone transgenic mouse, is created such that bad events will happen to it (although research itself is not necessarily harmful for the mouse, it usually happens to be so).

2.2.5. English bulldog

English bulldogs as a breed are known to have a much higher risk of developing hip dysplasia, cysts, breathing complications, vulnerability to heat stress, and have an average life expectancy of five to six years, which is almost half the life expectancy of an average dog. Health problems associated with this breed have a serious impact on the wellbeing of its members. Knowing this, a breeder still decides to breed her female to the male that she thinks is an outstanding example of the breed. Two months later Lucy is born, and as predicted she develops hip dysplasia and breathing complications that have some negative effect on her life, but not to the extent that it could be said that her life is not worth living. Lucy is well cared by her breeder as a puppy and later adopted by a family which goes to great lengths to make sure Lucy has a good welfare. Lucy dies at the age of six and a half years (adapted from Palmer, 2012: 159).

As with all the presented examples, there is no alternative existence for Lucy other than being the English bulldog she is. Like with the mouse example, Lucy's problems are embedded in her genetic makeup and there is no comparison point. It is highly unlikely that the person breeding English bulldogs would choose to go and breed golden retrievers or that the person adopting would take a retriever in place of a bulldog. It is more likely that no other dog or a different English bulldog would have been bred or adopted in Lucy's place. The latter would still result in the same scenario as described. The former would mean that we are dealing with a different number case. In Boonin's distinction this would be a bad condition case and it has features of direct and indirect cases. It is direct since there is one particular breeder who decides to bring Lucy into existence, however there are many more contributing parties to the fact that English bulldog as the breed has such welfare affecting features. Latter will be discussed in more detail in fourth chapter.

However the intention behind creating an English bulldog is somewhat different from creating a transgenic mouse – the English bulldog is not bred *for* its health problems, these problems are caused by other features (like shorter nose, massive heads, low and massive body structure, etc.) the dog is bred for. That said, the breeding of transgenic mice and the English bulldogs is a widely accepted practice where animals are deliberately created for their welfare affecting characteristics. This makes them rather different form the hasty mother and the teenage girl cases which can be seen as a clear deviation from the norm (Palmer, 2012: 160-160).

2.3. Remarks on the examples

It is important to note that the non-identity problem is always presented such that the knowledge of the decision-maker is crucial. If Wilma in the hasty mother example had no way of knowing about having a condition that will have such effects on her child, we could not speak of her choice as being morally wrong. Her condition could be one that does not cause her any discomfort and thus she might think herself to be perfectly healthy. In this case we would say that it was just a misfortune. It would also be a misfortune if Wilma decides to wait and takes precaution measures to not become pregnant, but still conceives a child despite everything and that child will be born with a disability as predicted. That is although Wilma would still be responsible in the sense that she has caused her child to come to existence in a particular way, she would not be morally responsible – roughly put she cannot be praised or blamed for her action. Without proper knowledge of her condition and the effects this condition would have on her future child, she could not be morally accountable for the effects her decision brings about.

Climate change illustrates well the same point in indirect cases – as long as there was no knowledge that would suggest that human actions were causing the global warming, there could not be a moral responsibility. So although human activities resulting in pollution have started much earlier and have since been influencing the future generations and also who will be part of future generations, this non-identity case presented no moral problem. However when relevant knowledge has been acquired, the question about the morality of further actions can be asked.

At the same time I would not want to say that ignorance completely frees from responsibility. There are instances where the person making a decision might be ignorant of important aspects and effects of their decision, but they are still in the position to know. The breeder of English bulldogs is in the position where she should be aware of common problems in the breed and the ignorance is not an extenuating circumstance that frees her from moral responsibility. Likewise a speeding driver is in position to know the regulations and the fact that they did not notice the road sign does not free them from moral responsibility as they were in the position to know. The difference with examples in paragraphs above is that policy makers and Wilma were not in the position to know prior to acquiring the knowledge.

Despite the differences between the same and different number cases, the direct and indirect, bad event and bad condition cases, all the examples share a common structure and

a common moral problem. We want to say that the agents – whether mothers, policy makers, researchers, breeders – have done something morally objectionable, but we cannot explain this in terms of wronging or harming any particular individual, in the sense of this individual having been made worse off than they would have otherwise been, had the agent acted differently. On other hand, we want to say that there should be some way to take future individuals into account when making decisions about which we know that they would affect their wellbeing or quality of life in a severe manner.

2.4. The non-identity problem as five premises and one conclusion

David Boonin (2008; 2014) breaks down the argumentation behind the non-identity problem into five premises and one, as he calls it, implausible conclusion. Boonin builds this conceptualisation on the example of the hasty mother, but the same can be done for other examples. Boonin (2008: 129-131, 2014: 3-5) uses names in his breakdown, but I will go with letters - M is for mother and C for child. For the purposes of my thesis I will merge premises 4 and 5 into one, as they often are presented as one and together describe "no harm, no foul" principle.

> Premise 1: M's act of conceiving now rather than later does not make C worse off than she would otherwise have been
>
> Premise 2: If M's act harms C, then M's act makes C worse off than C would otherwise have been
>
> (Thus: M's act of conceiving now rather than later does not harm C)
>
> Premise 3: M's act of conceiving now rather than later does not harm anyone other than C
>
> (Thus: M's act of conceiving now rather than later does not harm anyone)
>
> Premise 4-5: If an act does not harm anyone, then the act is not morally wrong
>
> (Premise 4: If an act does not harm anyone, then the act is not morally wrong then the act does not wrong anyone; and Premise 5: If an act does not wrong anyone, then the act is not morally wrong)
>
> Conclusion: M's act of conceiving C is not morally wrong

Before proposing my own way of accounting for future individuals in the context of the non-identity problem, I will give a brief overview in the next chapter of some proposed

solutions to the non-identity problem that deny one of these premises, and Boonin's own solution, that instead accepts the conclusion. I will give an overview of what has been proposed to solve the non-identity problem and why proposed solutions are unsatisfactory in the human or animal case. Keeping in mind the work of other philosophers and objections to them, I will move on to propose my own way of blocking the non-identity argument as presented by Boonin (2008, 2014) in the fifth chapter. Boonin (2008, 2014) provides an excellent account of how various philosophers have attempted to solve the problem by rejecting one of the premises. Clare Palmer's (2011, 2012) critique will be used when these solutions are put in the animal context.

3. Solving the non-identity problem

3.1. Parfit's solution

I will start the overview of proposed solutions with Parfit's own solution to the teenage mother example. Parfit proposes what he calls the same number quality claim (Q):

> If in either of two possible outcomes the same number of people ever live, it would be worse if those who live are worse off, or have lower quality of life, than those who would have lived. (Parfit 1986: 360)

The same number quality claim seems to describe the intuition people have that the mother could have made a better choice than she actually made (Parfit, 1986: 360). Parfit (1986: 366; 2011: 231) accepts what he calls no-difference view – it does not matter whether identity of future individuals is affected by the action or not. However, he does not argue that this choice is better from the point view of a particular person or from the point of view of the child. Instead he takes an impersonal approach and states that from an impersonal standpoint it would be worse if individuals who live are worse off compared to those who could have lived, if the decision that was made had been different.

However Parfit (1986: 361) also argues that such approach is only plausible in same number choices, and as such does not solve the non-identity problem that might also occur in different number choices. The problem with adopting impersonal consequentialism is that it does not consider goodness or badness of things for any particular person but as net sum of goodness or badness. One possible form of impersonal consequentialism is "if other things are equal, the best outcome is the one in which there would be the greatest quantity of whatever makes life worth living" (Parfit, 1986: 387). Adopting such impersonal consequentialist view in different number choices leads to what Parfit calls the repugnant conclusion:

> The Repugnant Conclusion: For any possible population of at least ten billion people, all with very high quality of life, there must be some much larger imaginable population whose existence, if other things are equal, would be better, even though its members have lives that are barely worth living (Parfit, 1986: 388).

The repugnant conclusion is problematic for classical consequentialist approaches. Since the personal aspect of well-being is not taken into account, and what matters if other things are equal, is the total impersonal amount of happiness (or of whatever makes life worth living), then the classical consequentialist would have to prefer the second option – that is, a much larger population whose members have lives that are barely worth living.

However this conclusion is not satisfactory for most people, including Parfit (1986: 360) himself.

Parfit (1986: 361) suggests that for solving the non-identity problem theory X should be accepted. Theory X is a possible theory that would retain Q in same number choices and would justify Q better than classical consequentialism, but also would solve non-identity cases in different number choices and do so without leading to the repugnant conclusion. Parfit's wording of the principle Q and the repugnant conclusion suggest that he is nonetheless looking for a solution to the non-identity problem in the framework of consequentialism. The fact that one option is better implies for classical consequentialism that the worse option is wrong – one should always do what is better (Roberts, 2015; Sinnot-Armstrong, 2015). There is no room for both options to be morally permissible with one option being still slightly better than another.[4]

Parfit's work shows the dangers of solving the non-identity problem in the framework of classical impersonal consequentialism. To better account for proposed solutions to the non-identity problem also in other theoretical frameworks, I will use Boonin's (2008, 2014) breakdown of argumentation behind the problem and follow his critique to possible solutions.

3.2. Rejecting premise 1

Boonin (2008: 134) presents this premise as the one that "sets the stage" for the argument, however he sets his stage slightly differently than I do. I have worded the first premise as:

> Premise 1: M's act of conceiving now rather than later does not make C worse off than she would otherwise have been

While Boonin (2014: 3) uses:

> Premise 1: Wilma's act of conceiving now rather than later does not make Pebbles worse off than she would otherwise have been

The role of stage setting should not be overlooked, since this does influence the way the argument might go. By giving a name to the child, Boonin seems to be choosing the time when the child is already born and her identity is known and fixed, while my setting leaves

[4] Consider donating to charity – in contrast to consequentialism, it may be said that it is permissible not to give to charity and still hold that donating would be better than not donating.

it open and allows to consider the moment of decision-making when the identity of future child is yet unknown.

Two ways to deny the first premise have been used in the literature. Firstly, one may reject the premise since accepting it seems to implicitly require comparing how things are for an individual when she exists and how things are for her when she does not exist. There is some substance to this claim: comparing how things would be for Pebbles if she exists and if she does not exist is strictly speaking not possible – we could just compare alternative worlds where Pebbles exists and does not exist, however nothing can be said about how it would be for her. So rejecting the first premise in this way would be to say: it is impossible to say whether M's act of conceiving now rather than later does or does not make C worse off than she would otherwise have been. Boonin (2014: 30) responds that even if it is not possible to compare the existence and non-existence, this does not undermine the claim that C is not worse off: "If the incoherence objection shows that P[remise] 1 does not say something that is true, that is, it also shows that it does not say something that is false". Since it does not show that premise 1 is false, then the claim is not robust enough to block the argument (Boonin, 2014: 30).

Secondly, the premise might be rejected by making a distinction between *de dicto* and *de re* ways of identifying Wilma's child. Boonin's interpretation of the premise is *de re*: it has the particular and actual identity in mind of Pebbles as such. The *de dicto* understanding would be, instead, something like "the first child of Wilma", where the particular identity of the child is not fixed – it might be a boy or a girl, it might be a healthy or disabled child, and the only condition to satisfy is nothing more than being the first child Wilma has. For example, in his original wording of the teenage mother example Parfit (1986: 358) uses words for roles ("mother" and "child") and not first names ("Wilma" and "Pebbles"), showing that he is also aware the possible *de re* and *de dicto* interpretations.

De dicto and *de re* are general terms in the philosophy of language. Caspar Hare (2007: 514) uses a joke about Zsa Zsa Gabor to illustrate this distinction. Zsa Zsa Gabor told once a reporter that she had found a way to keep her husband young. The reporter thought that she had found an elixir of youth to keep her current husband young, when in truth she was planning to marry a new and younger man every five years. The reporter understood her claim as *de re* – that is "her husband" as picking out the particular person she was married to at the moment. Zsa Zsa Gabor herself was referring to "her husband" in *de dicto* mode – that is, as a description which could be filled by any appropriate object. Or

consider the claim that "Ralph believes that someone is a spy". The *de dicto* meaning of it would be that Ralph believes that there is at least one spy in the world (no matter who), while *de re* meaning of the same sentence it that Ralph believes, of some specific person, that he or she is a spy (McKay, Nelson, 2014). Thus *de dicto* meaning picks up a description, while *de re* meaning picks up a specific object.

The first premise might be true when understood in *de re* sense, but false when understood in *de dicto* mode:

> Premise 1 *de re*: M's act of conceiving now rather than later does not make C (that is, *Pebbles*) worse off than she would otherwise have been.
>
> Premise 1 *de dicto*: M's act of conceiving now rather than later does not make C (that is, *her first child, whoever he/she is*) worse off than he/she would otherwise have been.

So it might be argued that while Wilma did not make Pebbles worse off, she did make *her first child* worse off by conceiving him/her now rather than later. Hare (2007) and Višak (2013) among others are arguing for such an understanding.

Parfit (1986: 359) rejects the *de dicto* reading, since although we can make the *de dicto* claim that mother's act harms her child, "it does *not* explain the objection to the girl's decision"[5]. When the child is born, *her first child* refers now to Pebbles, and Wilma has not made Pebbles worse off. Parfit (1986: 359) accepts "that there is a sense in which [the *de dicto claim*] is true". However he also objects that it "does not appeal to a familiar moral principle". Familiar moral principle is for example the person-affecting account of harm, however when Pebbles is born the *de dicto* meaning of "Wilma has harmed her first child" does not refer to the harms done to Pebbles, and so it does not appeal to what is bad or good for any actual individual. Boonin (2008, 134-135) concludes that it is unclear why one would prefer the *de dicto* meaning in premise one, when the conclusion (of non-identity argument) could still be made in *de re* meaning – and thus he adopts the *de re* reading. I will discuss Boonin's and Parfit's objections to adopting *de dicto* meaning in more detail in fifth and sixth chapters.

Palmer (2012: 161) considers appealing to the *de dicto* meaning in the animal context, and acknowledges that while this kind of approach could work in many human examples, it is insufficient in the animal examples. In human instances there are

[5] Parfit is discussing the claim in the context of the teenage girl example

alternatives in which either the person to be created (read *de dicto*) has better opportunities (like in examples of teenage mother and depletion) or would have better health and wellbeing (as in hasty mother example) and the decider makes their decision based on what is more convenient for them at a current moment. However in animal examples there is often no such choice: there is no alternative mouse that could be created in place of transgenic mouse prone to cancer (Palmer, 2012: 161). The transgenic mouse is chosen to be created due to the fact it will develop cancer later on (Palmer, 2012: 161). If one waits with breeding, it will alter the identity of mice that could be born, but not the fact that they will be prone to cancer. In other words, the researcher in the example of transgenic mouse identifies the mouse as cancer prone, not as some mouse – *de dicto* meaning itself includes the proneness to cancer which is the reason why one would turn to *de dicto* meaning in the first place.

As I am going to adopt the *de dicto* meaning for my purposes then this topic will be further elaborated on in the fifth and sixth chapter of the thesis.

3.3. Rejecting premise 2

3.3.1. Harm as making someone worse off.

> Premise 2: If M's act harms C, then M's act makes C worse off than C would otherwise have been

Up to this point, I have simply granted that to harm someone is to make them worse off than they would have otherwise been. Premise 2 defines harm precisely in this person-affecting way; however this is not understood as a sufficient condition of harm, but rather as necessary condition (Harman: 2004: 107; Boonin, 2012: 53). So according to premise 2: action is harmful only if it makes somebody worse off than they would have otherwise been and this seems to be part of our commonsense thinking about harm (Boonin, 2014: 52). Such understanding of harm is comparative: it compares two distinct states – one in which action is performed and second in which action is not performed; and it is a person-affecting understanding of harm, since it compares those two distinct states from the point of view of the wellbeing of a person who would be affected. In the literature so far, the 'term person-affecting' has been used; in light of the harms done to animals, the term 'individual-affecting' (Palmer, 2012: 160) is be better fitted, since it better describes those who can be harmed. While not all sentient animals are strictly speaking persons they are nonetheless individuals who can be harmed.

In this subchapter I will give a brief overview of ways in which this premise has been rejected and the alternative definitions of harm that have been proposed. This premise might be rejected on the basis that there are other morally relevant ways to harm someone that do not necessarily make an individual worse off than they otherwise would have been. Rejecting Premise 2 is a twofold task – one needs to present an alternative account of harm that would work independently of the non-identity problem and also show that this account is relevant in the non-identity cases (Boonin, 2014: 54). There are roughly three alternative ways to define harm: firstly, one could use comparative accounts of harms similar to proposed, but change the point of comparison; or one could adopt non-comparative accounts of harm; or propose understanding of harm that has both elements of the comparative and non-comparative aspects (Boonin, 2014: 54).

3.3.2. Alternative comparative account of harm

One could adopt an alternative account of harm by changing comparison point. Premise 2 defines harm by comparing outcome of the action for the affected person between how things are and how things would have been. An alternative option would be to compare outcome of action for the person and how the person was before the action (Boonin, 2014: 57). There seem to be some instances where the alternative comparative account can provide a better explanation. Namely, in some cases in which whether one does or does not perform the action, the outcome is the same Consider for example the two hit man example: if hit man A does not kill X, then hit man B will – so when hit man A kills X, then X is not made worse off than X would have otherwise been (Boonin, 2012: 57), but X is made worse off than X was before. But there are also cases where comparative account works better than its alternative.

However even if we grant that the alternative approach should be adopted, it still would not solve the non-identity argument. The alternative account of harm would be able to reject premise 2, but only a minor revision of premise 1 would lead to the same conclusion as before (Boonin, 2012: 61):

> Alternative Premise 1: M's act of conceiving now rather than later does not make C worse off than she *was before M's act*
>
> Alternative Premise 2: If M's act harms C, then M's act makes C worse off than C *was before M's act*

Conclusion would still be that mother's act of conceiving now rather than later does not make Pebbles worse off (Boonin, 2012: 61). Since before mother's act Pebbles did not exist, then mother action cannot make Pebbles worse off (Boonin, 2012: 61).

3.3.3. Non-comparative accounts of harm

Non-comparative accounts of harm strive to identify different bad states that are bad in themselves – like for example pain is; but also account for comparative harms – when someone is made worse off, they have also been put in some kind of bad state (Boonin, 2012: 71-72). Harming someone according to non-comparative accounts of harm is to cause them to be in a bad state, so Premise 2 would be modified as follows (Boonin, 2012: 72):

Premise 2b: If M's act harms C, then M's act causes C to be in a bad state

Elizabeth Harman (2004: 93) has proposed one non-comparative definition of harm: "An action harms a person if the action causes pain, early death, bodily damage, or deformity to her, even if she would not have existed if the action had not been performed". Unlike the comparative account of harm, this is a sufficient condition of harm (Harman, 2004: 107).

Boonin (2014: 73) argues that such notion of harm is too strong – it is unable to differentiate between bad states that make a person worse off and bad states that are temporary and necessary for benefiting a person. Consider the example of the surgeon:

> A doctor cuts a hole in my abdomen in order to remove my swollen appendix. Cutting open my abdomen causes me pain (as I recover); but if the operation had not been performed, I would have suffered worse pain and died very soon. (Harman, 2004: 91)

According to comparative account of harm, what surgeon does would not count as harming - it would be benefitting – he either makes a patient better off than they would have otherwise been or than they were before. But if one accepts Harman's definition of harm, they would have to accept that surgeon's action counts as harm. Harman (2004: 92) herself accepts the conclusion that surgeon is harming his patient, but adds that nonetheless this action is permitted and not morally wrong, since in the alternative, the patient would have suffered more. Harman (2004: 104) claims that there are two ways in which harming may be permissible and both depend on possible alternatives. Firstly, harming is permissible when there are strong reasons to avoid alternative action - that is, in alternative course even more harm is done. And secondly when there are no alternatives available, where no-one is harmed and harms done are not considered serious. So wrongness-constraint of what makes action morally impermissible – that is, morally wrong - is availability of alternatives

where less harm is done and consideration of how serious harm is when there are no alternatives. Latter is similar to what I have noted in first chapter when comparing blindness and microcephaly.

To defend this account of harm, one needs to show that it is reasonable to treat the surgeon example as a case of harm and also to prove that while it is morally wrong for Wilma to conceive Pebbles, it is not wrong for the surgeon to perform the operation. Boonin (2014: 73-74) argues that Harman is unable to do both. It is beyond the scope of this thesis to provide detailed account of objections to the comparative account of harm, but I agree with Boonin as I am not convinced that surgeon's actions should be counted as harm and that a non-comparative account of harm should be preferred to the comparative account.

However even if we grant that this should be the case, further difficulties arise with Harman's wrongness-constraint. Consider the example of ice cream: you have an ice cream that you do not want to eat and there are two children, Sally and Ben, nearby that would both have great pleasure from eating the ice cream. Sally is bit closer to you than Ben and it is bit more convenient to you to give the ice cream to Sally. If you give the ice cream to Sally she will have a mild stomach ache later in day, while Ben would not have similar problems (adapted from Boonin, 2014: 91).

According to wrongness-constraint that Harman provides it would be morally impermissible to give the ice cream to Sally since there is an alternative available in which similar harms are not suffered, which seems to be far too strong a claim.[6] I do agree that it is reasonable to prefer giving the ice cream to Ben and not Sally, but to claim that giving it to Sally is morally wrong is not what most people would agree with. And so Boonin (2014: 91) concludes that although non-comparative account of harm might solve the non-identity problem it is not modest enough – it leads to even more implausible conclusions when taken out of the context of the non-identity problem.[7]

[6] In her later work Harman (2009) specifies that wrongness-constraint applies only to the people who do not exist independently, however this is ad hoc solution that does not satisfy what Boonin (2014: 92) calls independency requirement – that is we would not use this kind of wrongness-constraint outside of the non-identity problem.

[7] For more detailed and thorough overview to the non-comparative account of harm see Boonin, 2014

3.3.4. Mixed accounts of harm

Mixed accounts of harm are possible since there are two sides involved in harm: on the one hand we have the individual who is harming (mother in my example) and on the other hand we have the one who is harmed (Pebbles). Since there are two aspects, it is possible to treat one of them as comparative and other one as non-comparative. The first option would be to say that Pebbles was harmed in a comparative way (she was made worse off) while mother's action was harming non-comparatively, second option would be to claim that Pebbles was harmed in non-comparatively while mother's action was harming in comparative way.

Matthew Hanser (2008: 440-441) proposes a concept of mixed account of harm, where harm is understood as the loss of "basic goods" and action counts as harming when as a result someone suffers loss of basic goods. M's action is harmful non-comparatively (it is harming since it causes C to lose a "basic good") – it does not compare consequences of action to no-action scenario, while C is harmed comparatively (she loses some "basic good"). This is a kind of responsibility driven account – M has harmed C if she is responsible[8] for her undergoing harm – that is, if as result of M's action C have been made worse off than she would have been or compared to any other baseline (Boonin, 2014: 65-66).

> Premise 2c: If M's act harms C, then M's act causes C to suffer a comparative harm (either more than C would have suffered or more than C suffered before)

However as has become clear in subchapters 3.2.1. and 3.2.2. Pebbles does not suffer comparative harm. Adding non-comparative aspect to what her mother did does not block the argument and it would still hold that the mother did not harm Pebbles. However Boonin (2014: 67) accepts that such understanding of harm and harming seems to solve the non-identity problem in bad event cases, such as are the depletion or global warming examples. In such examples where people lose something essential for them, opposing the bad condition cases like the hasty mother example where there is no loss.

The second way to defend mixed account of harm is to construct harm and harming other way around: act is harming in comparative way, while harm itself is understood non-comparatively (Boonin, 2014: 69).

[8] That is responsible by causing something; this is not the same as to be morally responsible, although the two concepts are connected.

> Premise 2d: If M's act harms C, then M's act causes C to suffer more non-comparative harm

This alteration of understanding of harm seems to provide good grounds to say that Wilma's act harmed Pebbles: she has put Pebbles into the situation where she suffers more non-comparative harm and blindness can be understood as such harm (Boonin, 2014: 70). If Pebbles would have not existed she would have not suffered this harm (she would have not been blind). However there are troublesome aspects with this understanding of harm. According to this definition of harm, every single individual born into the world suffers some kind of non-comparative harm during their lives (and they do not suffer these harms before their existence), and any individual who does not come into existence never suffers any non-comparative harm (Boonin, 2014: 70). So according to this definition any procreation would be morally problematic and harmful for those who come into existence. One who wants to adopt this kind of account of harm will solve the non-identity problem, but will also have to accept even more implausible conclusion (Boonin, 2014: 70).

3.4. Rejecting premise 3

> Premise 3: M's act of conceiving now rather than later does not harm anyone other than C

The third premise is as much a stage-setting premise as was the first one. Although in many cases it is possible that someone else might be harmed by an act of conceiving – whether the mother herself, other siblings or society – it is argued that: firstly it is imaginable that no-one other is harmed; and secondly the moral intuition we have in the first place is not about harm done to someone else, but about harm done to the particular individual who owes one's existence to the action in question (Boonin, 2008: 137-138; 2014: 103-104). Usually this premise is used to stress the latter – that when the examples are first presented there seems something morally problematic in them, and not so due to the effect on other persons. This may be true about some human examples, but as Palmer (2012: 160-161) points out: it is hard to say in animal examples that someone else is harmed. In the transgenic mouse example we could actually claim that humans and society are benefitted (Palmer, 2012: 161). However there seems to be a competing intuition in the animal context that might hold true in some human examples – sometimes it might be the population that is made worse off. Since this is an important aspect to the English bulldog example I will explore it in the fifth chapter.

3.5. Rejecting premise 4

Premise four and five usually co-occur together in the form: If an act does not harm anyone, then the act is not morally wrong. But since different arguments have been employed to attack one or the other part of it, Boonin (2008: 130-131; 2014: 4) divides it into two different premises so that objections to each could be presented better.

Premise 4: If an act does not harm anyone, then the act does not wrong anyone

There are other ways to wrong people other than harming them by making them worse off. The most common example of this are acts that have an intention to harm but fail to do so or that are done with extreme indifference about potential harm. However even if we change the premise to account for such acts, it does not help to solve the non-identity problem, since in most examples intention to harm or extreme indifference is not present (Boonin, 2008: 139). It might be even said that in accordance with first two premises the decision-maker is convinced that nobody will be harmed by their decision and so goes on with their action.

One way to claim that someone is wronged in a morally relevant way even when they have not been harmed is to say that their rights have been violated. Premise 4 would be modified to:

> Premise 4a: If M's act does not harm C *and* M's act is not done with the intent to harm C *and* is not done with extreme indifference to whether or not it harms C, and if M's act does not violate C's rights, then M's act does not wrong C (Boonin, 2008: 139)

Since neither Pebbles nor any other individual that is object of concern in the non-identity cases exists at the moment a decision is made, then rights in question cannot be held by actually existing individuals. In the context of the non-identity problem to deny this premise one should have to appeal to the rights of future generations which would be violated by the choice of Wilma in the hasty mother example. Pebbles is only a possible individual at the moment of decision that will make her become an actual individual, so one should consider what kind of right could this possible individual have that is being violated (Boonin, 2008: 140). A potential answer would be the right not to be brought into this particular flawed existence and since there is no other alternative existence for Pebbles as such, then this would mean a right not to be brought into existence. However as Boonin (2008: 140) puts it, it is not clear why this would be so, after all Pebbles will have a life

that is worth having. Another way to answer would be that by conceiving Pebbles Wilma violates rights to existence of her potential child that would be born two months later. But this leads to the absurd conclusion that every potential chid has the right to be conceived (Boonin, 2008: 140), which is even more implausible than implausible conclusion of the non-identity problem.

A second strategy that has been used by appealing to rights is that it would be wrong to generate rights that cannot be fulfilled (Boonin, 2008: 141). For example it is wrong to make a promise that one knows that they cannot keep. Similarly it can be claimed that is wrong to bring into existence individuals who have rights that cannot be fulfilled (Boonin, 2008: 142) – for example a right for adequate care and good start in life (the teenage girl), a right to good environment (global warming) or right to healthy body (the hasty mother). Firstly it is not clear whether the wrongness of promise-breaking can be explained by generating rights that will later be violated. There is an alternative explanation: making a promise that will not be kept itself violates a right a person has, namely the right not be given promises that will not be kept (Boonin, 2008: 142). Secondly, even if we accept the parallel what will follow is that we should not procreate at all, since it is foreseeable that every individual will have a right that will be violated at some point in their life (Boonin, 2008: 142).

When we think of animal non-identity cases another weakness of rights-based approaches emerges. Appeal to rights seems natural when talking of humans, however the debate over whether and what kind of rights non-human animals have is far from being settled. So even if we will find a way for rights-based approaches to work in the human non-identity cases, it will still leave the animal cases unaddressed. In the light of animal examples wronging is not relevant; however I do not feel that rejecting premise 4 on that basis is enough to block the argument that gives rise to non-identity problem. Namely for this reason I treat premise 4 and 5 as one, after all what is intended is to prove that when action does not harm anyone, then the action is not wrong.

3.6. Rejecting premise 5

Premise 5: If an act does not wrong anyone, then the act is not morally wrong

To reject this premise one needs to show that acts can be wrong without wronging or when treating premises 4 and 5 as one that action is wrong without harming anyone. There seem to be two ways to show that an act is wrong without wronging in the context of

the non-identity problem: firstly to claim that flawed existence in itself is intrinsically bad and secondly that an act is wrong since there were impersonally better options (Boonin, 2008: 143). The problem with such solutions is that they seem to bring about further complications. First option appeals to the feature of some non-identity cases where the decision brings about flawed existence, and was introduced by Gregory Kavka (1982: 105) who suggested that "conditions of society or the world are intrinsically undesirable from a moral point of view to the extent that they involve people living restricted lives" that is, living a life "that is significantly deficient in one or more of the major respects that generally make human lives valuable and worth living." This proposal seems to be helpful in the cases similar to the hasty mother example and might be adapted for the examples of transgenic mouse and English bulldog – that is in the bad condition non-identity cases. However it does not solve all non-identity cases: it does not provide a solution to bad event cases, like in the teenage girl and depletion examples, because in these cases the people in question do not live "restricted lives". There is also a further difficulty with accepting this criterion of wrongness: disability itself would be intrinsically bad and bringing about such child would be wrong, but that also leads to conclusion that it would be bad that there are disabled people (Boonin, 2008: 143). It would follow that the world would be a better place if there were no disabled people (Boonin, 2008: 143).

The second option would be to claim that the overall state of affairs would have been better if the mother had made another choice. However, this would lead to the conclusion that if one can conceive a happy child (and thus better the overall state of affairs), then one should (Boonin, 2008: 144). The latter seems implausible due to what is referred as the Asymmetry (Parfit, 1986: 344; Benatar, 2006: 177; Boonin, 2014: 26): although most accept that there is something morally problematic about knowingly and intentionally bringing about a flawed existence, however most will reject that there is a duty to bring into existence someone who would be perfectly happy. Consider Jane who has a child and considers having another, she knows that if she decides to have a child her child would be healthy, given a good start in life and would have a happy life that would be considered worth living. By having another child, Jenny could create an overall better state of affairs. However Jane decides not to have another child, since this is slightly more convenient to her (example adapted from Boonin, 2014: 171-172). The choice Jane makes does not strike as morally problematic, in fact most will hold it as morally permissible (Boonin, 2014: 199): something people do on an everyday basis.

I have discussed other complications of such classical consequentialist account in the beginning of this chapter.

3.7. Implausible conclusion

Conclusion: M's act of conceiving C is not morally wrong

Boonin (2008; 2014) himself accepts the conclusion that conceiving the child is not morally wrong. His tactic has been to show how rejecting one or the other premise does not work in one or the other non-identity case and/or brings about even more implausible conclusions in a wider context when adopted, of which I gave a brief overview in previous sections. Then he strengthens his case by showing that the implausible conclusion is after all not so implausible, that there are number of parallel cases where a similar conclusion would be acceptable by most.

One of the arguments Boonin (2014: 198-199) uses to strengthen the conclusion goes as follows. Jane is deciding whether to have another child and decides not to have another child. Most will agree that this is perfectly permissible. Betty wants to have a child, but is informed by her doctor that she has a permanent condition and due to this condition she can only conceive a blind child. Most will find it permissible to conceive anyway. Boonin (2014: 199) holds that both examples of Jane and Betty are similar to example of Wilma who has a choice to conceive now and have a blind child or conceive in two months and have a healthy child – and most will find that conceiving blind child in this case is morally impermissible. Boonin claims that since these cases are similar the transitivity principle should be applicable:

> P1: If you must choose between conceiving a blind child and conceiving no child, it is not immoral to choose to conceive a blind child (Boonin, 2014: 199)
> P2: If you must choose between conceiving no child and conceiving a sighted child, it is not immoral to choose to conceive no child (Boonin, 2014: 199)
> P3: If it is not immoral to choose A over B when those are the only two options and it is not immoral to choose B over C when those are the only two options, and if the change from choosing between A and B and between B and C to choosing between A and C makes no difference in terms of any morally relevant properties, then it is not immoral to choose A over C when those are the only two options. (Boonin, 2014: 201)
> C: If you must choose between conceiving a blind child and conceiving a sighted child, it is not immoral to choose to conceive a blind child (Boonin, 2014: 199)

According to trasitivity principle it if it is not wrong for Betty to have a blind child and if it is not wrong for Jenny to have no child, then it follows that it is not wrong for Wilma to concive a blind child. Or if we want to hold that Wilma is wrong in choosing to have a blind child it should also be wrong for Betty to conceive a blind child rather than no

child and for Jenny to conceive no child rather than sighted child. And the latter is highly implausible. However even if one could pin-point the relevant moral difference between Betty, Jenny and Wilma's choices, then one would simply prove that there is a relevant moral difference between the cases, but to prove that Wilma's act is impermissible one still needs to block the argument giving rise to the non-identity problem (Boonin, 2014: 204). The transitivity principle is only meant to show that implausible conclusion is not so implausible after all, but the non-identity argument itself does not depend on it (Boonin, 2014: 204).

Boonin (2014: 190) states that when the conclusion to the non-identity problem is accepted the non-identity problem is not a problem anymore – there is no problem to start with and what is left is the non-identity argument. That is the tension between intuitions that was problematic is removed from the argument.

It is interesting to note that premises in this argument are based on moral considerations we accept when interacting with already existing individuals, while the conclusion is made regarding the not yet existing individuals. Parfit's concern was somewhat similar: existing person-based approaches did not seem to work when it came to the future generations. The tension between intuitions in the non-identity cases comes exactly from the fact that morality concerning existing persons is being applied to merely possible individuals. Boonin's "nothing-wrong" solution just stresses and proves that current frameworks in use do not allow us to account for future generations when making decisions that will concern them.

I am not satisfied with the "nothing-wrong" solution that Boonin proposes, but his critique to current possible solutions of the non-identity problem should be taken seriously. The nothing-wrong solution gives no tools for us to account for our responsibilities to future generations; it does accept the non-identity argument, but by doing so it does not give any moral ground for choosing between alternative courses of actions that will affect future generations in a significant manner. It is quite conceivable that any of our decisions and actions has some kind of influence on the identity of future individuals, even if not all such decisions will present moral questions. In the last century not only our ability to foresee the influence of our actions to future individuals has rapidly grown but also technology and knowledge have made it possible to influence future individuals in ways unimaginable before. Some of this knowledge seems to be highly relevant to what is a morally permissible action to take and what is not, and to which action is better and which

is worse. Boonin's "nothing-wrong" solution only confirms the problematic situation highlighted by the non-identity problem: many of our current moral frameworks that are concentrated on present individuals do not give us the tools to take into account future individuals.

4. Harms to population

4.1. Changing the angle

In this chapter I will return to the English bulldog example and expand it in order to introduce another layer to the non-identity cases and consider harms done on the level of population. I consider harms on the level of population because I will argue for adoption of the *de dicto* understanding of future individuals, however to address Palmer's (2012) critique, I must also provide a way to account for cases like the English bulldog example. Appeal to the level of population changes the angle of the problem and some scenarios presented as the non-identity cases might have an unexpected solution. I will be drawing examples from dog breeding for several reasons. Firstly, dogs are a striking example of what can be achieved by selective breeding; secondly, there are local, national and international organizations that regulate the breeding practices; and thirdly, there seems to be a well accepted paradigm of breeding dogs purely for financial reasons as unethical[9].

It is often argued that breeding animals who are disabled or deformed is morally problematic to say the least (Palmer, 2012: 157). However if the arguments of the previous chapter are correct, then one cannot ground this understanding in the particular animal being harmed, in the sense of being made worse off than it would otherwise have been. The particular bulldog is not harmed by having an unavoidably flawed existence, and its existence itself is the result of decisions by humans: the particular breeder, but also breeders before her, people who want to have bulldogs and are willing to pay for the puppies, judges who in conformation shows[10] reward dogs with features that are linked to health problems, and so on. Unlike with hasty and teenage mother examples, the ring of people partially or directly involved in the process is much wider. One might think that English bulldogs or the transgenic mouse are misfortunate examples in the same way as hasty and teenage mother examples are atypical in human cases, however such inevitably flawed existence is rather widespread in animals – especially domesticated animals (Palmer, 2011: 46, 2012: 158-159).

[9] Fédération Cynologique Internationale (FCI), the biggest world-wide cynological organization, states: "Dog traders and puppy farmers are considered to be people who focus on buying and selling dogs in order to get economic profit without taking appropriate care of the dog's individual welfare. Dog traders and puppy farmers are not permitted to undertake breeding under the patronage (responsibility) of a member or contract partner of the FCI".

[10] Conformation shows are gatherings where purebred dogs are evaluated by judges based on the breed standard. So a judge based on the breed standard would prize big heads and short muzzles in an English bulldog.

Yearly millions of animals are bred either *for* their flawed existence (like the transgenic mouse) or for some other feature that causes certain health problems (like the English bulldog). In addition to research and companion animals, similar problems can be found in farm animals – for example, cows that have been selected for larger milk yield have bigger risk of suffering from mastitis and lameness (Sandøe et al, 2009: 4); pigs selected for faster growth have higher risk of breaking their bones and the breeding stock of such pigs needs to be kept on strict diet, which means that such animals are in a constant state of hunger (Duncan, 2004: 93); chicken selected for rapid growth are at much larger risk of broken legs and lameness and the breeding stock of such chicken also needs to be kept on diet, resulting in feelings of hunger (Sandøe et al, 2009: 4). This demonstrates that in animal cases the procreative decision is often distributed among multiple different actors and the creation of diseases and other welfare-affecting conditions is often either the explicit goal (like in the example of transgenic mouse), or a foreseeable but inevitable consequence of the decision to breed certain kinds of animals (like English bulldogs or milking cows) — it is not as if, by delaying breeding, a different and healthy animal would be born.

It is important to note that the species and breeds are not understood here as a set or a kind. Species, breeds and populations are regarded as historical entities that have a beginning and an end, that evolve and change throughout time, that can give rise to other populations (or species or breeds) or merge into others (Hull, 1976; Okasha, 2002: 193). Both species and breeds are population based notions in biology and in philosophy of biology (Okasha, 2002: 200) – population being the smallest unit, breed somewhat bigger (it might consist of one or more populations, subspecies would correspond in the wild) and species being the biggest (in dogs it is made of many separate populations, but it also may correspond to one population). They have properties that make them much more like individuals than sets or kinds, what grants a place in a species or a breed is not a list of characteristics, but rather relation to other members of the taxonomy in question (Hull, 1976: 176-177; Rolston, 1985: 721).

When it comes to the animal context there may be another intuition at play - that not individual animals, but an entire breed or species is harmed in the sense of being made worse off than it would have otherwise been. This is especially so if we look at dog breeding. The English bulldog hundred years ago did not look like the modern English bulldog – it was well muscled, leaner and had longer in legs, its head was smaller

compared to the body and the muzzle, though short, was much longer than we see today. Many of the problems common in this breed today are tied to the changes that occurred over time. Similar can be said about changes in German Shepherd (slopping backs) and Bullterrier (changes of the skull). Experts in this field often find that it is the entire breed that has been made worse off (Leroy, 2011: 177). When breeders breed purebred dogs it is not only parent animals and puppies whose wellbeing they have in mind, they also need to consider the breed as whole. At least this is how it should be according to numerous ethic codes of breed clubs, guidelines of national kennel clubs and international kennel organizations.

4.2. How can one harm an entire population

One could object to the appeal to breed- or species-based harm by saying that if one would breed healthy animals to healthy animals, then one would produce healthy offspring or that one should strive to produce only healthy animals (similarly to the same number quality claim) – so only the wellbeing of parent animals and offspring would be at stake. However, this is not the way nature works. Breeders usually do not wish to produce unhealthy animals and it is highly probable that this is also true in the case of English bulldogs, but by the time some trait is prevailing in the population and starts to negatively affect wellbeing of animals, the damage has already been done.

To appreciate that it is not only the wellbeing of parent animals and offspring at stake, consider an example where wellbeing of neither is compromised but the population is nonetheless made worse off than it would otherwise have been. The popular sire syndrome is a situation where one male[11] has too many offspring in a given population; indicating that breeders prefer the same dog[12] – one who is usually also extremely successful at conformation shows – to be bred to their females (Leroy, 2011: 179). As a result many other males will not be used for breeding and are unable to pass their genes to the next generation. The numerous offspring of the popular sire need not suffer from any health or other issues; they might on the contrary be healthy and considered to be good representatives of the breed. However, problems usually start to arise in a few generations, when grand- and grand-grandchildren of the popular sire are being bred together, since by that time, it is already difficult to find individuals unrelated to the popular sire (Leroy,

[11] One male can have much more offspring during his lifetime and as such can have much bigger influence on overall population.
[12] I will be writing of dogs, but this can happen similarly in any species.

2011: 179-180). Problems might be severe health issues or they may be mild and not affect the wellbeing of a particular animal much. However, damage at the level of the population has been already done – the gene pool has been narrowed down and this has a negative effect on the survival chances of the population.

Population, breed or the species, are not in this sense separated from an individual animal, in the end it will be the individual animal that will be affected, but the effect does not necessarily mean suffering for an animal. So we might imagine that the issue in question is infertility – no suffering or discomfort for individual animals, but it will mean the end of the population. Unlike in the "Children of Men"[13] scenario the vast majority of animals will not feel bad about not being able to reproduce. Rolston's (1985: 724) view that having offspring is not in the interest of parent-animal, but in the interest of the species itself, seems to lend some support to the argument. The welfare of parent-animals often diminishes during breeding period, during pregnancy and while rearing the young, so from the viewpoint of the parent-animal, it is hard to claim that having offspring is in their interest (Rolston, 1985: 724)[14].

Appealing to the population, breed or species being harmed may appear similar to harming others as premise 3 presents (M's act of conceiving now rather than later does not harm anyone other than C), but it is important to stress that in the context of reproduction, an individual *cannot* be viewed as totally separate from the population it belongs to. So in the English bulldog example, we can claim that entire breed was harmed comparatively – the breed has been made worse off than it would otherwise been when certain welfare affecting features were preferred by breeders, judges and dog owners.

4.3. Limits of appealing to population

The appeal to population, breed or species adds an impersonal layer to dealing with non-identity cases and lends a helpful insight to why some situations might be viewed as morally problematic. For example adding the layer of population allows strengthening the concern for future human generations; after all in the cases of depletion and global warming, it is the entire human species that is put in the situation where the species is worse off than it would otherwise have been.

[13] Book by P.D. James (1992) , film by Alfonso Cuarón (2006) where human species looses ability to reproduce – no babies are born for decades.
[14] With the exception of some social animals.

However it does not solve the non-identity problem in all cases, since the same non-identity issues may arise at the level of populations, breeds and species. To illustrate this I will use Palmer's (2012: 160) example of short-lived dogs. Short-lived dogs are bred to fill a specific market niche – children want to have a dog, but parents know that they will lose their interest soon and do not want to take responsibility of caring for the dog for next decade or longer. Breeder starts breeding for short lifespan so that dogs will die around two years of age after a short disease – by the time children lose their interest in the dog, the dog will die and parents will not have the burden of caring for the dog. This example can be understood as creating a new breed and one characteristic of this breed is a short life span. Therefore one could not explain what is wrong with it by saying that the breed (population) is made worse off that it would have otherwise been: after all there would not have been the population of short-lived dogs if people would have not chosen to create one. To account for such cases, I will argue for a *de dicto* understanding of future individuals that can also be expanded to cover Palmer's example of short-lived dogs in the next chapter.

5. Children *de dicto*, children *de re*

5.1. A change of focus

In this chapter I will propose my own way of how to take future generations into account in the context of the non-identity problem. In order to do this, I will change the focus of the problem. In the growing body of knowledge and developing technology it seems questionable that we should not take future individuals into account at all as Boonin's solution suggests. It is highly conceivable that many of our actions will among other things fix the identity of future individuals, but what raises moral questions in the non-identity cases is fixing the identity in a way that affects the wellbeing and quality of life of future individuals. If we want to reason about whether a certain identity-fixing decision (going from *de dicto* to *de re*) – that is whether decision that will fix identity of future in particular way – is morally acceptable or not, then we cannot base our judgment on the identity itself (*de re*), since identity itself is not fixed at the moment of reasoning, so we will necessarily have to turn to the *de dicto* sense of "future individuals". My interest is predominantly in this moral aspect that the non-identity cases may present, that is, in the morality of making an informed decision that concerns future individuals in an identity-affecting way. The person making the decision has to know the facts about how his decision will affect future individuals in a relevant way. To justify the *de dicto* approach I will need to start with reconstructing the non-identity cases.

Although many thinkers and people, who have not considered the problem before, construct non-identity cases as though the person making the decision knows the identity of individuals affected by it, no such knowledge is available to the decision-maker when the decision is made. In the hasty mother example Wilma cannot know the identity of her child. That is, Wilma cannot know who her child will be - all she knows is that whoever she conceives, will be her child. So "her child" has to be understood in a *de dicto* meaning (not a *de re* meaning, how it is usually represented), even when Wilma says something like "I will name my child Pebbles" or "My child will have good life" or "I will love my child" etc. The child in a *de re* sense would be a particular, concrete child – a child with fixed identity, such as Pebbles. The *de dicto* meaning would be, for example, the fourth child of Wilma, whoever that might turn out to be, where particular identity is not essential to the meaning. In our example, only the *de dicto* meaning is available since the identity is not fixed yet - this fourth child might be Pebbles or it might be Rock or such a child might

never come into existence at all. When the doctor informs Wilma about her condition and how it will affect her future child should she conceive within two months, the doctor is also referring to her child in the *de dicto* sense – *whoever* Wilma will conceive within two months, he is not talking of Pebbles as such. Before conception it is hard to have any other meaning in mind than *de dicto* whether in human or animal cases. The identity is not just unknown, but there is no identity to speak about, the identity has not yet been fixed.

Parfit (1986: 351) claims that identity is dependent upon time of conception and parents' identity – that is whose sperm fertilizes whose ovum and when. Behind this claim is the simple fact that it takes two specific cells to create a life and changing one of them (by changing time or parent) will result in a different life. In his earlier work, Parfit (1982: 115) was quite strict on time dependence, but he later relaxed his view and allowed that conception must take place within a month, so that we could claim that the same person would have existed (Parfit, 1986: 351). However this is a highly simplified view. Although on the female part there is usually one fertilizable egg – and this is so for humans, dogs and cats for example have multiple eggs released - males (in most of the species) have millions of spermatozoon released per mating. Which one of those millions fertilizes the egg cell is pure chance. From which we can conclude that even having sex at one given time still leaves open millions of different outcomes[15]. Or as Hare (2007: 520) puts it, conception usually involves "split-second timing". Based on that, I will claim that there is no specific identity we could possibly have in mind before conception. The only way to even *think about* future children and therefore account for our responsibility towards them is to accept the *de dicto* sense of them.

The time-dependency claim should not be understood as reducing someone's personal identity to their genetic identity. Certain genetic identity that one gets at conception is a necessary condition for personal identity (Parfit, 1982: 115; Parfit, 1986: 351), but it is in no way a sufficient condition. If we think of identical twins then it becomes clear that in addition to the genetic identity, spatiotemporal unity and continuity are also essential (Hull, 1976: 177). And when we consider the genetically modified organisms then we have to admit that for example a mouse before genetic modification is the same mouse after the genetic modification, despite the fact that its genome has been

[15] Lewens challenges this view, that even the slightest changes in origin would have resulted in different identities or that gametes are special in the forming of identity, but I am not entirely convinced by his argumentation. However it is out of the scope of this thesis to provide his argumentation and my objections,

modified. Rather, the time-dependency claim shows that for Pebbles to be Pebbles it is necessary, among other things, that she is created with a certain genetic identity, and that identity is dependent on the time of conception. Conception itself is a starting point from which we can talk of Pebbles as such.

5.2. Uncertainty about numbers

To complicate the matter - it is not just identities of future individuals that are not fixed and are concealed from the decision-maker, the number of future individuals is also unknown. Dividing non-identity cases into Same Number and Different Number Choices is simplifying the matter based on human reproduction – in the vast majority of cases it is impossible to know at the moment of decision how many individuals the outcome in different alternatives will affect.

To show that this distinction is based on human reproduction consider the English bulldog example – Lucy was not the only puppy born, she had siblings. While humans usually have one child at a time, dogs, depending on the breed, may have more than a dozen puppies in one litter. However it is impossible to know beforehand how many puppies will be born. When a breeder has to make a choice whether to breed her female now or in half a year she has no way to know how many puppies could possibly be born in either scenario. And even though humans and some other species mostly have one offspring per pregnancy, there is still a chance of having twins[16].

At the moment of decision-making neither the identity nor the number of future individuals are known to the decision-maker; and both the identity and the number of future individuals are dependent upon the decision made. The person making the decision has no way to know how many individuals will be affected by the decision and what their identity will be. However the relevant information may be available to the decision-maker after all. Suppose Betty is a breeder of golden retrievers. Unlike the English bulldog, this breed is considered relatively healthy and has longer life expectancy – she has multiple options available for the next breeding of her female[17]. She could breed her now, but since the female has been on medication for the past few weeks, the veterinarian suggests waiting because medication could cause health problems to puppies. She could wait and breed her in six months; she also has a choice of potential sires. She could use the male who lives nearby, who has passed all the health checks, but who has before produced

[16] Chances of giving birth to more than two are much lower, but still present.
[17] I will not ask here whether she should breed a litter at all or not.

puppies with heart issues. She could also use a male she owns, but who is too young to have his health checks. Finally, she has the option of using a male who has been health checked and has not produced any unhealthy offspring, but due to the distance it will have to be by using artificial insemination. So in this scenario Betty does not know how many puppies each option would give, though statistically it is known that fewer puppies are usually born from artificial insemination than from natural breeding. Since she does not know this, then the number of puppies should not influence her decision, and the same goes for the identity of puppies. The facts that she knows are: in the first scenario there is a big chance that puppies born will have health issues; in the second case there is some chance that some puppies will have heart problems and even if all should be clinically healthy they still may carry the gene for these problems; in the third case she does not know whether the male is healthy himself – if he is not then she could have puppies with potential health problems; in the fourth case she has no foreseeable issues. She knows that in all the scenarios puppies might have unexpected issues and she knows that in all scenarios she will be responsible for the puppies. "Puppies" here should be understood in *de dicto* sense.

Hare (2007: 521) also holds that *de dicto* mode has the "neat feature" of addressing the distinction between same and different number choices: it does not matter whether Wilma brings about more or less children, all that matters is that she makes things *de dicto* worse for her child(ren). Similar is Višak's (2013: 98) account of *de dicto* harm: "An outcome is better (worse) if and only if it is better (worse) for people, *whoever they are*". I want to claim more than that *de dicto* mode looses difference between different and same number choices. Considering the example of golden retrievers again, it shows that before conception the number and identities of puppies are not fixed and unknown, so both of these aspects – number and identity – are covered by *de dicto* meaning. One can only refer to them (future children, future puppies, future distant generations etc.) in the *de dicto* sense.

What Betty and any other breeder needs to keep in mind while considering the options are the welfare of *actual* parent animals, the wellbeing of the *actual* breed (or population) as such and the welfare of *future* puppies. Welfare of *actual* parent animals need and should not be compromised and is covered by Premise 3 (Premise 3: M's act of conceiving now rather than later does not harm anyone other than C), while the wellbeing of *actual* breed was discussed in the third chapter. However in all the non-identity cases

the welfare, wellbeing and/or quality of life of future beings seem to be the key features. The focus of the non-identity problem would be: identifying the wrongs of fixing identity of *de dicto* individuals in welfare, wellbeing and/or life quality affecting ways.

5.3. Harming *de dicto* individuals

What is crucial for blocking the non-identity argument is the following: the *de dicto* meaning allows claiming that decision-maker is in some way making the *de dicto* individuals worse off than they would have otherwise been, by fixing their identities in certain ways that affect their welfare, wellbeing and/or quality of life. When the *de dicto* meaning is adopted, and in previous chapter I gave reasons why it should be adopted, we can no longer claim that no one is harmed by the mother's act of conceiving now rather than later. As mentioned in subchapter 3.2. Parfit (1986: 359) has rejected *de dicto* meaning by claiming that it does not rest upon any familiar moral principle.

Caspar Hare (2007) addresses this particular objection in his article and drawing upon two examples he shows that considering *de dicto* harms is not alien to our morality. The first example Hare (2007: 516) presents runs as follows. Tess is a state safety inspector whose job is to regulate safety concerning aspects of cars. She implements some tough regulations after it becomes clear that people in her state do not wear seat belts. And year later she learns that regulations have been effective and as result of wearing seat belts the injuries people get in car crashes are less severe than a year before. She has done a good job.

Hare uses the example of Tess the safety inspector, as a parallel case for Wilma. Hare (2007: 517) holds that like Wilma's decision influences the identity of the child, Tess's decisions will influence who ends up in an accident – all the minor changes like obligation to fasten the seat belts will have an effect on who ends up in an accident, since "accidents involve split-second timing". However what is clear from this example is that Tess is considering minimizing harms to *de dicto* individuals, her job is not to make it better for any particular individual, but to *whomever* ends up in the accident.

The second example Hare (2007: 518) uses is of a cancer researcher who develops a cancer cure that ten years later after becomes available to the public and saves lives of people who suffer from cancer. Hare again treats this case as parallel to the non-identity cases: since getting a cancer is matter of chance and coincidence it may be that some of the people who benefit from the cure would not have developed cancer in the first place if the cure would have not been invented. Again like with Tess the safety inspector so should

cancer researcher be concerned with making things better for *de dicto* cancer patients that is to *whoever* ends up having cancer. Both examples illustrate that although we do not take *de dicto* harms and benefits into account most of the time, it does not mean that they are never significant – there are situations when it is appropriate to consider them in our commonsense morality (Hare, 2007: 516).

The objections (Boonin, 2014; Wasserman, 2008) to Hare can be summed up as: there is no reason to think that we should prefer *de dicto* over *de re* meaning. Boonin (2014: 36-37) and Wasserman (2008: 530) argue that Tess and cancer-researcher are not parallel cases to the non-identity example of hasty mother, that there are significant differences between the examples, and since they are not parallel cases there is no reason to prefer *de dicto* reading in the non-identity cases. However I use Hare's examples to simply show that considering *de dicto* harms and benefits is not an unfamiliar moral principle as Parfit (1986: 359) claimed. Reasons for adopting *de dicto* meaning in the non-identity cases were presented in the last two subchapters. So my argumentation for adopting the *de dicto* meaning does not depend on whether cancer researcher and the safety inspector examples are or are not on par with the non-identity examples.

Boonin (2014: 33) acknowledges that while speaking *de dicto,* things might be better for accident victims, *de re* people who end up in accidents are made worse off than they would have otherwise been. He also notes that focusing on making things better for *de dicto* individuals one could reach potentially absurd conclusions: for example, in order to make accident victims *de dicto* better Tess should be concentrating on healthy people having accidents since they will be healthier after the accident than those who have poor health to start with (Boonin, 2014: 35).

Most critique of *de dicto* harms turns out to be critique of making *de dicto* individuals better off – one could benefit *de dicto* individuals and at the same time make *de re* individuals worse off. Similarly like Zsa Zsa Gabor was bettering the situation for her husband de dicto by marrying new man every five years, but making her husband worse off *de re*. Future individuals, understood in *de dicto* sense, are in some sense conceptual beings, not concrete ones, and usually we have very little knowledge available about them. Even though mostly *de dicto* meaning is abstract, sometimes decision-makers have the access to relevant information about welfare, wellbeing and/or quality of life affecting aspects of their decision on the *de dicto* individual. Wilma is told by her doctor that her decision to conceive now will most likely cause her future child to be blind – there is a

clear alternative by waiting just a few months. Due to the fact that Wilma has decided to become a mother, she already has generated a special responsibility toward her child, which manifests itself also in avoiding harm to her *de dicto* child.

Focusing on avoiding harm to *de dicto* individuals does not seem to bring about the same consequences (unless one views bringing into existence itself as benefiting). Avoiding making *de dicto* individuals worse off does not necessarily mean that one should strive to make *de dicto* individuals as better off as possible. To say that Wilma should have waited with conception in order not to give birth to a disabled child, does not mean that Wilma should strive to produce as healthy and happy a child as possible – which could include waiting for years until technology and laws allow for genetic manipulations and selections or choosing a mate based on his genetic make-up. Avoiding harm is prioritised in most existing moral theories and although one might say that by avoiding harms – that is in this case having a healthy child – one makes *de dicto* individuals better off, the focus should be still on avoiding harms and not on benefiting. So while one should consider avoiding foreseeable and avoidable harms to future generations, one is not obligated to seek ways to maximally benefit them.

Parfit (1986: 359) and after him many other philosophers presuppose that „to bring someone into existence" is benefiting them. Hand in hand with this goes the notion that death is harm through deprivation. Since all living beings will once die and if we treat death as harm and avoiding harm should be prioritized as most of existing moral theories claim one could reach quite an implausible conclusion. David Benatar (2006) has taken this view to extremes and argues that in the light of non-identity problem we should not procreate at all (any life is wrongful). I want to adopt the alternative[18] that „to bring into existence" does not benefit the one who is brought into existence. I view existence and non-existence both as neutral states: any life begins with birth (or conception if you like) and any life ends with death – it is the framework of life[19]. Accepting non-existence as a neutral state allows prioritising avoiding harm without deeming all procreation as wrongful.

In this subchapter I have introduced a notion of *de dicto* harms: I have used Hare's examples to answer Parfit's claim that *de dicto* reading suggests unfamiliar moral principle and I have made a distinction between avoiding harm and benefitting to reply to Boonin's

[18] Parfit himself discusses briefly in appendix and that has been claimed by some philosophers to make a solution to non-identity problem much easier.
[19] Death can still be bad, but not so as the form of non-existence.

critique. Although accepting the *de dicto* meaning and avoiding harming *de dicto* individuals is a helpful tool to take future generations into consideration, it has its limitations which I will discuss in the sixth chapter along with further objections to adopting the *de dicto* mode.

5.4. Expanding a familiar principle

Why should Wilma consider *de dicto* harm when there will be no *de re* harm? It is generally accepted that parents have special responsibilities toward their children – such as to care for them, provide for them and keep their best interest in mind. There is some debate over what are the grounds for these special responsibilities and are they special or not, however our common sense morality and laws of many countries maintain that there are special responsibilities. One way to make sense of these special responsibilities is to see them as generated by the relationship between parent and child. It has been well accepted that this parent-child relationship itself can begin at conception or later for example when child is adopted.

The parent-child relationship that begins with or after conception[20] has no identity-fixing nature – such relationship starts with a particular child, whose identity (at least as an individual genetically distinct from others) is already fixed. There is a being, albeit in a very early state, to which we can in principle refer in our thought and talk, and who will be affected by whatever we do as parents. The same holds true for most adoption cases – even if adopting parents must have in mind a *de dicto* child when considering whether to adopt and whether they could provide for the child and whether they are ready to have a child in the first place, the adoption process itself mostly lacks identity-fixing features. The actual child exists regardless of the parent's decision to adopt and which child to adopt. If Wilma would decide to adopt a blind child then this decision does not affect the identity of the child who will be adopted, the identity of this child was fixed long before and independently of Wilma's decision. Wilma's decision makes this particular child with an already fixed identity her child. However, should Wilma's decision affect the identity of her adoptive child in similar way to the hasty mother example, the case would be different. For example, if Wilma wanted to adopt the child and paid for a woman to conceive the child, even knowing that conceiving now would mean that the child will be born blind

[20] Stricly speaking the starting point of this relationship is after conception and where exactly can vary depending on situation and context. It may begin at conception, few weeks after conception or it may begin at birth – depending on when the mother becomes aware of pregnancy.

while delaying conception for two months would produce sighted child, then her decision would have identity-fixing nature.

Roughly starting with conception we can start talking of beginning of parental responsibility toward a particular individual, we can talk of *de re* responsibility. On the other hand, the *de dicto* sense of "my child" gives the possibility to say that the mother has a special responsibility toward her child due to the relation between them, even before there is an actual child with a particular identity who will stand in relation to her parent. So with cases similar to the hasty mother and the teenage girl, using a *de dicto* meaning of "my child" allows to bring the starting point of relationship between mother and child before conception. Wilma's relationship with her (biological) child begins at the moment she decides to become a mother, when her child can be talked about only in the *de dicto* mode – since there is no *de re* sense available at all. Wilma puts herself into the role of mother and through this into the relationship with her yet nonexistent child, and with this she generates the special kind of responsibility toward her *de dicto* child.

However not all parent-child relationships can be understood as beginning before conception, there will be those that begin much later. Consider the news report of an older woman who had no luck with having children and who was about the age of menopause and who at this age conceived a child without realizing so. Given the knowledge available to her and the context she finds herself in, it seems that her relationship with her child starts after conception; in fact she becomes aware of her child few hours before the child birth. Likewise, the pre-conception relationship is not something that, for instance, all fertile women have just because they are fertile – this would lead to many dubious conclusions. But we would have reason to talk of this kind of relationship in the following cases: when an agent is seriously planning to have a child (like the teenage girl) or when an agent is aware about some kind of problem that would affect her future offspring. Consider Wilma not planning to have a child but, due to illness, she goes to see a doctor who informs her that her illness would cause her child to have a serious disability should she conceive now, and that it would be better for her to use contraceptives during that time. Now it seems that Wilma has been put into a situation where she has to consider a responsibility toward her future children, understood in *de dicto* mode.

Such understanding can be expanded to future generations and to animals. Decision that a breeder makes is similar to the decision parents make when they decide to have children – both are procreative decisions, but in the context of the non-identity problem

both are also identity-fixing decisions. The breeder's relationship with her puppies begins when she starts planning particular breeding and her relationship with the breed itself begins when she gets involved with the breed for the first time. Adopting this relation-based approach expands the familiar principle that parents have special responsibilities toward their children, but also explains why people find that sometimes parents have special responsibilities toward children that do not yet exist. The principle could be formulated as: the relationship we have to future generations generates special responsibility toward them. One is responsible for the life one creates, even when the creation is only planned.

When it comes to non-direct identity-affecting decisions where many people are involved in the process, the starting point of relationship between the decision-makers and future individuals is hard to determine, but it is present at the latest by the time the identity-affecting decision is considered. In the depletion example at latest such responsibility-generating relationship is present when society is presented with relevant information about how alternative policies might affect future generations – and as with the hasty mother and teenage girl example "future generations" has to be understood at that moment in *de dicto* sense.

In previous chapter addressed Parfit's critique of *de dicto* harms not being part of our morality and showed that in some scenarios it is common to consider *de dicto* harms. I have now further addressed Parfit's critique by expanding familiar principle of parental special responsibilities toward their children, which allows me to claim that the non-identity cases are often the kind of scenarios where we should consider harms to *de dicto* individuals. Firstly, the *de dicto* is the only available way to account for future individuals; there simply are not *de re* individuals yet. Secondly, decisions that fix the identity of *de dicto* individuals are somewhat similar to the procreative decisions of parents.

6. Objections and limitations

6.1. The significance of *de dicto* harm

This is an objection presented by both Parfit (1986: 359) and Boonin (2008: 134-135) against adopting a *de dicto* understanding. Both claim that since the *de re* child was not harmed in hasty mother example and the *de dicto* harm would not be relevant, the non-identity argument will still hold. As I have already argued the *de dicto* mode is the only understanding of future individuals we can adopt before making an identity-fixing decision, so we cannot dismiss a *de dicto* understanding so easily. When we accept that Wilma has harmed her *de dicto* child, then we cannot claim that Wilma's act of conceiving now rather than later does not harm anyone: it does harm her *de dicto* child. The question will be then whether this harm is significant enough to deem Wilma's action as morally wrong. I am not convinced that this should be the conclusion we reach, however I would hold that in the moment the decision is made and in the relationship this decision is made such harm is significant enough to say that, due to this harm, the decision and action Wilma makes is at least morally problematic. That is the *de dicto* harm is significant enough to block the non-identity argument. Whatever else we want to do with the argument – stipulate less radical conclusion to be to better accommodate intuitions of people, or adopt some other notion of harm, or claim that a child has been wronged – we must accept the *de dicto* reading first.

Boonin (2014: 32) also claims: „The significance of P[remise]1, after all, is that it helps to justify the further claim that since Wilma's act does not harm her child, it does not wrong her child" and „the claim that P[remise]1 is false in the *de dicto* sense will be robust enough to solve the non-identity problem only if we add to it the further claim that if Wilma's act harms her child in the *de dicto* sense then it wrongs her child". However this is claim is not easily defended in the animal-context, as the problem of non-identity can arise also in the animal context and the argument Boonin presents should thus also work for animal context. But the debate over whether animals have rights and what kinds of rights they have is far from being settled. Thus whether and how animals can be wronged is an open question, although it is uncontroversial accepted that animals, or to be more precise all sentient beings, can be harmed.

In the light of the ongoing debate about animal rights, Boonin has three options to address this issue a) to conclude that his argument does not work in animal cases, since it is highly dubious that we can say with full certainty that harmful action wrongs animal, and

so his argument leaves vast number of non-identity cases unaddressed; b) to claim that his argument works in animal cases and accept the consequence that this would mean that most of harmful actions toward animals are not wrong since they do not wrong animals; c) claim that wronging is not so important and that what is important is that action that harms is wrong. Latter however would leave the door open to my claim that *de dicto* harms can be in certain circumstances and relations significant enough to be wrong. This is the view that I have defended in previous chapters. I would prefer that the argument would not depend on rights and this view has benefit on not hanging on the moral status of animals; simply the fact that they can be harmed is enough for it to work.

6.2. Backward-looking

When dealing with the non-identity problem I am predominately concerned with decision-making process before conception: I'm interested in the future-facing aspect of non-identity problems. However there is also a backward-looking side to the non-identity problem or as Parfit (1986: 360) puts it: if an action is wrong at time t1 (before conception), it has to be wrong at time t2 (say when the child is 3 years old) and t3 (as an adult). So if one wants to claim that the act of bringing a child into existence is wrong, then it has to be wrong also when that child has grown up. This objection is connected to the previous one: *de dicto* harm does not count when *de re* individual is not harmed.

It is true that the particular child – Pebbles – cannot say that her mother harmed *her*, the same way generations living in distant future cannot say that current generations have harmed *them* by choosing policies they did (unless one is also inclined to adopt a different notion of harm). However it might still be said by Pebbles and future generations that the decision made was bad or morally problematic or wrong. And it was wrong due to the decision-makers harming *de dicto* individuals they should have been taking into account while making the decision. People living two hundred years from now may well say that policy-makers made a bad decision *and* that due to that decision they are in a bad situation. If another policy had been adopted they might not have existed but whoever would have existed would have been in better situation compared to them. Similar goes for Pebbles: she can say to her mother that she made a bad decision; she cannot say that she as Pebbles was harmed, however she could say as representative of the concept "Wilma's child" that by making such hasty decision Wilma harmed "her child" by making "her child" worse off than she would have been, if for instance she would have been conceived

two months later. Or to use Hare's words (2007: 523) Pebbles could say: "You failed to show appropriate *de dicto* concern for your child, and I am your child".

This is not a new way of thinking: for instance dog breeders who have bred a litter that experienced health problems tend to acknowledge that the decision they made was a bad one, despite the fact that they care about every dog that was born. If Wendy the Golden Retriever breeder in the example above would choose to use her own young male for breeding and would have ended up with litter where at least some of the puppies suffer from health problems, she could still acknowledge the wrongness of her decision. However people usually are having troubles admitting their mistakes and it is especially evident in human cases of the non-identity problem that it is difficult for decision-makers in similar situations to acknowledge their error. But this difficulty to acknowledge one's error does not make the action in question right. The animal context of non-identity problem shows us that one is less resistant in accepting that action was morally wrong or at least morally problematic, which might suggest that we are facing a kind of prejudice when we have to consider similar actions toward members of our own species.

In bad event cases such as global warming one might also is appeal to the species or population level. People living two hundred years from now can say that the species Homo sapiens was made worse off than it would have been. Native Americans can similarly claim that their tribes or populations (and they were separate populations until the colonisation) were made worse off by colonisation due to the fact that we can treat tribes as historical entities. By belonging to the same tribe or population they could demand retribution for the harms done. In this sense, colonisers with their actions incurred responsibilities towards future Native populations, but such responsibilities can only be understood *de dicto*, since most colonisers' actions were identity-fixing actions.

6.3. When there is no alternative

Appealing to the *de dicto* harms helps to make sense of the hasty and teenage mother examples and also the depletion case – that is in cases where there is a clear existential alternative. The reason why this is so is not due to limitedness of *de dicto* mode, rather the comparative account itself demands a point of comparison and the *de dicto* mode does provide it in such cases. However animal cases present scenarios where there is no such alternative – many animals are created for their "disability" or are not created at all. In some instances adopting *de dicto* meaning will mean that if there is no alternative, then the action is permissible. Consider for example the case of Betty who learns from her

doctor that any child she will conceive will be blind – this is a permanent and incurable condition, and waiting few months or few years will not make any difference. As Boonin (2014: 25) claims based on his class room surveys most will find that it is permissible for Betty to have a blind child. However in some instances the disability might be *so severe* that we would hesitate before calling such a procreative decision permissible. In these cases, it seems that what we in fact do, or at least should do, is to broaden the *de dicto* meaning of "child" in "she should have a healthier child" from biological children to include adopted children as well. And this would be true also for many animal instances where we could 'zoom out' the *de dicto* meaning from "research mouse" to "mouse" to, eventually, "living creature".

This is not in itself adding a new principle to simply solve the non-identity cases: the formulation of the problem itself suggests that besides comparative account of harm that is "making someone worse off than they would have been", a non-comparative element is at use also, namely the life created has to be worth living. So while mostly we use comparative account of harm, it is nonetheless constrained by a non-comparative condition. So while in most cases when considering *de dicto* meaning one will be using relatively narrow *de dicto* meaning (like "her child" or "future people") when using comparative account of harm, then in some cases the possible outcome has so serious effects that we seem to doubt whether such life will after all be worth living. And not just worth living: it seems that we want life not to be just merely worth living, but well worth living. And in cases where it is doubtful whether life is well worth living, we seem to want to broaden the *de dicto* reading to cover more potential alternatives.

In animal no-alternative cases, there is another way to think about the issue, namely consider harms at population level. English bulldog as such does not need to have health problems, it has been selected for welfare affecting features and through that harm has been done to the breed and through that also to it members. At some point in the history of breed harm was done to the population, at some point harm was done to *de dicto* individuals (when puppies were chosen to be bred for welfare affecting features over potential puppies without those features) and by now welfare affecting features are so common in the breed that they have become a hallmark of entire breed. We can still say that breeders should strive to avoid *de dicto* harms to the future individuals of English bulldog and also that they should avoid further *de re* harms to entire population.

In the example of short-lived dogs the breed can also be understood in a *de dicto* sense before any breed is created, and so creating such short-lived breed would mean making *de dicto* breed worse off. When one decides to create a breed then again one cannot have any *de re* breed in mind, but only *de dicto* breed. By this we have comparison point: one could create healthier and more vital breeds than the short-lived dogs. For example among other things it would be worse off for a dog breed to be short lived since dog as a species is adapted to longer reproduction cycles, while breeding for short lifespan would not change reproductive cycle and would put genetic diversity of population at great risk.

6.4. Does it solve all variations of non-identity cases?

Firstly, the aim of this thesis was not strictly speaking to solve the non-identity problem, so I will not be reconstructing the argument. The aim of this thesis is rather to show that the only possible way to account for future individuals is by appealing to *de dicto* understanding of future individuals, and this is enough to block the argument. However I will still consider whether my proposal is *robust enough* to block the argument, *independent enough* to be applicable outside of the problem, and *modest enough* not to bring about even more implausible conclusions. Boonin (2014: 10) also holds that any proposal should work in all the non-identity cases: in the same and different number choices, in direct and indirect versions, in bad event and bad situation cases.

As I have shown in chapter five the *de dicto* mode satisfies the independency requirement – it is a well known term in the philosophy of language, the *de dicto* - *de re* distinction is independent of the non-identity context. Hare (2007) has also pointed out that considering *de dicto* harms is not an unfamiliar principle as Parfit suggested (1986: 360). I have also justified and shown that before conception it is the only available mode to think about yet not existing future individuals. I have argued that the *de dicto* understanding of future generations does not stand only for all the possible identities but also for different potential numbers of individuals – so same and different number choices should be treated the same way, the decision-maker should be concerned that their decision is not worse for *whoever* will be caused to exist (Višak, 2013: 98).

I have suggested that *de dicto* harms in certain relationships might be sufficient to make the action wrong and thus would make such reading robust enough to block the non-identity argument. However different justifications can also be possible, Hare (2007; 2013)

for example favours an approach according to which the role of the decision maker is generating responsibility. At the same time it does not lead to absurd conclusions in other contexts – my claim that *de dicto* harms should be considered rests upon the fact that before conception only the *de dicto* reading is available and thus I am not committed to claiming that, when notion of *de re* harm is available, we should still consider *de dicto* harms. In the non-identity cases once we can start talking of concrete individual to whom we can refer in *de re* mode morality starts making different kinds of claims. We can start discussing responsibilities, harms, benefits etc. toward that particular individual.

The *de dicto* account is also flexible enough to accommodate subtle differences in cases of bad events and bad conditions. For example it explains the difference between why it would be permissible for Betty to have a blind child while not so for Wilma – by conceiving a blind child Wilma does make her child *de dicto* worse off, while Betty (who has no alternatives for "her child") does not. The transitivity principle that Boonin (2014: 198-199) suggests should work in this case can be rejected on the basis that Betty (and Jane who decided not to conceive a healthy child) have to make a decision whether to become parents at all, while Wilma is deciding when to have a child. However not all disabilities will be so severe and not all bad situations so bad that they would count as making the *de dicto* individual worse off. Since one should set priority on avoiding *de dicto* harm in the non-identity cases then it is context sensitive what counts as harm. For example in modern society short-sightedness, though uncomfortable to have, is still relatively easily compensated for and therefore does not affect the wellbeing of possible individual to the extent that we would have to try to avoid it at all cost, even though we might agree that it would be better to have a full vision.

7. Conclusion

In the first chapter of this thesis I presented examples of different non-identity cases that I have been using throughout this paper. In the second chapter I introduced previous attempts to solve the non-identity problem, I followed Boonin's (2008, 2014) breakdown of the argument that gives rise to the non-identity problem to five premises and one implausible conclusion. Proposed solutions usually involve rejection of one premise and critique was provided why they are unsatisfactory in human and/or animal cases. Boonin himself accepts the implausible conclusion, which in effect gives us no tools to take into account future generations. In my view Boonin's "nothing-wrong" solution only highlights the problematic situation underlined by the non-identity problem: many of our current moral frameworks that are concentrated on present individuals do not give us the tools to take into account future individuals.

Before proposing my own way to account for future individuals in the context of the non-identity problem, I discussed another intuition at play in some animal non-identity cases in the fourth chapter: that the entire breed or the species might have been harmed. Harm on the level of the population changes focus of some animal non-identity cases, allowing to better address Palmer's (2012) critique. While this kind of harm may seem to count as harming a third party and not the individual brought into existence, then when considering reproduction, an individual cannot be viewed as totally separate from the population it belongs to. This kind of approach has not been proposed in the context of the non-identity problem and adds another layer to the non-identity cases, however it does not block the non-identity argument in all the scenarios, since non-identity problem may arise also on the level of the population.

I have argued for accepting a *de dicto* reading of the future individuals in the non-identity cases. My argument rests on the fact that at the moment of making an identity-fixing decision no other understanding of future individuals is available, so when we inquire about whether the identity-fixing decision is morally problematic or not we have to adopt a *de dicto* understanding. *De dicto* understanding does not only accommodate different identities of future individuals but also the different numbers of potential individuals in different outcomes, which are also not fixed and not known to the decision-maker. The aim of the paper was not strictly speaking to solve the non-identity problem, so it did not reconstruct the argument, but it did argue that adopting the *de dicto* meaning would block the argument. Whatever else we would like to say in addition – adopting

different account of harm, stipulating the conclusion or appeal on the right – the *de dicto* meaning should be adopted first.

I also suggested that adopting a *de dicto* mode of referring to future individuals allows bringing the beginning of the relationship between procreator and future individual in some instances to a time before conception, and thus the responsibilities that such relationship produces could begin before conception. The latter principle is an expansion of familiar principle that parents have special responsibilities toward their children and can be phrased as: one is responsible for the life one creates. De dicto reading will make it possible to consider harms to the future generations by making them *de dicto* worse off, and in some relationships such harm may be sufficient to consider the act to be wrong. Some of the further potential objections and limitations of this view were discussed in the sixth chapter.

Returning to the global warming example presented in the beginning of the thesis – accepting *de dicto* meaning would allow us to account for the future individuals, *whoever* they might be and no matter *how many* of them there might be. We could still say that by choosing to go on with current policies we are making future individuals, *whoever* they are, worse off than they would have been if we would choose more sustainable practises.

8. Summary

In this thesis I have argued for adopting the *de dicto* meaning of future individuals in non-identity cases. Although many philosophers adopt *de re* meaning in the non-identity cases, there is no *de re* reading available before making an identity-fixing decision, we can only start taking *de re* individuals into account after conception. Adopting the *de dicto* meaning is the only way to take the future individuals – people and animals – into account before their identity is fixed while making decisions that will concern them. I have proposed that in situations where there is only the *de dicto* meaning available and where decision maker has special responsibilities toward *de dicto*, the *de dicto* harm might be significant enough to make the decision or action at least morally problematic.

To better account for the animal examples introduced by Clare Palmer, I suggested to bring another layer to the non-identity cases and consider harms on the population level where appropriate. While considering harms to population (species or breed) might appear to consider harms to a third party, in procreative context, the individual cannot be viewed as totally separate from the populations they belong to.

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