

**Title:**

**Why the Problem Remains: Assessing Three Recent Solutions to  
the Non-Identity Problem**

**Name:**

**Jean-Philippe Thomas**

**Institution:**

**UCL**

**Degree:**

**MPhil Stud in Philosophy**

I, Jean-Philippe Thomas, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

## Abstract

My thesis examines three recent solutions to the non-identity problem – by Shamik Dasgupta (2018), Johann Frick (2020), and David Boonin (2014) – which have received no or little critical attention in the literature.

In chapter one, I explain the non-identity problem, its variations, and its theoretical and practical implications. In addition, I examine several classical solutions to the non-identity problem and their respective shortcomings. The classical solutions I discuss include consequentialism, the de re/de dicto view, and the rights-based solution.

Given the shortcomings of the classical solutions, I move to the recent solutions defended by Dasgupta and Frick.

In chapter two, I present and critically assess Dasgupta’s (2018) ‘flexistentialist’ solution, a moral view that embraces a metaphysical position known as ‘unlimited ontic essentialism’. In response to Dasgupta, I offer a three-part challenge which highlights flexistentialism’s weak motivation, its counterintuitive consequences, and its lack of argumentative support.

In chapter three, I present and critically assess Frick’s (2020) solution according to which we can solve the non-identity problem via a new view of well-being’s reason-giving force. In response to Frick, I show that his solution suffers from a counter-intuitive view of well-being, an inadequate interpretation of ‘normative standards’, and an inability to distinguish itself from rival, consequentialist solutions.

Given the failure of both classical and recent solutions to the non-identity problem, I move on to Boonin’s (2014) solution according to which there is no non-identity *problem*. Instead, according to Boonin (2014), we should bite the bullet and accept non-identity cases as arguments proving their conclusions. In response, I show that Boonin’s solution does not have the intuitive and argumentative support it needs, and that it has deeply problematic theoretical and practical implications.

I conclude my thesis by arguing that, despite a renewed interest in solving the non-identity problem, the problem remains as live as ever.

## Impact Statement

My thesis' impact is twofold.

First, it contributes a new assessment of three recent solutions to the non-identity problem in ethics which have received little or no attention in the academic literature so far. By showing that the three solutions are inadequate, my thesis highlights the need for philosophers to continue paying attention to the non-identity problem.

Second, my thesis could also help inform research and policy formulation in political governance and public health. The three recent solutions' failure to solve the non-identity problem has important practical implications. Failing to solve the non-identity problem makes it harder to argue that certain decisions relating to climate change or procreation are morally wrong because they strike us as bad for future people.

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# Chapter One: The Non-Identity Problem and Three Traditional Solutions

## 1. The non-identity problem

Consider the following example.

*Blake:* A couple want to have a child whom they will call Blake. Before trying to conceive, the couple attend a pre-conception screening. According to their doctor, the screening confirms that, if the couple conceive now, Blake will be born with a severely impairing medical condition.<sup>1</sup> Her life will still be worth living, but it will be significantly worse than it would have been without the impairing condition. The doctor further explains that, if the couple decide to wait two months before conceiving, Blake will be born perfectly healthy and unimpaired. Out of convenience, the couple decide to conceive right away.

Many people have the strong intuition that it is morally wrong for the couple to conceive right away. However, upon reflection, it is hard to explain this intuition.

If the couple had waited and conceived two months from now, they would have conceived a different child – that is, a numerically different child – to actual Blake. The reason for this is that conceiving two months from now would almost certainly have brought together a different egg-sperm combination. As a result, Blake would not have existed if the couple had waited two months before conceiving.

If Blake would not have existed two months from now, the couple's decision to conceive her now cannot have made her worse off than she would otherwise have been. After all, she has a

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<sup>1</sup> The condition need not be impairing per se. Blake's condition could be impairing because the society she is living in does not properly accommodate people with special needs.

life worth living that she would not otherwise have had. And, if the couple did not make Blake worse off than she would otherwise have been, it seems that they did not harm her either.<sup>2</sup> If the couple did not harm Blake, it seems that they did not wrong her. Consequently, it seems that the couple's decision to conceive Blake right away was morally acceptable.

This problem – the problem of explaining the intuition that the couple did something morally wrong by conceiving Blake right away – stems from the lack of identity between Blake and the child the couple would otherwise have conceived. It is one example of what is known in moral philosophy as *the non-identity problem*.

### **1.1 The 'societal' version of the non-identity problem**

The non-identity problem generalises to so-called 'societal' versions of the problem.

Consider, for instance, the following example.

*Green energy:* A society has to decide between adopting a green, carbon-free energy policy or continuing to rely on coal for most of its energy needs. By continuing to rely on coal, the society's standard of living increases slightly more than it would have increased otherwise. Crucially, however, if the society continues relying on coal, people living in this society two hundred years on will have extremely bad air quality. As a result of the bad air quality, all these people will die painlessly at the age of forty. Out of convenience, this society decides to continue relying on coal.

Again, many people have the strong intuition that the present society did something morally wrong by choosing to rely on coal for its energy needs. Some people might find the society's decision

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<sup>2</sup> This is an instance of the so-called *counter-factual account of harm*, according to which a person is harmed if and only if an action makes the person worse off than she would otherwise have been.

even more morally troublesome than the couple's decision to conceive Blake right away. However, as in the *Blake* case, it is hard to explain what makes the present society's choice morally wrong.

By retaining its coal policy, the current society slightly increases its own standard of living. As a result, it seems natural to assume that people in this society will lead slightly different lives than they would otherwise have led. Over time, these slight differences will turn into big differences. These people will meet different people than they would otherwise have, and form different relationships. They will at the very least conceive at slightly different times to when they would otherwise have conceived. Consequently, if the society retains its coal policy, numerically different people – that is, different from the people who would otherwise have existed – will exist.<sup>3</sup>

If numerically different people will exist, it is hard to explain how the coal policy's retention makes these people worse off than they would otherwise have been. After all, despite dying painlessly at the age of forty, they have a life worth living that they would not otherwise have had. If the coal policy's retention does not make the future people worse off than they would otherwise have been, it seems that the policy does not harm them either. And, if the policy does not harm them, it seems that it does not wrong them. As a result, contrary to our intuitions, it seems that the coal policy is morally acceptable.

## **1.2 Theoretical and practical implications**

The non-identity problem has important theoretical and practical implications.

On a theoretical level, solving the non-identity problem reveals a fault line between two ways of conceiving morality. On one conception of morality, conceiving Blake right away can be wrong only if and because it is bad for Blake, or some other person.<sup>4</sup> This conception of morality

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<sup>3</sup> In addition to the identity of future people, societal choices can also affect the number of future people who will exist. These kinds of cases are usually referred to as 'different number' cases (Parfit 1984, 356).

<sup>4</sup> There might be multiple substantive ways of showing why being conceived right away is bad *for* Blake. Below, I will discuss two possible ways to go.



is known as the ‘person-affecting’ conception because it holds that moral concern always attaches to people. Specifically, one is committed to the

*Person-affecting principle:* An action is morally wrong only if it is bad *for* someone.

Consider now a second conception of morality on which conceiving Blake right away can be morally wrong even if it is not bad *for* anyone in particular. For example, conceiving Blake right away might be morally wrong because it fails to make the world go best.<sup>5</sup> On this conception of morality, moral concern does not always attach to people. Instead, morality is at least partly concerned with the assessment of impersonal states of affairs.

So, depending on your preferred solution to the non-identity problem, you will be committed to either a person-affecting or an impersonal view of morality. I will illustrate this theoretical divide more directly below, in my assessment of traditional solutions to the non-identity problem.

Solving (or not solving) the non-identity problem also has important practical implications. Many individual and societal ‘life choices’ – choices about how and with whom to live – affect the numerical identity and number of future people. In other words, many of our life choices affect who and how many people will exist. As a result, these life choices run into the non-identity problem. I discussed one of these concrete choices above with the case of a society deciding between two different energy policies. Other practical choices facing the non-identity problem include individual procreation choices, cloning, reparations for historical injustices, meat consumption, and societal social and economic policies.

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<sup>5</sup> ‘Making the world go best’ can be substantiated in many different ways.

## **2. The main argument**

Since its discovery in the late nineteen-seventies and early nineteen-eighties (Bayles 1976, 297-298; Parfit 1976, 100-102; Adams 1979, 57; Parfit 1984, 359), the non-identity problem has given rise to a host of prominent solutions. These include, but are not limited to, consequentialist (Singer 1999, 124-125), de re/de dicto (Hare 2007, 514-523), and rights-based (as discussed but not endorsed in Parfit 1984, 364-166) solutions. Crucially, however, each of these traditional solutions suffers from major shortcomings. I will discuss each solution and its respective defects in more detail below.

Following a relative calm in the literature, a flurry of new solutions to the non-identity problem has emerged in the last five to seven years. My main argument is that three of these recent solutions – offered by Shamik Dasgupta (2018), Johann Frick (2020), and David Boonin (2014) – fail.<sup>6</sup> As a consequence and despite recent efforts, the non-identity problem remains as hard to solve as ever.

My main argument contributes to the existing literature on two levels. First, it individually assesses three recent solutions to the non-identity problem which have received little or no attention in the existing literature.<sup>7</sup> Second, it supports a broader conclusion according to which, despite recent attempts at solving the non-identity problem, the problem remains as live as ever.

### **2.1 The thesis plan**

In order to reach the above conclusions, I will proceed as follows.

In the remainder of the introduction, I will briefly present and assess three traditional solutions to the non-identity problem which have been prominent in the literature. These solutions

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<sup>6</sup> I do not take my argument to be an exhaustive treatment of all recent solutions to the non-identity problem. For other recent solutions which I do not discuss in this thesis, see, for example, Elizabeth Finneron-Burns (2016) and Rahul Kumar (2018).

<sup>7</sup> A series of papers on Boonin's (2014) solution to the non-identity problem published in a special issue of *Law, Ethics and Philosophy* (2019) is a notable exception here.

are the consequentialist solution, the de re/de dicto view, and the rights-based solution. Despite their prominence in the literature, I argue that the three traditional solutions suffer from serious shortcomings.

Given the shortcomings of the traditional solutions, I turn to two more recent solutions to the non-identity problem. In Chapter two, I will present and assess Shamik Dasgupta's (2018) 'flexistentialist' solution, a moral view that embraces a metaphysical position known as 'unlimited ontic essentialism'. In response to Dasgupta, I offer a three-part challenge which highlights flexistentialism's weak motivation, its counterintuitive consequences, and its lack of argumentative support.

In chapter three, I present and critically assess Frick's (2020) solution according to which we can solve the non-identity problem via a new view of well-being's reason-giving force. In response to Frick, I show that his solution suffers from a counterintuitive view of well-being, an inadequate interpretation of 'normative standards', and an inability to distinguish itself from rival, consequentialist solutions.

Given the failure of both classical and recent solutions to the non-identity problem, I move on to David Boonin's (2014) solution in chapter four. Boonin (2014) argues that there is no non-identity *problem*. Instead, according to Boonin (2014), we should bite the bullet and accept non-identity cases as arguments proving their conclusions. In response, I show that Boonin's solution does not have the intuitive and argumentative support it needs, and it has deeply problematic theoretical and practical implications.

I conclude my thesis by arguing that, despite a renewed interest in solving the non-identity problem, the problem remains as live as ever.

### **3. Three traditional solutions to the non-identity problem**

In this section, I will briefly present and assess three traditional solutions and their respective shortcomings. Assessing the shortcomings of these solutions will support the need to look at more recent solutions to the non-identity problem in chapters two to four. I focus on how these solutions apply to the *Blake* case, but it should be easy to see how they could also be applied to the *Green energy* case.

#### **3.1 The consequentialist solution**

Recall the *Blake* case. The couple's decision does not seem bad *for* Blake because it does not harm or wrong her. As a result, it seems that the couple's action is morally acceptable.

According to the consequentialist solution, an act can be morally wrong even if it is not bad *for* anyone in particular. The reason it can be wrong is that an action's rightness or wrongness depends on the consequences it generates. More precisely, consequentialism relies on the

*Consequentialist principle*: An action is morally right only if it makes the world go best.

'Making the world go best' here refers to the best possible consequences that an action can achieve. The 'best possible consequences' in turn can be specified in a number of different ways. For example, we might think that the best possible consequences are those that create the most overall or average happiness in the world.

The consequentialist can solve the non-identity problem as follows (Singer 1999, 124-125). Conceiving Blake right away does not make the world go best. For example, we might claim that conceiving Blake right away does not make the world go best because it does not create the highest possible overall happiness in the world. After all, if the couple had waited two months before conceiving, the world would have contained more happiness, because the couple's child would have had a better life. As a result, the couple's decision to conceive Blake right away violates the *Consequentialist principle* and it is morally condemnable.

### **3.1.1 Problems for the consequentialist solution**

The consequentialist solution to the non-identity problem suffers from at least two major shortcomings.<sup>8</sup>

First, the consequentialist solution seems to commit us to the implausible claim that we have a moral reason to create as many happy children as possible. Suppose, for example, that the reason the couple's decision to conceive Blake right away is morally wrong is the fact that waiting two months would have created more overall happiness in the world. Now, it is also true that conceiving more happy children creates a world with even more overall happiness. Consequently, on the consequentialist view, it seems that the couple has a moral reason to create as many happy children as possible.

However, this strikes many people as deeply counter-intuitive. While many people believe that we have a moral reason not to create new unhappy people, they also believe that there is nothing morally wrong with not making happy people (Narveson 1973, 80). This asymmetry is often referred to as the 'procreation asymmetry'.<sup>9</sup> So, the first main problem for the consequentialist solution to the non-identity problem is that it has problematic implications in the broader field of population ethics because it forces us to deny one horn of the 'procreation asymmetry'.

Second, the consequentialist solution faces the so-called 'Repugnant Conclusion' (Parfit 1984, 388). Suppose, again, that the reason the couple's decision to conceive Blake right away is morally wrong is the fact that waiting two months would have created more overall happiness in the world. Solving the non-identity problem in this way also commits us to the moral acceptability of the following scenario.

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<sup>8</sup> I am here focusing on shortcomings related directly to the field of population ethics.

<sup>9</sup> For a discussion of this asymmetry, see for example Roberts (2011).

Consider a choice between a world A which contains a few billion very happy people and a world B which contains a gazillion people with lives barely worth living. Suppose you choose world B over world A. Many people have the strong intuition that it is morally wrong for you to do so. However, on a consequentialist view, it seems that we have a moral reason to choose world B over world A. After all, given the very large number of people with lives barely worth living, there will be more overall happiness in world B than in world A. Given that many people find this implication repugnant, consequentialism faces the problem of the ‘repugnant conclusion’.

### **3.2 The de re/de dicto solution**

I now want to consider a second traditional solution to the non-identity problem.

According to the de re/de dicto solution, statements such as ‘The couple’s decision to conceive right away harmed their child’ are subject to two interpretations. On the first – de re – interpretation, the couple’s decision harmed the particular child they in fact conceived. On the second – de dicto – reading, the couple’s decision harmed whatever child satisfies the description ‘their child’ (Hare 2007, 514).

Given this distinction, the solution solves the non-identity problem as follows. By conceiving right away, the couple makes it the case that ‘their child’ is born significantly impaired. By waiting two months before conceiving, the couple could have made it the case that ‘their child’ was born unimpaired. Hence, their decision to conceive now harmed ‘their child’. Given that Blake satisfies the description ‘their child’, she was harmed in a de dicto sense. On this view, if Blake was harmed in a de dicto sense, the couple’s decision to conceive Blake now is morally wrong (Hare 2007, 514-523).

#### **3.2.1 Problems for the de re/de dicto solution**

The de re/de dicto solution also suffers from at least one major shortcoming.

It has implausible implications for cases other than the non-identity problem.

Consider, for example, a couple who want to adopt a child. The couple decide that they want to adopt an impaired child rather than an unimpaired child. Intuitively, many people agree that the couple's decision is not positively immoral. Notice, though, that the de re/de dicto view seems to give us the opposite verdict in this case.

By adopting the impaired child rather than the unimpaired child, the couple make it the case that 'their child' (whoever fulfils this description) is made worse off than they could have been. After all, 'their child' could have been unimpaired rather than impaired. As a result, the couple harm 'their child' in a de dicto sense and their action seems morally wrong on this view. Given that this verdict runs counter to most people's firm intuition that the couple did nothing morally wrong by adopting the impaired rather than the unimpaired child, the de re/de dicto view seems to give us the wrong verdict in some adoption cases (Boonin 2014, 32).

### **3.2.2. Hare's defence of the de re/de dicto solution**

Caspar Hare (2007) has recently defended the de re/de dicto solution. He asks us to consider the following example.

*Safety Officer:* Tess is a safety officer who is responsible for monitoring and improving road safety among automobile drivers. She notices that many drivers in her community do not wear seatbelts. She therefore decides to implement tighter regulations. A year later, her regulations have the effect of significantly reducing the severity of the injuries suffered among her community of drivers. Tess is proud of her achievement (Hare 2007, 516).

According to Hare (2007), it is plausible to imagine that the implementation of 'Tess' new regulations also has an effect on accident victims' identities. For example, the regulations might influence the speed at which people drive or the red lights at which they stop. As a result, some people who would have been involved in accidents are not involved in them after all, and some people who would have avoided accidents will be involved in them.

If some people who would not otherwise have been involved are in fact involved in accidents, it is hard to see how the implementation of Tess' regulations was a good thing for them. In other words, they seem to have a legitimate complaint against Tess that she made their lives worse with her stricter regulations. This complaint seems to run counter to many people's, including Tess', intuitions that the stricter regulations are a good thing.

In response, Hare (2007) argues that seeing Tess' new regulations as a bad thing confuses the de re and the de dicto senses of 'being bad for'. It might be true that Tess' new regulations are bad in a de re sense, that is, for the actual particular victims involved. However, it is also true that Tess' new regulations make things better in a de dicto sense, that is, for whomever will be involved in an accident. After all, it is because of her regulations that 'accident victims' suffer less serious injuries. Focusing on the de dicto sense of 'being bad for' thus allows us to reach the intuitively correct verdict that Tess' regulations are a good thing. The de dicto sense must therefore also be the morally relevant one (Hare 2007, 517-518).

According to Hare (2007), the *Safety Officer* case is analogous to the non-identity problem case in at least two relevant respects. First, it is appropriate for both Tess and the couple to have special concern for a specific group of people. Given their roles as safety officer and parents, it is appropriate for them to have special concern for the accident victims and their children respectively. Second, both Tess and the couple face non-identity choices.

Given that the de dicto sense of 'being bad for' is morally relevant in the *Safety Officer* case and that this case is morally analogous to the case of Blake, Hare (2007) argues that the de dicto sense of 'being bad for' must also be the morally relevant sense of 'being bad for' in the non-identity case (Hare 2007, 519-520).



### **3.2.3. Against Hare's defence of the de re/de dicto solution**

The problem with Hare's response is that it has implausible implications for the de re/de dicto view in other cases. Consider the following case offered by Boonin (2014).

*New Doctor.* You have just received your medical licence and you want to open your practice in a new city. Given that this city does not have many doctors, many people would like to become your registered patients. In fact, you receive twice as many patient applications as you can accept. You now have to decide which patients to register with your practice (Boonin 2014, 37).

According to Boonin (2014), the *New Doctor* case bears important similarities to the *Safety Officer* case. First, as a doctor, you also have special obligations towards a particular group of people, namely, your patients. Second, the de re sense of 'being good/bad for' cannot be the morally relevant one in the doctor case as you would make every potential patient better off in a de re sense by registering them with your practice. Hence, the de dicto sense of 'being good/bad for' must be the morally relevant one in the doctor case, too.

Notice, though, that this has implausible implications. Suppose you decide whom to take on as patients via de dicto considerations. You must then analyse what is best for the health of 'your patients' (whomever this turns out to be). This, in turn, commits you to accept only the healthiest potential patients. After all, by accepting only the healthiest patients, you make it the case that 'your patients' are as well off as possible in health terms. However, this way of selecting patients seems clearly morally wrong. The de re/de dicto view therefore has a deeply implausible implication in the *New Doctor* case (Boonin 2014, 37-38).

So, as I have argued, the de re/de dicto solution to the non-identity problem is problematic because it has implausible implications in cases other than the non-identity problem.

### **3.3 The rights-based solution**

The final traditional solution to the non-identity problem which I will discuss appeals to the moral importance of people's rights.

It is worth anticipating one way in which an appeal to rights cannot solve the non-identity problem. Suppose that it is morally wrong for the couple to conceive Blake right away because they thereby violate their child's right to have been born without a significant medical impairment.

The reason this initial rights-based view cannot solve the non-identity problem is that it appeals to a right which could not have been fulfilled. Specifically, if the couple had waited two months before conceiving, Blake would not have existed. As a result, her apparent right to have been born without a medical impairment could never have been fulfilled. As a result, if Blake's apparent right could never have been fulfilled, it is plausible to argue that the couple did not violate any of their child's right in the first place.

Consider now a second way of appealing to rights in order to solve the non-identity problem. As noted above, the problem cannot be solved by appeal to Blake's right to being born without a medical impairment. However, this leaves open another possibility. Maybe Blake has a right not to be born if her parents know that she will exist with a right – the right not to suffer from a significant medical impairment – that cannot be fulfilled. Blake exists precisely with a right that cannot be fulfilled. Hence, on this rights-based view, her parents' choice violates Blake's right, and the choice is therefore morally wrong (as discussed but not endorsed in Parfit 1984, 364-366).

#### **3.3.1 Problems for the rights-based solution**

There are at least two major problems with the revised rights-based solution discussed in the previous sub-section.

First, rights can be 'waived', that is, the right-bearer can give up their right either provisionally or indefinitely. If the right-bearer waives her right, it can also no longer be violated.

In other words, it has lost its normative force, i.e. its binding character on the people who would usually have to respect the right. For example, if I invite you over to my house, I implicitly (or explicitly) waive my right that you should not trespass on my private property. By waiving my right, I also make it the case that you cannot be held responsible for apparently violating my right. After all, my right has provisionally lost its normative force.

In the non-identity case, it is plausible to assume that Blake has also (at least implicitly) waived her right not to be born with an impairing medical condition. After all, if we were to ask her whether she is glad to be alive, she would probably respond in the affirmative. As a result, her right has lost its normative force. Furthermore, we seem to be able to predict, before Blake is born, that Blake will waive her right not to be born with an impairing medical condition. Therefore, her parents cannot be held responsible for conceiving her with a right that cannot be fulfilled, because they can predict from the outset that she will waive this right (Parfit 1984, 364).

Second, the rights-based solution has strongly counter-intuitive implications in other procreation cases.

Consider, for example, a case in which Blake will be born with a significant medical impairment no matter when the couple conceive.<sup>10</sup> In this case, Blake will be born with a right – the right not to be born with an impairing medical condition – that the couple know cannot be fulfilled. As a result, the couple would violate Blake’s right not to be conceived with a right that cannot be fulfilled no matter when they conceive. Hence, on the rights-based solution, it is morally wrong for the couple to have a child at all.

However, many people will find this verdict strongly counter-intuitive. There seems to be nothing morally wrong with conceiving an impaired child when the couple could not have conceived an unimpaired child instead, and when the impaired child has a life worth living.

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<sup>10</sup> As in the non-identity case, I am here assuming that the child’s life is still worth living.

## **4. Conclusion**

The non-identity problem – the problem of explaining the intuition that the couple did something morally wrong by conceiving Blake right away – arises because of the lack of identity between Blake and the child who would otherwise have existed. Given this non-identity, it is hard to see how the couple’s decision to conceive right away could have harmed, and hence wronged, Blake. As a result, we are left with the strongly counter-intuitive conclusion that the couple’s decision is morally acceptable.

I have argued that solving the non-identity problem has important theoretical and practical implications. On a theoretical level, any solution to the problem is forced to take a stand on the debate between person-affecting and impersonal conceptions of morality. On a practical level, any solution to the non-identity problem needs to take into account its ramifications for practical decisions affecting procreation and broader societal issues such as climate policies.

In addition, I have briefly presented and assessed three traditional solutions to the non-identity problem and their respective shortcomings.

The consequentialist solution argues that the couple’s decision to conceive Blake right away is morally wrong because it fails to make the world go best in an impersonal sense. However, as noted above, the consequentialist principle also forces us to accept the implausible claim that we ought to create as many happy children as possible and the so-called ‘Repugnant Conclusion’.

The de re/de dicto solution attempts to solve the non-identity problem by arguing that the couple harm, and therefore wrong, ‘their child’ in a de dicto sense. However, the de re/de dicto solution has implausible implications in the adoption and doctor cases.

The rights-based solution appeals to the idea that it is wrong for the couple to conceive Blake while knowing that they will be unable to fulfil some of her rights. However, I have argued that such an appeal to rights is impossible given that people (such as Blake) can plausibly be

expected to have waived any right not to be born with an impairing condition. In addition, the rights-based solution has implausible implications in other procreation cases.

Given the failure of the traditional solutions to solve the non-identity problem, I will now move on to a discussion of three recent solutions offered by Shamik Dasgupta (2018), Johann Frick (2020), and David Boonin (2014).

## Chapter Two: Dasgupta's (2018) Solution

### Introduction

Consider the following case.

*Xia*: A couple want to have a child, whom they will call Xia. They can conceive Xia now or two months from now. If they conceive Xia now, she will be born with a medical condition that will significantly impair her in ordinary life. Her life will still be worth living, but it will be significantly worse than it would have been without the medical condition. If the couple waits two months before conceiving, Xia will be born without the impairing medical condition. Out of a mixture of convenience and impatience, the couple decides to conceive now, rather than wait (Dasgupta 2018, 540).

Many people have the firm intuition that the couple did something morally wrong by conceiving Xia now. However, on reflection, it is hard to explain this intuition. If the couple had waited two months before conceiving, they would have conceived a different child from actual Xia. So, it seems that conceiving now was not in any way worse for actual Xia. If conceiving now was not in any way worse for actual Xia, it is not clear what could make it morally wrong.

This problem – the problem of explaining the intuition that the couple did something morally wrong by conceiving Xia now – stems from the lack of identity between the couple's actual child and the child they would otherwise have conceived. It is one example of what is known in moral philosophy as *the non-identity problem*.

The non-identity problem assumes a close connection between a person's identity and their actual time of conception. In particular, it assumes that if a person had not been conceived very close to when they were in fact conceived, this person would, in fact, not have existed. I will follow Derek Parfit (1984) and refer to this as *the time-dependence premise*. The time-dependence

premise finds natural support in the idea that actual time of conception contingently determines genetic origins. More concretely, if a couple had not conceived close to when they in fact conceived, their child would almost certainly have grown from a different spermatozoon and possibly from a different ovum and would consequently not have been the same child.<sup>11</sup>

Shamik Dasgupta (2018) has recently offered a new solution to the non-identity problem. He argues that the time-dependence premise is true, but that its truth is compatible with the claim that Xia was harmed, and hence wronged, by the couple's decision to conceive now. This is possible because, according to Dasgupta (2018), the referent for 'Xia' as it appears in the relevant instantiation of the time-dependence premise is different from the referent for 'Xia' as it appears in the claim that Xia was harmed and wronged by the couple's decision. Dasgupta (2018) calls his solution 'flexistentialism', because it requires us to be flexible about the entities that constitute the referents for Xia. (As I explain later, Dasgupta (2018) thinks that flexistentialism is not a version of the more familiar *de re/de dicto* reading of the claim that Xia was harmed.)

Dasgupta's (2018) solution has received no critical attention in the literature so far.<sup>12</sup> My aim in this paper is to present a three-part challenge to Dasgupta's argument. First, I challenge a key motivation that Dasgupta provides for his view. He claims that thinking of genetic origins as an essential property of practical persons – that is, the subjects of our moral thinking and acting – is arbitrary (Dasgupta 2018, 559). However, I argue that, on two dominant views of personal identity – animalism and the psychological continuity view – this worry is unfounded. Second, I argue that, even if we accept Dasgupta's motivation for flexistentialism, the view has implausible consequences. More specifically, flexistentialism risks undermining important instances of moral disagreement, because it makes the truth of moral claims too context-sensitive. Third, I argue that,

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<sup>11</sup>For typical readings of the non-identity problem which rely on this premise, see, for example, Derek Parfit (1984) and David Boonin (2014).

<sup>12</sup>In his recent paper on a related topic, Abelard Podgorski (2021) mentions Dasgupta's solution. However, he does not assess it on its own terms. Instead, Podgorski (2021) classifies flexistentialism as a mere variant of the more familiar *de re/de dicto* view.

even if Dasgupta can motivate flexiexistentialism and accommodate moral disagreement, his other arguments do not adequately support flexiexistentialism.

## **1.Flexiexistentialism**

In this section, I will present Dasgupta's solution to the non-identity problem in more detail.

### ***1.1 Ontic Essentialism and the Non-Identity Problem***

According to Dasgupta (2018), the non-identity problem arises as an inconsistency between the following four claims about cases like *Xia*.

**C1:** The couple's decision to conceive Xia now was morally wrong.

**C2:** The couple's decision to conceive Xia now was morally wrong only if the decision was bad for Xia.<sup>13</sup>

**C3:** The couple's decision to conceive Xia now was bad for Xia only if she would have existed had the couple waited before conceiving.<sup>14</sup>

**C4:** Xia would not have existed had the couple waited another two months before conceiving (Dasgupta 2018, 540-541).

Though claims **C1-C4** appear inconsistent, Dasgupta (2018) argues that they are all in fact true. This is because the referent for 'Xia' in **C4** is different from the referent for 'Xia' in **C1-C3**. How can this be true?

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<sup>13</sup> C2 is an instantiation of a more general principle known as the *person-affecting principle*. According to this principle, an action is morally wrong only if it is bad *for* someone.

<sup>14</sup> C3 is an instance of the so-called *counter-factual account of harm*, according to which a person is harmed if and only if an action makes the person worse off than she would otherwise have been.



Think back to the time-dependence premise, of which **C4** is an instantiation. Conceiving now gives rise to a numerically different<sup>15</sup> person than conceiving two months from now, because the possible persons do not share the same genetic origins, that is, the same sperm-egg combination. The premise thus relies on a form of metaphysical essentialism. It commits us to

*Essentialism*: The identity of an entity (e.g. a person) is determined by a set of essential properties (Dasgupta 2018, 544).

According to essentialism, an entity has one or more essential properties without which it could not be that particular entity. For example, according to the version of the time-dependence premise grounded in genetic origins, a person has their genetic origins essentially: You cannot be the particular person you are unless you have your actual genetic origins.<sup>16</sup>

Essential properties, such as a person's genetic origins, can be contrasted with accidental properties. I here understand accidental properties as an entity's non-essential properties.<sup>17</sup> For instance, Xia might possess the property 'living in Paris'. When she moves to a different city, she loses this property. However, we would not conclude from this loss that past Xia is no longer numerically identical to present Xia. Hence, the property 'living in Paris' is not essential to Xia and thus accidental. Alternatively, Xia might possess the tenseless property 'playing cards on 22.10.2019'. Now, unlike the property 'living in Paris', Xia cannot lose the tenseless property over time. However, it is still accidental. We can imagine a different possible history of the world in which Xia does not play cards on 22.10.2019, but in which she is still identical to Xia. Hence, 'playing cards on 22.10.2019' is a non-essential and thus accidental property.

According to Dasgupta (2018), the time-dependence premise further commits us to a *particular form* of metaphysical essentialism.

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<sup>15</sup> 'Numerically different' here means not being one and the same.

<sup>16</sup> Note that Dasgupta (2018) himself leaves open the question of why the time-dependence premise is true. Appealing to genetic origins is only one, arguably natural, explanation of why time of conception determines numerical identity.

<sup>17</sup> This is controversial. However, for the sake of my paper, it is sufficient as a definition.

*Ontic essentialism*: A metaphysical entity possesses one or more description-independent properties essentially (Dasgupta 2018, 545).<sup>18 19</sup>

Again, according to the version of the time-dependence premise grounded in genetic origins, Xia possesses the property ‘having the genetic origins O’ essentially. She could not have been Xia without her actual genetic origins. This is true independent of how Xia is described. She possesses the property ‘having the genetic origins O’ essentially whether she is described as, say, ‘the child living in Paris’ or as, say, ‘the girl who enjoys going to the theatre’.

### ***1.2 Unlimited ontic essentialism and the non-identity problem***

In the previous sub-section, I have shown that the time-dependence premise assumes ontic essentialism. In the present sub-section, I will show how Dasgupta uses a particular version of ontic essentialism to solve the non-identity problem without having to reject the time-dependence premise.

According to Dasgupta (2018), ‘unlimited’ ontic essentialism is an independently plausible extension of ontic essentialism.

*Unlimited ontic essentialism*: There is an unlimited number of description-independent and spatially coincident entities, each of which is individuated by its own subset of essential properties (Dasgupta 2018, 547).

Consider the following artistic example. Think of all the non-modal properties that a urinal possesses. ‘Non-modal’ properties are here understood as properties that are not concerned with the possibility, impossibility, or necessity of a proposition’s content (e.g. weight, location, colour,

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<sup>18</sup> Ontic essentialism contrasts with descriptive essentialism. According to descriptive essentialism, a metaphysical entity has one or more properties essentially only relative to a description. For example, if you describe Barack Obama as ‘the 44<sup>th</sup> President of the United States’, he is essentially a president. After all, he could not be the 44<sup>th</sup> President if he did not possess the property ‘being a president’ essentially. However, if you describe Obama as ‘the father of two daughters’, he only possesses the property ‘being the president’ accidentally. He could be the father of two daughters even if he was not the president (Dasgupta 2018, 545).

<sup>19</sup> Strictly speaking, the time-dependence premise only assumes ontic essentialism about persons.

etc.). Usually, we think that a urinal does not, for example, have its location essentially. In other words, we could move it without it ceasing to be the same urinal.

However, consider the artist Marcel Duchamp. He places the urinal in a museum and calls it *Fountain* (1917). It seems that there is not only a urinal now, but also a piece of art. What distinguishes the urinal from the spatially coincident piece of art called *Fountain* is the subset of properties that the piece of art has essentially. Unlike the urinal, the artwork arguably has its location essentially. By moving it out of the museum, for instance, you destroy the artwork (but not the urinal).

According to unlimited ontic essentialism, there is an unlimited number of such spatially coincident entities. For example, in addition to the urinal and the artwork, there is also an object which has the property ‘being located in a restaurant’ essentially. When the object is moved out of the restaurant, it ceases to exist. The urinal, in contrast, which has the property ‘being located in a restaurant’ accidentally, does not cease to exist when it is moved to a different place.<sup>20</sup>

Importantly, according to Dasgupta (2018), the same unlimited ontic essentialist principle also applies to persons. Think of all the properties that a person has (e.g. location, weight, etc.). Following the time-dependence premise, we can identify one person and call her Xia1.<sup>21</sup> Xia1 has her genetic origins essentially. If she were born at a later time with different origins, she would not be Xia1 anymore. Crucially, given unlimited ontic essentialism, there is an unlimited number of entities that are spatially coincident with Xia1. For example, there is a person who has only the property ‘being the couple’s child’ essentially. Let us call this person Xia2. Unlike Xia1, Xia2 can have different genetic origins and still be the same person. In other words, as long as Xia2 is the

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<sup>20</sup> It is worth noting that unlimited ontic essentialism is an independently plausible principle for making sense of examples such as *Fountain*. Unlike limited ontic essentialism, it does not need to fix a precise number of description-independent and spatially coincident entities (e.g. the artwork, the urinal, etc).

<sup>21</sup> Note that, strictly speaking, it is not sufficient to specify an essential property to individuate Xia. Instead, we also need to specify, at least, one individuating property. In this discussion, I am assuming that the essential and individuating properties (‘having genetic origins O’) are the same.

couple's child, it does not matter what her genetic origins are, because she has her genetic origins only accidentally (Dasgupta 2018, 547-548).

In the preceding paragraphs, I have set out Dasgupta's reading of the time-dependence premise as an instance of unlimited ontic essentialism. I will now explain how Dasgupta thinks this view can be used to dissolve the non-identity problem.

Recall the tension at the heart of the non-identity problem. Our intuitive verdict **C1** told us that the couple did something morally wrong by conceiving the child now. However, three plausible claims **C2-C4** have led us to the opposite conclusion that the couple did nothing morally wrong. According to Dasgupta (2018), this tension can be dissolved via unlimited ontic essentialism.

Dasgupta (2018) argues that names, such as 'Xia', are ambiguous in their referent. 'Xia' can, for example, refer either to Xia1 or to Xia2. Notice that Xia2 makes **C1-C3** true. More precisely, according to Dasgupta (2018), Xia2 makes the claim that the couple's decision to conceive now is morally wrong true. Recall that Xia2 does not have her genetic origins essentially. She would exist no matter when she is born to the couple. Consequently, it is perfectly intelligible to say that she was made worse off by the couple's decision to conceive now. After all, the couple robbed her of an unimpaired existence. If she was made worse off and harmed by her parents, then, the couple's action was morally wrong, as predicted by our intuition.

In contrast, Xia1, who is spatially coincident with Xia2, makes **C4** true. Xia1 has her genetic origins essentially. She would not, in fact, have existed had her parents waited another two months before conceiving a child. Consequently, she wasn't made worse off or harmed by her parents. As it pertains to Xia1, then, the couple's action was not morally wrong.

Overall, this leaves us with the following 'flexistentialist' solution to the non-identity problem. **C1** is consistent with **C2**, **C3**, and **C4**. While Xia2 makes **C1-C3** true, Xia 1 makes **C4**

true. According to flexiexistentialism, we should be flexible about which spatially coincident person (e.g. Xia1 or Xia2) matters in practical contexts. ‘To matter’ is here understood as picking out objects worthy of moral concern. We ought to direct our moral concern to the person who does not rely on the time-dependence premise. In our case, we ought to direct our moral concern to Xia2. As shown above, the parents’ choice to conceive Xia2 now is morally wrong, as predicted by our intuition (Dasgupta 2018, 550-554).

### ***1.3 Other non-identity cases***

It is worth noting that Dasgupta’s (2018) solution can be generalised to other versions of the non-identity problem. Consider the following societal version of the problem, which might seem even more troubling.

*Deforestation:* A society decides to adopt a deforestation policy according to which all of its tropical forests will be replaced by agricultural farms. As a result, the standard of living in this society increases slightly more than it would have increased had they not adopted the policy. Another consequence of the policy is that, four hundred years on, the people living in this country have extremely bad air quality. The air quality is so bad that these people have a life expectancy of only fifty years.

Intuitively, the deforestation policy is very wrong. However, its non-identity character makes it difficult to explain why this is so.

The deforestation policy’s adoption slightly increases the present society’s standard of living. As a consequence, it is plausible to imagine a correlative change in people’s lifestyles. This change, in turn, makes it plausible to assume that the present people will conceive at slightly different times than they would have conceived had the deforestation policy not been adopted. If they conceive at different times than they would have conceived otherwise, then, following the time-dependence premise, the existing future people cannot in fact be identical to the merely

possible future people, who would have had different genetic origins. Hence, the existing future people would not have existed if the deforestation policy had not been adopted.

Crucially, if the future people would not otherwise have existed, it is hard to see why adopting the deforestation policy was morally wrong. We cannot say that the policy harmed the future people, assuming they had minimally decent lives. It did not harm them, because they are not made worse off than they would have been. Though they have a life expectancy of only fifty years, they enjoy a worthwhile life that they would not otherwise have had. If they were not harmed by the policy, it seems the policy was not bad for anyone. Again, we seem to be left with the strongly counter-intuitive conclusion that adopting the deforestation policy was morally acceptable.

Flexistentialism allows us to dissolve the societal version of the non-identity problem as follows. When considering whether it is morally permissible to adopt the deforestation policy, we ought to direct our moral concern to the practical entities that do not have their genetic origins essentially. Instead, the entities that matter might simply have the property ‘being a future human of country T’ essentially. Put differently, the practical entities that matter would have existed no matter what policy is adopted by the current society. Consequently, we are free to say that the adoption of the deforestation policy made the entities that matter worse off than they would have been, thus also harming them. Adopting the deforestation policy was thus bad for the people affected. So, on the flexistentialist view, the society’s policy choice is therefore morally wrong (Dasgupta 2018, 555-556).

#### ***1.4 De re/de dicto***

It is also worth noting that, at least according to Dasgupta (2018), flexistentialism is not a version of the more familiar de re/de dicto solution to the non-identity problem.

According to the de re/de dicto solution, statements such as ‘The couple’s decision to conceive now harmed their child’ are subject to two interpretations. On the first – de re – interpretation, the couple’s decision harmed the particular child they in fact conceived. On the second – de dicto – reading, the couple’s decision harmed whatever child satisfies the description ‘their child’ (Hare 2007, 514).

Given this distinction, we might be able to solve the non-identity problem as follows. By conceiving now, the couple makes it the case that ‘their child’ is born significantly impaired. By waiting two months before conceiving, the couple could have made it the case that ‘their child’ was born unimpaired. Hence, their decision to conceive now harmed ‘their child’. Given that Xia satisfies the description ‘their child’, she was harmed in a de dicto sense. On this view, if Xia was harmed in a de dicto sense, the couple’s decision to conceive Xia now is morally wrong (Hare 2007, 514-523).

According to Dasgupta (2018), flexistentialism is not an instance of the de dicto solution. While flexistentialism ties the badness of an action to a particular entity, the de dicto solution does not. Instead, the de dicto solution ties the badness of an action to a general description. More concretely, according to flexistentialism, the couple’s decision to conceive now is wrong, because particular Xia<sub>2</sub> was made worse off (Dasgupta 2018, 553). In contrast, according to the de dicto view, the decision was not morally wrong for Xia because *she* was made worse off; instead, it was wrong because ‘the couple’s child’ (who happens to be Xia) was made worse off. (I will say more about the distinction between the de re/de dicto solution and flexistentialism in sub-section 4.3.)

## **2. Reconsidering the motivation for flexistentialism**

Having set out Dasgupta's flexistentialism, I will now move on to a critical discussion. In this section, I focus on Dasgupta's initial motivation for flexistentialism.

### ***2.1 The motivation***

According to Dasgupta (2018), flexistentialism is motivated by the following worry about traditional readings of the non-identity problem:

*The arbitrariness challenge.* The view that practical persons have their origins<sup>22</sup> essentially is metaphysically undermotivated and hence arbitrary (Dasgupta 2018, 559).

Before considering the details of Dasgupta's challenge, it is worth drawing the following distinction. On the one hand, there are metaphysical views about personal identity *over time*. On the other hand, there are metaphysical views about *cross-world* personal identity, that is, personal identity across different possible histories of the world. Now, Dasgupta's (2018) *arbitrariness challenge* claims that commonly held views about personal identity over time do not fit well with the time-dependence premise as a cross-world identity view for practical persons.

According to Dasgupta (2018), the literature on personal identity over time favours the so-called 'psychological continuity' view.<sup>23</sup> In support of this view, we can appeal to so-called 'body transplant' cases. Imagine that your body is progressively being replaced by another body, while your psychological states stay largely continuous. Most people would agree that, after this process, you are still *you*. Hence, it seems that what matters to personal identity over time is psychological continuity.

Suppose you accept the psychological continuity view of personal identity over time. According to my interpretation of Dasgupta's challenge (2018), it would then be unnatural for you

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<sup>22</sup> Dasgupta (2018) leaves the term 'origins' unspecified. I will stick to my interpretation and continue to discuss genetic origins in particular.

<sup>23</sup> I will explain the notion of psychological continuity in more detail below in my response to Dasgupta.



to accept the time-dependence premise as a view of cross-world personal identity. The reason it would be unnatural is that you would end up with a bifurcated view of personal identity overall. On the one hand, you would emphasize the importance of *psychological* continuity for personal identity over time. On the other hand, you would emphasize the importance of (*bodily*) genetic origins for cross-world personal identity.

Now, most people want to hold onto the psychological continuity view over time. At the same time, we also want to avoid unnecessarily bifurcated views about personal identity overall. Hence, according to Dasgupta (2018), there is no real motivation for adopting the time-dependence premise as a cross-world view of personal identity for practical persons.

## **2.2 Animalism**

Recall that in support of his claim that the time-dependence premise is arbitrary, Dasgupta (2018) appeals to the common intuition that persons can survive a body transplant. We can survive the (gradual) loss of our body over time. Hence, according to Dasgupta (2018), it also seems natural to think that we cannot be an entity which has its (bodily) origins essentially, that is, across different possible histories of the world.

It is probably true that this intuition about body transplants is widely shared. However, consider the following case based on a discussion by Eric Olson (1997; 2003):

*Accident:* Imagine that you are a doctor who talks to a random stranger on the street. The next day, the same stranger is admitted into your hospital after a terrible car accident. More precisely, the stranger is now in a persistent vegetative state, i.e. she will never again have mental states that are psychologically continuous with the mental states she had before the accident.

It seems to me that some people, when imagining that they are the doctor in this case, would be inclined to view and treat the biological organism that lies in the hospital bed as the *very*

*same* person as the one they talked to before the accident. This, in turn, might lend some support to the following metaphysical view of persons:

*Animalism*: You are numerically identical with a biological organism, i.e. with a human animal.

Animalism is a metaphysical view about identity over time. The intuition that the stranger is the same person as before the accident is explained by the fact that the same biological organism has persisted through time.<sup>24</sup>

As noted above, personal identity over time should not be confused with cross-world personal identity. Put differently, a view of personal identity over time as such does not commit us to any cross-world personal identity claim. In the case of animalism, for instance, we can be animalists about personal identity over time, whilst not committing to any view about cross-world identity.

Nonetheless, for an animalist, there is nothing *incoherent* about being an animalist for cross-world identity claims, too. An ‘essentialist animalist’, for instance, might claim that what makes it true that two people are numerically identical across different possible histories of the world is that they share the same biological or genetic origins. Nor would such a view be *undermotivated*. Indeed, being an animalist for cross-world personal identity seems like a natural extension of the animalist view of personal identity over time. In both cases, the animalist emphasizes the metaphysical importance of biological origins.<sup>25</sup>

Crucially, on an essentialist animalist view of cross-world personal identity, the time-dependence premise does not appear arbitrary as suggested by Dasgupta’s challenge. Instead, the

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<sup>24</sup> Notice that the *Accident* case does not force us to be animalists. For instance, we could also adopt a constitutionalist view, according to which we are constituted by or coincide with a biological organism but can nonetheless come apart from that organism. Animalism is thus only one coherent view to adopt here, but that is sufficient for our purposes.

<sup>25</sup> Notice that I do not argue that essentialist animalism is the *right* view of cross-world personal identity. Instead, I argue that it is a coherent and well-motivated view.

premise simply reflects the essentialist animalist view that what matters for cross-world identity is sameness of biological origins. One direct consequence of essentialist animalism is that the non-identity problem cannot be dissolved, at least not via flexistentialism. If Xia has her (genetic) origins essentially, then, she cannot complain about having been born now, because she would not otherwise have existed.

I have shown that we might be able to undermine Dasgupta's case for flexistentialism at its motivational stage by adopting an essentialist version of animalism about persons. However, it might (rightly) be objected that animalism, and essentialist animalism in particular, are controversial positions that face their own fundamental difficulties. One example in point seems to be the body transplant case which generates strongly anti-animalist intuitions. Some readers might therefore find animalism too high a price to pay to argue against flexistentialism. Given its controversial nature, then, I will not make my further case against flexistentialism dependent on any animalist assumptions.

### ***2.3 A Parfitian response***

Instead of insisting on the truth of animalism, I want to consider an alternative response to flexistentialism's motivation. In particular, I want to consider Parfit's (1984) classic version of the psychological continuity view of personal identity over time. We can define Parfit's (1984) view as follows.

*Psychological continuity*: X is numerically identical to Y 'if and only if X today is psychologically continuous<sup>26</sup> with Y, this continuity has the right kind of cause, and it has not taken a branching form' (Parfit 1984, 207).<sup>27</sup>

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<sup>26</sup> Psychological continuity, in turn, is here understood by Parfit (1984) as overlapping chains of strong connectedness between the relevant mental states (e.g. memories).

<sup>27</sup> I focus here on Parfit's (1984) classic view from *Reasons and Persons*. In his later work, he explored other views of personal identity, such as the 'thinking parts' view (Parfit 2012, 26).

As discussed above, Dasgupta (2018) argues that the psychological continuity view of personal identity over time tells against the time-dependence premise as a view of cross-world personal identity. After all, how can a view that emphasizes psychological continuity over time be compatible with a premise that emphasizes the importance of our (bodily) origins across different possible histories of the world?

As in the case of animalism, you can be a psychological continuity theorist for personal identity over time, whilst not committing to any view about cross-world personal identity. However, there might be a way to show that the psychological continuity view of personal identity over time is, in fact, congenial to the time-dependence premise.

Consider the following psychological continuity view of cross-world personal identity: If Xia is born at her actual time of conception with her actual genetic origins (rather than with the merely possible origins she would otherwise have been born with), then it is *in fact* true that she is not psychologically continuous with the merely possible person who would otherwise have existed. If two possible people are not (sufficiently) psychologically continuous across two different possible histories of the world, then, on this view, the two people are not numerically identical. Hence, Xia is not numerically identical with the merely possible person who would otherwise have existed.

As in the case of animalism, I do not claim that this is the *right* view of cross-world personal identity. However, it is a coherent view. In addition, the view is well-motivated as it draws out an important (contingent) connection between actual genetic origins and psychological continuity. It is an empirical fact of our world that being born, say, two months apart does not allow for psychological continuity and hence, on the view considered here, for numerical identity.

Overall, then, the time-dependence premise is not arbitrary, even if we reject animalism. Instead, on the psychological continuity view of cross-world identity, it reflects a contingent connection between our numerical identity and our actual origins.

### 3. Rejecting particularist flexistentialism

Maybe I am wrong about the above and the time-dependence premise is arbitrary after all. To see what else might be wrong with flexistentialism, it is important to understand how it is meant to work. In particular, let me highlight the process by which we choose which of the spatially coincident entities matters in a given context. On Dasgupta's (2018) flexistentialist view, each moral situation requires its own particular choice about which metaphysical entity matters, that is, about which property is had essentially. Dasgupta (2018) claims that 'the relationships that ground our moral commitments determine the essential properties of the entities that matter'. For example, the fact that a father bears a special relationship to his daughter should determine the metaphysical entity that matters in their interactions. We might think that this entity has the property 'being the daughter of X' essentially. Overall, this gives us the following general principle:

*Particularist flexistentialism:* The choice of any practically relevant metaphysical entity is relative to particular moral relationships and commitments (Dasgupta 2018, 552).

In response, I want to argue that particularist flexistentialism has the unacceptable implication of undermining genuine moral disagreement in many practically relevant cases. To see this, consider the following application of the view:

*Disagreement:* Imagine a couple who have a child. The entity that matters has the property 'being the child of couple X' essentially. Now, when the child goes to school and talks to her teacher, the entity that matters seems to change to an entity that has the property 'being the pupil of teacher Y' essentially.

Imagine the following scenario. The couple believe that it was morally wrong to conceive their child when they in fact conceived their child. They think that it would have been better for the child to have been conceived a year later. On a flexistentialist solution to the non-identity problem, we can make sense of this claim. The child, who only has the property 'being the child of couple X' essentially, would indeed have existed a year from now. Hence, it is perfectly intelligible for the

parents to think that the child would have been better off if she had been conceived a year later. Now, imagine further that the teacher disagrees with the couple's belief and tries to assure them that conceiving the child now, rather than a year later, was the right decision.

The *Disagreement* case has the following strange consequence. When the couple and the teacher disagree about when the child should have been conceived they are, in fact, not disagreeing at all. They are merely having a verbal dispute. After all, the entity that matters to the parents is different from the one that matters in the teacher context. This, in turn, seems to violate the common principle that disagreement between two parties requires a shared object of disagreement. In other words, genuine moral disagreement is lost, because of the proliferation of different practical entities. This conclusion strikes me as counter-intuitive. Most of us would probably agree that the parents and the teacher are engaged in a substantive dispute, rather than a mere verbiage.

Dasgupta might respond to my criticism as follows. It is unclear whether the *Disagreement* case really supports the conclusion that the particularist version of flexiexistentialism undermines moral disagreement. In particular, it does not seem to entail that the parents and the teacher do not disagree about when the child should have been conceived. When the teacher and the parents enter their dispute, the moral context changes. Hence, the entity that matters to this new moral context is also different to the one that mattered in the contexts where the parents and the teacher were alone with the child. Put differently, a new metaphysical entity, which might have the conjunctive property 'being the child of couple X and the pupil of teacher Y' essentially matters.

In response, it is worth noting that this objection is unavailable for Dasgupta. By fine-graining the property that the morally relevant entity possesses essentially, Dasgupta undermines his own flexiexistentialist solution to the non-identity problem. In particular, we can no longer make sense of the couple's initial belief that it would have been better for the child to have been conceived a year later. Recall that on the proposed objection the child has the conjunctive property 'being the child of couple X and the pupil of teacher Y' essentially. If the child had been conceived

a year later, it is highly unlikely that she would have gone to the same school and had the same teacher. And, if she had not had the same teacher, then, she would not have existed. Hence, it does not make sense for the parents to claim that it would have been better for the child to have been conceived a year later.

Overall, Dasgupta is left with two unsatisfying options. Either, he leaves the child's essential property sufficiently general and risks undermining instances of moral disagreement. Or, he fine-grains the child's essential property and risks undermining his own flexistentialist solution to the non-identity problem.

#### **4. The flexistentialist arguments**

Suppose I am wrong about the previous argument and Dasgupta can accommodate moral disagreement after all. Still, I claim, flexistentialism does not succeed. This is because the arguments in its favour do not support its conclusion. Dasgupta (2018) provides four arguments in favour of flexistentialism: the argument from wrongness, the argument from badness, the equivalence argument, and the coherent wishes argument. Due to space constraints, I will only discuss the argument from wrongness and the coherent wishes argument. It is worth noting, though, that my criticism of the argument from wrongness also applies to the structurally similar argument from badness. I therefore do not discuss the latter argument here. In addition, I will leave the equivalence argument to one side.

##### ***4.1 Two caveats***

Before moving on, I want to note two important caveats about Dasgupta's arguments. First, he does not take any of his *individual* arguments to be necessary in establishing flexistentialism. Indeed, he claims to be unsure whether they are good individual arguments. Instead, Dasgupta seems to suggest that as long as some of the arguments are successful, we have a strong case for flexistentialism. This also means that rejecting any one of them might not be sufficient for me to undermine Dasgupta's overall argument (Dasgupta 2018, 556).

Second, it is interesting and important to note that, contrary to appearance, the arguments that I will discuss below do not rely on the strong metaphysical assumptions discussed in sections 1.1 and 1.2 (as Dasgupta sometimes seems to imply). In particular, flexiexistentialism does not rely on the truth of unlimited ontic essentialism. Instead, it is perfectly compatible with a *limited* version of ontic essentialism, according to which there is only a limited number of (or even just one) spatially coincident metaphysical entity. As long as we believe that Xia2 (who does not have her genetic origins essentially) is one of those entities or even the only entity, we can run Dasgupta's two arguments below.

Note, though, that claiming that Xia2 is the only existing entity would come at a significant cost. Specifically, it commits us to a denial of the time-dependence premise. If Xia2 were the only existing entity, there would be no sense in which her time of conception determines her identity. After all, she would possess her genetic origins only accidentally and it would not matter, then, when she was conceived. This is why Dasgupta wants to tie flexiexistentialism to unlimited ontic essentialism.

#### ***4.2 Rejecting the argument from wrongness***

Dasgupta (2018) presents the following 'argument from wrongness'. Suppose you believe in unlimited ontic essentialism and you believe that the couple's choice to conceive now was morally wrong. In addition, you believe **C2** and **C3**. This gives you the following 'argument from moral wrong':

The couple's choice was morally wrong. The choice was wrong because it was bad for the impaired child. The choice was bad for the impaired child because she was harmed by it. The only way to make sense of the claim that the choice was wrong because it was bad for the child and that it was bad *for* the child because she was harmed by it is to concede that the child who is the morally relevant subject is Xia2 rather than Xia1. After all, Xia2 does not have her genetic origins essentially (Dasgupta 2018, 556).



It is not clear to me that we should accept this argument.

First, Dasgupta (2018) himself notes that many alternative solutions to the non-identity problem either reject the claim that an action is morally wrong only if it was bad for the child or they reject the claim that the child was harmed because she was made worse off than she would otherwise have been.<sup>28</sup> And, if we deny one of these two claims, the argument from wrong does not succeed. While this strategy has been pursued in the past, I do not wish to pursue it further here.

Second, it is worth noting that Dasgupta's (2018) argument relies on a particular way of setting up the non-identity problem. He takes the claim 'conceiving Xia now is morally wrong' to be a premise. Alternative readings of the non-identity problem usually take this claim to be a conclusion or a sub-conclusion, rather than a premise from which to argue for a solution.

Consider the following alternative interpretation of the non-identity problem.

The couple's decision to conceive now does not make the child worse off than she would have been. Hence, the couple's decision to conceive now does not harm the child. If the couple's decision does not harm the child, it is not bad for her. In addition, if the decision is not bad for the child, it does not morally wrong her. Hence, the couple's decision to conceive the child now is not morally wrong. If the decision to conceive the child now is not morally wrong, the entity that matters is Xia1 (Boonin 2014, 27).<sup>29</sup>

It is true, of course, that we might try to reject any of the claims made in the alternative set-up of the non-identity problem. However, this is beside the point here. What matters is that a possible alternative set-up of the non-identity problem seems to lead naturally to a conclusion that is at odds with Dasgupta's own conclusion that the entity that matters is Xia2. On the alternative

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<sup>28</sup> In other words, they either deny the person-affecting principle or the counterfactual account of harm.

<sup>29</sup> In his paper, Dasgupta (2018) does not consider Boonin's (2014) interpretation of the non-identity problem.

reading, we should simply bite the bullet and accept the non-identity problem's conclusion that conceiving the child now was not morally wrong and that the entity that matters is Xia1. As long as we are not given any reason to prefer Dasgupta's set-up to the more traditional one, we are free to reject his first argument. On alternative readings of the non-identity problem, flexiexistentialism simply does not follow as a conclusion.

Dasgupta might respond to this criticism by claiming that his set-up of the non-identity problem is superior, precisely because it does not generate the highly implausible result that the couple's decision was morally acceptable. His own set-up allows us to hold onto the intuitively correct verdict that the couple's decision was indeed morally wrong because it was bad for Xia.

It is true that Dasgupta's way of presenting the non-identity problem allows us to hold onto what we take to be the intuitively correct verdict. But, it also comes at a high price. In particular, it might undermine genuine moral disagreement, as I argued above. This, in turn, seems *too* high a price to pay to solve the non-identity problem. Overall, then, we are left with two set-ups of the non-identity problem, each of which has a highly implausible conclusion. Consequently, Dasgupta's set-up does not possess any distinct advantage over the alternative presentation discussed above. If his set-up does not possess a distinct advantage over other set-ups of the non-identity problem, there is no reason for us to adopt it.

#### ***4.3 Rejecting the coherent wishes argument***

Consider, now, Dasgupta's (2018) second argument: the 'coherent wishes' argument. According to Dasgupta (2018), it seems reasonable to assume that, from a self-interested perspective at least, the couple's impaired child can wish that her parents had waited before conceiving her.<sup>30</sup> This is hard to explain if the child is Xia1, for Xia1 would, in fact, not have existed had the couple waited before conceiving. But it can be explained if the child is Xia2. Had the

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<sup>30</sup> This is compatible with saying that some people do not have such wishes. Many people take their non-ideal existence to be an important part of their self-understanding. Hence, they never have the wish to have been born at some other time.

couple waited two more months before conceiving, Xia2 would still have existed. Hence, Xia2 was made worse off than she would have been by her parents. So, if the child is Xia2, her wish to have been born at a later time is perfectly coherent (Dasgupta 2018, 560-564).

Dasgupta (2018) argues that it is implausible for the anti-flexistentialist to deny the coherence of this wish. This is for two main reasons. On the one hand, a denial would over-intellectualize the situation and it would have the strange consequence that the child should, in fact, believe that the world up until her conception was the only (and hence the best) possible world for her. If you believe that the child cannot be the same child unless she has her actual genetic origins, there would be no world or existence for her other than the one in which she currently finds herself. This is because, in all likelihood, any time of conception other than her actual time of conception would have brought together a different ovum and a different spermatozoon, thus creating a numerically distinct person.

On the other hand, denying the child's wish on the metaphysical grounds that she would not otherwise have existed seems odd. This would entail that her wish is comparable to some other person's weird metaphysical wish to have been born as, say, a dragon. In both cases, Dasgupta (2018) argues, you would believe that the person is clearly confused, because she wishes for something metaphysically impossible. The couple's child, however, is not confused. She does not wish for something impossible. She only wishes that her parents conceived her later, when she would have existed (as Xia2) in an unimpaired state (Dasgupta 2018, 560-564).

There are two ways to resist the coherent wishes argument.

First, it does not strike me as especially counter-intuitive to bite the bullet and accept that Xia has an incoherent wish. The fact that the wish *seems* coherent to Xia should not make us conclude that her wish is indeed metaphysically coherent. To further bring out this point, consider a partly analogous debate in philosophy of mind: the famous 'philosophical zombies' debate.

According to a classic argument<sup>31</sup>, philosophical zombies – beings that are physically just like humans, except that they do not have conscious experiences – are conceivable; and if philosophical zombies are conceivable, then they are metaphysically possible; and if they are possible, then physicalism about consciousness must be false (and a version of dualism must be true). A standard reply<sup>32</sup> to this sort of argument is to deny its second premise – that is, to insist that the conceivability of philosophical zombies does not entail the right kind of metaphysical possibility of zombies. Hence, the argument for philosophical zombies relies on a flawed inference, which does not warrant its conclusion about consciousness.

I am here not concerned with the details or plausibility of the above arguments. However, I want to draw out an important lesson for our discussion of Dasgupta’s coherent wishes argument. We might argue that Dasgupta has confused conceivability and metaphysical possibility, just like the classic argument for philosophical zombies. It might be conceivable for Xia to have been born as Xia at some later time. However, this does not entail that it is metaphysically possible. It is also natural for Xia to *think* that her wish is coherent, because her wishes’ actual metaphysical limits are not always transparent to her. However, this does nothing to show that her wish is, in fact, coherent on metaphysical grounds.

Alternatively, one might argue that there is a way of holding onto both the coherence of Xia’s wish and the time-dependence premise. Suppose we accept the psychological continuity view of cross-world personal identity discussed in section two. Recall that the main idea behind this view is that two possible people who are not psychologically continuous in two different possible histories of the world cannot be numerically identical.

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<sup>31</sup> For a more philosophically sophisticated version of this argument see David J. Chalmers (1996; 2010).

<sup>32</sup> For discussions of the relation between conceivability and possibility see, for instance, Ned Block and Robert Stalnaker (1999); Christopher S. Hill and Brian P. McLaughlin (1999), and Brian Loar (1999).

Now, as I mentioned in section two, it is, as a matter of *fact* about our world, the case that two possible people with different origins are not psychologically continuous and hence numerically identical on this view. Given that this is an ‘in fact’ or contingent claim, it is still *logically* possible for two possible people with different origins to be psychologically continuous. This logical possibility, in turn, can help us explain the coherence of Xia’s wish, while holding onto the time-dependence premise.

Xia’s wish is coherent, because it is, at least logically speaking, possible for her to be psychologically continuous with and hence numerically identical to the person who would otherwise have existed. Still, the time-dependence premise remains true. As a matter of *fact*, Xia cannot be psychologically continuous with and hence numerically identical to the person who would otherwise have existed.

Overall, then, there are two alternative ways of resisting the coherent wishes argument. Either, we accept that Xia’s wish is incoherent and argue that any denial of this relies on a confusion between conceivability and metaphysical possibility. Or, we argue Xia’s wish is indeed coherent, but in a way that is compatible with (an ‘in fact’ reading of) the time-dependence premise. The overall conclusion remains the same for both arguments: the coherent wishes argument does not pose a threat to the time-dependence premise.

Before concluding, it is worth noting an important consequence of the coherent wishes argument’s failure. According to Dasgupta (2018), one main (though not the only) reason for preferring flexistentialism over the de re/de dicto solution is that the former can make sense of the coherence of Xia’s wish to have been born later while the latter cannot. According to Dasgupta (2018), the reason for this is that, on the de re/de dicto view, what matters is not that particular Xia exists two months from now. Instead, what matters is that a child satisfying the description ‘the couple’s child’ exists two months from now. If particular Xia does not exist two months from

now, there is no sense, according to Dasgupta (2018), in which Xia can coherently wish to have been born later.

As I tried to show above, the coherent wishes argument fails. Consequently, a key reason for preferring flexistentialism over the de re/de dicto solution disappears. So, the failure of the coherent wishes argument not only weakens flexistentialism, but it also props up an alternative solution to the non-identity problem.

## **5. Conclusion**

I have offered a three-part challenge to Dasgupta's (2018) flexistentialism. First, the motivation behind flexistentialism is weak. Both on an essentialist animalist and a psychological continuity view of cross-world personal identity, the time-dependence premise is not arbitrary. For an essentialist animalist, the premise simply reflects the importance of biological origins. For a psychological continuity theorist, the premise reflects a contingent connection between our genetic origins and psychological continuity. Second, I have argued that (particularist) flexistentialism risks undermining important instances of moral disagreement. Third, even if we believe that flexistentialism is well-motivated and can accommodate moral disagreement, Dasgupta's two most prominent arguments do not support flexistentialism. Finally, note that my overall conclusion does not depend on the success of any individual challenge that I raise. Instead, the three challenges, taken together, make a strong case against flexistentialism as a solution to the non-identity problem.

## Chapter Three: Frick's (2020) Solution

### Introduction

Consider the following choice.

*Nobody*: You do not bring anyone into existence.

*Good*: You bring person B into existence with a moderately happy life.

*Great*: You bring person C into existence with a very happy life (Frick 2020, 55).

Many people believe that it is morally permissible to choose *Nobody*. That is, they believe that it is morally permissible for you not to bring anyone into existence, even if you could have created someone with a very happy life instead. On this view, it is morally permissible to choose *Nobody* because not bringing anyone into existence does not make anyone worse off, and acts that do not make anyone worse off are (at least usually) morally permissible.

Notice, though, that the rationale used to justify choosing *Nobody* makes it hard to explain another widely held belief, namely that, if you do bring someone into existence, you should choose *Great* over *Good*. If you choose *Good*, you bring person B into existence with a moderately happy life – that is, a life that is worth living. If you had chosen *Great*, person B would not have existed because you would have brought a different person – person C – into existence. Hence, choosing *Good* cannot be worse for person B, and if it cannot be worse for person B, it is unclear what could make it morally wrong.

This problem – the problem of explaining the intuition that, if we decide to bring someone into existence, we should choose *Great* over *Good* – stems from the lack of identity between person B and person C. It is one example of what is known in moral philosophy as *the non-identity problem*.

One possible solution to the non-identity problem claims that choosing *Great* over *Good* is morally required because it maximizes total well-being. After all, person C will have a much happier life than person B. Notice, though, that this alternative solution in turn makes it hard to explain why choosing *Nobody* is morally permissible in the first place. If you refuse to bring someone into existence who would have had a very happy life and instead you choose *Nobody*, you do not maximize total well-being. Hence, this solution implies (contrary to our intuitions) that choosing *Nobody* is morally wrong.

In a recent paper, Johann Frick (2020) has offered a new solution to the non-identity problem. His solution aims to reconcile the belief that choosing *Nobody* is morally permissible and the belief that, if we decide to bring someone into existence, we ought to choose *Great* over *Good*.

Frick (2020) argues that it is morally permissible to choose *Nobody*, because our moral reasons are conditional on the existence of particular people. Given that there is no person whom our reason could attach to in *Nobody*, we have no moral reason not to choose this option. In addition, Frick (2020) argues that, if we decide to bring someone into existence, we have a contrastive moral reason – a reason stemming from the contrast between *Good* and *Great* – to bring person C into existence. According to Frick (2020), our contrastive moral reason stems from the fact that we can better fulfil the ‘normative standard’ – the standard telling us to maximize the well-being of the particular person our choice is about – in the case of *Great* than in the case of *Good*.

Frick’s solution to the non-identity problem has received no critical attention in the literature so far. In this paper, I raise a four-part challenge to Frick’s solution.

First, I argue that the view of well-being’s reason-giving force underlying Frick’s solution is implausible because it cannot make sense of the (partly) impersonal nature of values such as charity and well-being. Second, I argue that, even if Frick’s account of well-being’s reason-giving



force can be made plausible, his solution still does not succeed, because he does not provide a plausible rationale for individuating normative standards in the way that his solution requires. Third, I argue that Frick's solution suffers from serious counter-examples found in the non-identity literature. Fourth, I argue that Frick's solution cannot explain why the fulfilment of normative standards is morally more important than considerations about the total good that our actions create. I conclude that, while Frick provides a coherent way of accommodating seemingly conflicting judgements in population ethics, his strategy does not succeed as a solution to the non-identity problem.

## **1. Frick's solution**

In this section, I will explain Frick's solution to the non-identity problem in more detail.

### **1.1 Bearer-regarding reasons**

To solve the non-identity problem, Frick (2020) starts with a more basic issue – the question of how we should care about people's well-being. Specifically, he examines why a person's well-being gives us any moral reasons to act in the first place.

According to Frick (2020), the standard view of moral values' reason-giving force is 'teleological' and 'state-regarding'. The view is teleological, because it claims that the correct response to what is good or valuable (e.g. well-being) is to unconditionally promote it. The view is also 'state-regarding' because it claims that our moral reasons are reasons to bring about states in which what is good exists and what is bad does not exist. Given this double character, the standard view of well-being commits us to the

*Transfer Thesis*: 'If there is reason to increase the extent to which  $F$  is instantiated amongst existing potential bearers, there is also reason to increase the extent to which  $F$  is instantiated by *creating* new bearers of  $F$ ' (Frick 2020, 64).

For example, according to the standard view, we have a moral reason to both improve existing people's well-being and to create new people who will have happy lives.<sup>33</sup>

According to Frick (2020), the standard view is problematic for two main reasons.

First, the standard view reverses the intuitively correct order of priority of people over values. Suppose you believe that the correct response to what is good is to promote it. You are thus also committed to the view that what is good needs to be something that can actually be promoted. Particulars, such as people, cannot be promoted. For instance, it would be unintelligible to claim that a person, such as Tim Scanlon, can be promoted. In contrast, abstracta and universals, such as 'well-being', can be promoted. Hence, it seems that only abstracta or universals can be ultimately valuable (Frick 2020, 64).

According to Frick (2020), the standard view's reliance on abstracta or universals is morally problematic. It assumes that people are valuable merely because they contribute to the promotion of a state defined in terms of an abstracta such as well-being. This runs counter to most people's intuitive belief that values (such as well-being) are important because people are important and not vice versa.

Second, as a result of its reliance on abstracta, the standard view cannot make sense of values other than well-being. Consider Frick's (2020) example of promise-keeping. According to the standard view and its *Transfer Thesis*, since you have reason to increase the extent to which promise-keeping is instantiated, you have a moral reason to make new promises so that you can promote the value attached to promise-keeping in general. Surely, however, this is implausible. According to Frick (2020), we do not have a moral reason to make promises simply because we

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<sup>33</sup> In other words, the standard view rejects the second horn of the so-called Procreation Asymmetry according to which it is morally permissible not to bring happy people into existence (even when all other things are equal).

know that we can keep them. In other words, we do not use other people merely to promote abstract values such as promise-keeping.<sup>34</sup>

In contrast to the standard view, Frick (2020) offers a new account according to which moral reasons are ‘bearer-regarding’. (I take it that Frick’s position is that *all* moral reasons are bearer-regarding.)<sup>35</sup> On this view, moral reasons derive from the existence of people or ‘bearers’ (Frick 2020, 66). For example, the moral reason to keep your promise is anchored in the existence of a promissory claim-right bearer, that is, someone who has a legitimate claim that you fulfil your promise (Frick 2020, 66).

Notice that, according to Frick (2020), moral reasons’ bearer-regarding status makes them conditional. Specifically, they are conditional on the independent existence of a ‘bearer’. ‘Independent’ here means that the bearer needs to exist independently of the moral reason that will be grounded on this bearer’s existence. For example, if it is independently true that you have made someone a promise, you have a moral reason to keep it. However, if you have not independently made someone a promise, there is no reason for you to make a promise simply to keep it. It is morally permissible for you not to make a promise in the first place.

Frick is thus committed to a denial of the *Transfer Thesis*. You do not have a moral reason to create new bearers of a given value. Your moral reason arises because of a bearer’s existence and cannot therefore at the same time be a reason to bring this bearer into existence. Concretely, you have a moral reason to keep your promise only because there is a promissory claim-right bearer. Consequently, your moral reason, which relies on the bearer’s existence, cannot at the same time be a reason to bring such a bearer into existence, that is, to make promises simply because you can keep them (Frick 2020, 65-67).

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<sup>34</sup> According to Frick (2020), similar remarks also apply to other values such as justice, equality, liberty, etc.

<sup>35</sup> Frick (2020) writes, for example, that his new account is concerned with a moral phenomenon that is common to ‘all moral values’.

## ***1.2 Bearer-regarding reasons and procreation***

So far, I have explained Frick's general account of bearer-regarding reasons. In what follows, I will show how Frick uses this general account to develop his views about bearer-regarding reasons in the particular case of procreation. This will also allow me to highlight Frick's first step towards solving the non-identity problem.

The case of procreation is analogous to the case of promise-keeping discussed above. Your moral reason to take a person's well-being into account is conditional on the existence of this person as a 'bearer'. As a result, Frick (2020) is able to make the following two points about procreation choices.

First, his new account is able to explain why there is a strong moral reason not to conceive a miserable person, even if this person will never exist. Suppose that you are considering whether to bring a person into existence. That is, you contemplate a world  $w_2$  in which this person exists – a world different from our actual world  $w_1$ . You know that, if you were to bring this person into existence, she would have a life that is not worth living in world  $w_2$ .

Given that this person would exist in world  $w_2$  with a life not worth living, there would be a bearer (in world  $w_2$ ) to which your moral reason not to make people miserable can attach. As a consequence, according to Frick (2020), you have a moral reason not to bring this person into existence, even if she does not currently exist or will never exist if you act rightly (Frick 2020, 68-69).

It is worth noting a potential worry for Frick's new account. If there needs to be a bearer (in world  $w_2$ ) to which your moral reason not to make people miserable can attach, it is unclear how it follows that you have a moral reason to *refrain from* bringing a miserable person into existence in the first place. If you prevent the bearer from coming into existence, there is no bearer to whom your moral reason could attach to. All that seems to follow from Frick's new account is

that you have a moral reason not to make the bearer miserable *after* you have brought her into existence. I will say more about this in section 1.3 below. In general, however, for the sake of argument, I will set this worry aside and focus on different challenges to Frick's solution to the non-identity problem.

Second, Frick's new account is able to explain why it is morally permissible to choose *Nobody*. In the case of *Nobody*, it is not independently the case that you have decided to bring a person into existence. Hence, according to Frick (2020), there is no bearer to which a moral reason could attach, and you have no moral reason to take a possible person's well-being into account. As a result, you have no moral reason to bring a possible person into existence merely because you know that this person would have a happy life (Frick 2020, 68).

It is important to note that Frick's new account by itself cannot yet solve the non-identity problem as presented above. The reason for this is that, in both *Good* and *Great*, you have a bearer-regarding reason to take the relevant person's well-being into account. Given that you offer both people a life that is worth living, it is not yet clear why you should choose *Great* over *Good*.

### ***1.3 Normative standards***

Frick's (2020) second step in solving the non-identity problem consists in locating his new account of well-being's reason-giving force in a broader normative phenomenon called 'normative standards'.

Consider the following example.

*Running*: You plan to go to the running track to train for a marathon. You know that, in order to train effectively, you need the right kind of running shoes.

According to Frick (2020), your decision to go to the running track makes it the case that your further actions fall under a 'normative standard', that is, a criterion of evaluation that our actions

can fall under. In this case, the normative standard is the prudential standard of having the right kind of running shoes.

Now, if your actions fall under a normative standard, they either fulfil the standard or they do not, and you have a reason to make it the case that they do. For example, if you decide to go to the running track and you do not yet possess adequate running shoes, you have a prudential reason to get a pair of appropriate shoes. However, if your action does not fall under the normative standard, you do not have any reason to choose an act which falls under the standard's scope rather than one which falls outside of it. For instance, if you decide not to go to the running track in the first place, it is prudentially acceptable for you not to get running shoes.

It is important to note that, according to Frick (2020), normative standards can be fulfilled in degrees – that is, you can fulfil your standard more or less completely. For example, in the *Running* case, you can borrow an old pair of running shoes from a friend and thus fulfil the relevant standard to some degree. However, you can also buy a new pair of highly personalised running shoes, thus fulfilling the relevant standard to an even higher degree (Frick 2020, 69-71).

The concept of 'normative standards' also applies in the case of procreation. Frick (2020) argues that when you decide to bring a person into existence, you make your actions subject to the

*Threshold Requirement*: 'I have a moral reason to (if I create a new person, make it the case that this person's life is worth living)' (Frick 2020, 73).<sup>36</sup>

If you decide to bring a person into existence, your actions fall under the *Threshold Requirement*. If your actions do not fulfil the standard, that is, if you are unable to offer the person a life that is worth living, you have a strong moral reason to prevent the outcome of bringing this person into existence. Notice, again, that you do not have an unconditional reason to bring happy people into

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<sup>36</sup> The *Threshold Requirement* is a particular expression of Frick's (2020) more general view of standard-regarding reasons as wide-scope conditional reasons. According to this view, all standard-regarding reasons have the form 'I have a reason to (if I do p, do q)' (Frick 2020, 73).

existence. If you do not independently decide to bring a person into existence, it is morally acceptable to choose an action which falls outside of the relevant normative standard's scope, that is, an action which does not create a person in the first place (Frick 2020, 72).

As in the *Running* case, the *Threshold Requirement* can also be fulfilled in degrees. Concretely, your choice can offer a life that is more or less worth living to the person you bring into existence. According to Frick (2020), it is therefore plausible to accept the

*Maximization Requirement*: 'In a choice between creating a new person with a life worth living at well-being level  $W$ , and creating the same person with a life worth living at well-being level  $V$ , where  $W > V$ , I have *contrastive* reason to bring about the former rather than the latter outcome, if I am to create the person at all' (Frick 2020, 78).

A 'contrastive' reason here refers to a reason that arises as a result of the contrast between two possible choices.  $W$  and  $V$  are each morally acceptable when considered in isolation. However, you have a moral reason to choose  $W$  over  $V$  when both choices are considered comparatively.

Notice that Frick still has not solved the non-identity problem. In both *Good* and *Great*, you fulfil the *Threshold Requirement*. You give a life worth living to person B and person C respectively. In addition, you also fulfil the *Maximization Requirement* in *Good* and *Great* by maximizing the happiness that the particular people B and C can have. So, it is not yet clear why we should choose *Great* over *Good*.

#### ***1.4 Two further principles***

Frick (2020) expands his standard-based approach with two further principles.

Recall that normative standards, such as the *Threshold Requirement*, can be fulfilled in degrees. Given this, Frick (2020) argues that it is also plausible to accept the

*Selection Requirement:* ‘In a choice between creating two possible persons, I have contrastive moral reason to create that person for whom I can *better* satisfy the moral standard that will obtain if I create that person’ (Frick 2020, 79).

The *Selection Requirement* can solve the non-identity problem as follows. You are better able to fulfil the relevant normative standard in *Great* than in *Good*. The reason for this is that you are able to offer a life that is more worth living to person C than to person B. Hence, Frick (2020) concludes that you have a contrastive moral reason to choose *Great* over *Good*.

According to Frick (2020), the *Selection Requirement* is not an ad hoc solution to the non-identity problem. Instead, it is grounded in the more general and plausible

*Principle of Standard Selection:* ‘If I have a choice between bringing about Outcome 1 to which standard X applies, or bringing about Outcome 2 to which standard Y applies, and

- (i) standard X and standard Y are standards of the same kind,
- (ii) standard Y is satisfied to a higher degree in Outcome 2 than standard X is satisfied in Outcome 1, and
- (iii) all else is equal,

then I have contrastive reason to bring about Outcome 2 rather than Outcome 1’ (Frick 2020, 79).

The main idea behind this principle is that, if it matters that individual normative standards are fulfilled as well as possible, then, surely, it also matters that *kinds* of normative standards are fulfilled as well as possible.

Overall, then, Frick (2020) has offered the following solution to the non-identity problem. First, if you decide to bring a person (such as B or C) into existence, you have a bearer-regarding reason to take this person’s well-being into account. Second, like any other normative standard, well-being can be fulfilled in degrees and, according to Frick (2020), you have a moral reason to maximize the well-being of any person you bring into existence. Third, Frick (2020) argues that



you have a contrastive moral reason to bring person C into existence, because you can fulfil or maximize the relevant normative standard better than the one attaching to person B, and these standards are of the same kind. Note that all of this is compatible with the intuition that it is permissible for you to choose *Nobody*.

## **2. Assessing Frick's solution**

In this section, I will critically assess Frick's solution to the non-identity problem, offering four different grounds for thinking that the solution is unsatisfactory.

### ***2.1 Well-being as (partly) teleological***

Recall Frick's (2020) view of well-being's reason-giving force according to which our moral reason to take a person's well-being into account is bearer-regarding. Now, Frick's view works well for strongly interpersonal values such as promise-keeping. After all, we make promises *to* individual people and hence our moral reasons to keep our promises seem dependent on the existence of these people. However, it is not clear that Frick's view applies equally well to less straightforwardly interpersonal values.

Consider the moral value of charity. One plausible definition of charity is as a general attitude of beneficence to humanity as a whole. On this view, charity is not an attitude of concern for particular people. Instead, it reflects a person's general beneficent character towards all of humanity. This claim can be supported by people's actual charitable practices. Many people give to charity not because they know the particular beneficiaries of their contributions. Instead, they give to charity because they want to do good in general. Given this definition and many people's actual charitable practices, it does not strike me as particularly implausible to see charity as a value that needs to be promoted teleologically. Or, at the very least, it seems as if charity is partly teleological, that is, part of what it means to be charitable is to do good in general.

Put differently, there is nothing strange about a person seeking out new opportunities to be charitable only because she knows that she can be charitable. This attitude might simply reflect the person's charitable character towards humanity considered in abstractum and as a whole.

Frick's claim that such an attitude reverses the intuitively correct order of priority of people over values also seems somewhat question-begging. After all, the charitable person might respond that her beneficent attitude towards humanity ad abstractum (rather than towards particular people) just reflects what it means to be charitable.

The key question is whether the previous remarks also apply to the moral value of well-being. Charity is a moral value concerned with human well-being. Given that charity is concerned with human well-being and that charity is, at least partly, teleological, it seems natural to assume that human well-being is also, at least partly, teleological. In other words, it seems natural to assume that we have moral reasons to act because we care both about the particular bearers of well-being and about well-being as an abstract good we can contribute to.

If human well-being is, at least partly, teleological, it is unclear why we should rely on Frick's solution to solve the non-identity problem. In contrast to Frick, we could argue that we have a reason to choose *Great* over *Good* because well-being is better promoted teleologically in the former case than in the latter case.

Of course, Frick could defend himself by arguing that his conception of well-being's reason-giving force is superior to the one presented above because it avoids implausible implications in population ethics more broadly. Specifically, his 'bearer-regarding' view of well-being enables him to maintain that we do not have a moral reason to create happy people. After all, according to Frick (2020), if these merely possible people do not exist, then we have no reason to take their well-being into account.

In response, it is unclear how much dialectical force this objection really has. It is true that Frick's (2020) view avoids the implication that we have moral reasons to create happy people. However, his view also makes it harder to solve the non-identity problem. After all, Frick (2020) needs to appeal to further principles, such as the *Principle of Standard Selection*, to solve the non-identity problem. In contrast, the teleological view of well-being needs no further principles to solve the non-identity problem. It can simply claim that choosing *Great* over *Good* is morally

required because well-being is a moral value which needs to be promoted teleologically and *Great* promotes well-being more than *Good*.

So, it seems that Frick has not given us sufficient independent<sup>37</sup> reason to accept his bearer-regarding view of well-being's reason-giving force. This is not to say that I have provided any decisive reason to reject Frick's view. However, if it turns out that there are further problems with Frick's view, this might tip the balance in favour of the teleological view after all.

## ***2.2 Individuating normative standards***

I now want to consider a second potential worry for Frick's solution to the non-identity problem. Recall Frick's (2020) *Selection Requirement* according to which, in a choice between bringing two possible people into existence, you have a contrastive moral reason<sup>37</sup> to choose the person for whom you can better satisfy the moral standard that will apply if you create that person. Based on this, Frick (2020) argues that we have a contrastive moral reason to choose *Great* over *Good*.

Frick's (2020) appeal to the *Selection Requirement* implicitly assumes that non-identity choices are governed by two normative standards of the same kind, one applying to each person you would bring into existence. As a result of this assumption, he is able to solve the non-identity problem. According to Frick (2020), we have contrastive moral reason to choose *Great* because we can fulfil the standard applying to person C better than the standard applying to person B *and* the two standards are of the same kind.

However, it is unclear whether Frick has sufficiently justified the assumption that non-identity choices are governed by two normative standards of the same type, one applying to each person you would bring into existence. There seem to be at least two additional options for individuating normative standards which he fails to consider.

First, why should non-identity choices be governed by two normative standards rather than one? Imagine that there is only one normative standard according to which we have a moral

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<sup>37</sup> 'Independent' here means independent of the ability to avoid the implication that we should create happy people.

reason to maximize the well-being of the particular person we bring into existence.<sup>38</sup> If this is our starting point, we cannot solve the non-identity problem in the way suggested by Frick. We would fulfil this standard in both *Good* and *Great* to the same extent, because we maximize the well-being of the *particular* person we bring into existence in both scenarios.

Frick might object by arguing that the reason we need two normative standards is to do justice to his view of well-being's reason-giving force. If we think that well-being's reason-giving force is tied to the existence of particular people, then, surely, we also need to tie normative standards to particular people. In the case of *Good* and *Great*, we tie the normative standards to person B and person C respectively.

In response, it is not clear that relying on a single normative standard cannot do justice to Frick's view of well-being's reason-giving force. Recall the normative standard mentioned above, according to which we have a moral reason to maximize the well-being of the particular person we bring into existence. Now, according to this standard, we need to be concerned with the well-being of the *particular* person we bring into existence. In other words, we are not concerned with the maximization of well-being as an abstractum. Instead, we tie our moral concern to the existence of a particular person. We only remain flexible about which person (i.e. either B or C) the single standard applies to. Given this concern for individual people, Frick's potential objection does not succeed.

Second, Frick fails to consider the option according to which non-identity choices are governed by two standards of a *different* kind. On this view, choosing between *Good* and *Great* would amount to choosing between a B-standard and a C-standard, where these two standards are of a different kind. Interestingly, this view might actually be the most natural view to adopt for Frick. If, as suggested by Frick's (2020) bearer-regarding view, moral reasons should be individuated with

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<sup>38</sup> We might here even appeal to Frick's (2020) own *Maximization Requirement*.

regard to their bearers, why should we not individuate kinds of standards with regard to their individual bearers, too?

If non-identity choices are indeed governed by two normative standards of a different kind, Frick can no longer solve the non-identity problem, at least not via the *Principle of Standard Selection*. Recall that, according to this principle, we have a contrastive moral reason to choose *Great* over *Good*, because we can fulfil the former standard better than the latter standard of the same kind. Now, if there are in fact two standards of a different kind, Frick's principle implies that we do not have a contrastive reason to choose *Great* over *Good* anymore.

In response to the two alternative ways of individuating normative standards, Frick might reply as follows. Recall his middle-ground position according to which non-identity cases are governed by two standards of the same kind. He might claim that his position is superior to the other two options considered in this sub-section precisely because it allows us to solve the non-identity problem.

While this is true, it also appears like a relatively weak potential response.

On the one hand, Frick's response appears somewhat ad hoc and undermotivated. He has not provided an independent reason – that is, a reason independent of the non-identity problem – to adopt his way of individuating normative standards over the two alternative ways I have considered.

On the other hand, if the ability to solve the non-identity problem is the only reason in favour of Frick's way of individuating normative standards, he is unable to show why his overall solution to the non-identity problem should be preferred to other solutions. After all, provided it is coherent, any solution to the non-identity problem can claim that its ability to solve the problem is a reason in its favour.

In addition, as I am about to argue, Frick's way of individuating normative standards makes his solution vulnerable to counterexamples.

### 2.3 Counter-examples

Suppose Frick is right and non-identity choices should be governed by two normative standards of the same kind after all. There still seem to be instances where the *Selection Requirement* and the *Principle of Standard Selection* offer intuitively implausible verdicts.

Consider the following case based on a discussion by David Boonin (2014).<sup>39</sup>

*Lake*: Imagine that you walk past a lake. Two people, one with an impairing medical condition and one perfectly healthy, are drowning in the lake. You can save only one of the two people. It is a little bit more convenient for you to save the person with the impairing medical condition. (Boonin 2014, 169-170)

Frick might respond to this case as follows. There are two normative standards, one applying to the medically impaired person and one applying to the perfectly healthy person. These standards tell us that we need to maximize the well-being of the particular person our act is concerned with. We can better fulfil the standard for the perfectly healthy person. After all, if we save her, we can offer her a life that seems more worth living than the life of the medically impaired person. Hence, according to Frick's *Principle of Standard Selection*, it seems that we have a contrastive moral reason to save the perfectly healthy person rather than the medically impaired person.

According to Boonin's (2014) interpretation of the *Lake* case, Frick's verdict should strike us as deeply counter-intuitive. Surely, most people would agree that there is nothing morally wrong (not even in a contrastive sense) with saving the medically impaired person. After all, you have saved someone's life! If this intuition is indeed as wide-spread as suggested by Boonin (2014), then Frick's (2020) *Principle of Standard Selection* has deeply counter-intuitive implications. And, if this principle has deeply counter-intuitive implications, it is not clear that we should rely on it to solve the non-identity problem.

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<sup>39</sup> Frick (2020) does not discuss Boonin's (2014) examples in his paper.

Notice that what generates the counter-intuitive verdict here is Frick's way of individuating normative standards. If the same normative standard applies to both the perfectly healthy person and the impaired person, then we have, on Frick's (2020) view, contrastive reason to save the perfectly healthy person. After all, we can fulfil the normative standard better for the perfectly healthy person.

As noted in the previous sub-section, there is an alternative way of individuating normative standards. Frick could argue that there are two distinct normative standards, one applying to the perfectly healthy person and one applying to the impaired person. On this view of individuating normative standards, Frick avoids Boonin's counter-example. Given that there are two distinct normative standards applying to the healthy and the impaired person, we cannot have a contrastive moral reason to save one person over the other. After all, we are not fulfilling the same standard better by saving the healthy person than by saving the impaired person.

It is important to note, however, that by adopting this alternative way of individuating normative standards Frick also undermines his own solution to the non-identity problem. As I have argued in the previous sub-section, if there are two distinct normative standards governing the choice between *Great* and *Good*, we cannot appeal to Frick's (2020) *Principle of Standard Selection* to justify choosing the former over the latter.

In response to this criticism, there seem to be at least two ways for Frick to show that his solution can reach the intuitively correct verdict in the *Lake* case without altering his way of individuating normative standards.

First, Frick could argue that the *Selection Requirement* contains an emergency clause. According to this clause, the requirement does not apply in emergency circumstances where you must act very quickly, such as jumping into a lake to save someone's life. As a result, it would be morally perfectly acceptable to save the medically impaired person in the *Lake* case.

However, this strategy strikes me as unpromising. Boonin could revise the *Lake* case such that there is no emergency in choosing whom to save. For example, we can imagine a scenario in

which you have ample time for reflection before your decision. Given the unpromising nature of this response, I will not pursue it further here.

Second, Frick could argue that it is morally perfectly acceptable to save the medically impaired person because you actually fulfil your normative standard to the same extent by saving the impaired person than by saving the healthy person.

Recall the *Selection Requirement* according to which we need to maximize the well-being of the particular person our act is concerned with. Now, it is unclear what ‘maximizing the well-being of’ actually means here. It could mean that we need to maximize a person’s well-being relative to the well-being standard of a typical human being. However, as noted above, this leads Frick into the problem with the *Lake* case. After all, relative to the well-being standard of a typical human being, it seems that saving the healthy person is the right choice.

Alternatively, ‘maximizing the well-being’ could mean that we need to maximize a person’s well-being relative to the well-being *potential* of that *particular* person. This alternative meaning allows Frick to escape Boonin’s criticism. By saving the medically impaired person, you actually maximize their well-being as much as possible because, relative to the impaired person’s potential for well-being, you could not have done more. You thus seem to fulfil your normative standard to the same degree by saving the medically impaired person than by saving the perfectly healthy person.

Notice that, while this response allows Frick to escape my criticism, he can no longer solve the non-identity problem. Suppose you choose *Good* over *Great* in the non-identity case. We might then argue that, relative to person B’s potential for well-being, we could not have chosen better. As a result, there is nothing morally wrong with choosing *Good* over *Great* on this view. However, Frick (2020) does want to show that it is morally wrong to choose *Good* over *Great*. Hence, his potential response to Boonin leads him to contradict his original aim and thus fails.<sup>40</sup>

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<sup>40</sup> In the next chapter of my thesis, I discuss further potential responses to Boonin (which might also bolster Frick’s position).



## ***2.4 Normative standards vs total good***

In this final section, I argue that there is a further problem for Frick's solution. Specifically, I claim that, even if Frick individuates normative standards in the way that he prefers, he cannot use the *Principle of Standard Selection* to solve the non-identity problem.

Consider the following case, which Frick (2020) uses to support and illustrate the *Principle of Standard Selection*.

*Worker:* A company boss must decide whether to hire worker X in country A or worker Y in country B. She knows that either outcome will fall under a normative standard according to which she ought to compensate her worker appropriately. Worker X lives in country A which has a very strict and confiscatory tax regime. As a result, if the company boss were to employ worker X, her post-tax wage would be quite low (although not insufficient to survive). Worker Y lives in country B, which has a lax tax regime. As a result, if the company boss were to hire worker Y, her post-tax wage would be much higher than worker X's. Crucially, the total amount of good the company boss would do by hiring either worker X or Y is the same. (For example, we can imagine that the tax-deducted part of worker X's wage is invested back into small-scale charity projects by the relevant government.) (adapted from Frick 2020, 80).

According to Frick (2020), it is intuitively correct for the company boss to hire worker Y in country B. Furthermore, he claims that the *Principle of Standard Selection* allows us to explain why hiring worker Y in country B is the intuitively correct verdict. The company boss has a contrastive moral reason to hire worker Y in country B. The ground of her contrastive moral reason cannot be the total amount of good created by paying the salary to worker Y. After all, if she had hired worker X, the total amount of good created would have been the same (Frick 2020, 80).

Instead, according to Frick (2020), the ground of her contrastive moral reason is the fact that she can better compensate worker Y than worker X. Worker Y gets to keep more of her salary due to a less strict tax regime. Consequently, the company boss can better fulfil the normative

standard applying to worker Y than the one applying to worker X. As a result, Frick argues that she has a contrastive moral reason to hire worker Y (Frick 2020, 80).

Recall that, according to Frick (2020), we can use the *Principle of Standard Selection* to ground the *Selection Requirement* and thus solve the non-identity problem. Similar to the *Worker* case, you can fulfil one normative standard (the one applying to person C) better than another (the one applying to person B) in the non-identity case. Consequently, according to Frick (2020), you have a contrastive moral reason to choose *Great* over *Good*.

I now want to examine a revised version of the *Worker* case to show that Frick is wrong in claiming that we can use the *Principle of Standard Selection* to ground the *Selection Requirement* and thus solve the non-identity problem.

Consider the following case.

*Worker\**: The set-up is the same as before with the following caveat. By hiring worker X, you help country A in funding large-scale and effective charity projects through the taxes deducted from worker X's salary. Overall, the total amount of good done by hiring worker X is greater than the total amount of good done by hiring worker Y.

In this revised scenario, it is still the case that you would fulfil your normative standard to a higher degree by hiring worker Y than by hiring worker X. However, it strikes me as intuitively plausible that the company boss should in fact hire worker X. After all, she would fulfil her normative standard (for worker X) to a sufficient degree *and* she would create more total good by helping the charities funded partly by worker X's taxes.

If this response to the revised worker case is indeed correct, we get the following problem for Frick's solution to the non-identity problem. In cases such as *Worker\**, where the standard-based approach pulls in a different direction than teleological considerations about total good, we tend to favour the latter considerations. In other words, standard-based reasons seem to carry less moral weight than teleological reasons attaching to the total amount of good created.

If standard-based reasons are indeed not very strong in cases such as *Worker\**, it seems natural to think that they are not very strong in non-identity cases either. If they are not very strong in non-identity cases, it is unclear whether they can really account for the strength of our intuition that choosing *Great* over *Good* is morally required.

Someone might object on Frick's behalf that I have mistakenly introduced teleological reasons into the worker cases. Specifically, it seems that I have made the *Worker\** case into a conflict between the standard-regarding reason to compensate worker Y and the apparently teleological reason to further the total good by employing worker X.

However, on Frick's (2020) view, there is no such conflict to start with. If there is any conflict at all, it is a conflict between the bearer-regarding reason to compensate worker Y and the bearer-regarding reason to help people via a charitable contribution. And, if there is no conflict between bearer-regarding reasons and teleological reasons in the *Worker\** case, then, we cannot use this case to deny the moral weight of bearer-regarding or standard-regarding reasons in the non-identity case.

In response, there seems little reason to accept the claim that the company boss has a bearer-regarding reason to help people via charitable contributions. In fact, we can stipulate that, in the *Worker\** case, the company boss does not know the cause or the people that her tax contributions will serve. If she does not know the cause or the people that her contributions serve, it is unclear whether she can conceptualise the bearer of her actions. And, if she cannot conceptualise the bearer of her actions, it is unclear how the bearer could be the ground of her moral reasons in favour of charitable giving. Overall, then, the problem of teleological reasons outweighing bearer-regarding or standard-regarding reasons remains.

## **Conclusion**

Frick (2020) has offered a new, standard-based solution to the non-identity problem. In response, I have raised four distinct challenges to Frick's solution.

First, I have argued that Frick's solution relies on a problematic view of well-being's reason-giving force. Conceiving of moral reasons as 'bearer-regarding' cannot make sense of arguably less interpersonal values such as charity (and, by extension, well-being). Second, I have argued that Frick's standard-based approach does not provide a plausible rationale for individuating normative standards in the way required for it to solve the non-identity problem. If non-identity cases are guided by a single normative standard or by two normative standards of a different kind, we cannot have a contrastive reason to choose *Great* over *Good*.

Third, I have argued that Frick's (2020) *Principle of Standard Selection* faces serious counterexamples in the non-identity literature, most notably in the work of David Boonin (2014). Finally, I have tried to show that, even if Frick's standard-based solution is coherent, standard-regarding reasons are less morally weighty than teleological reasons relating to the total amount of good our actions create. As a result, it seems that standard-regarding reasons cannot account for the strength of our non-identity intuitions.

Overall, Frick's paper is probably best read as a conceptual experiment. It presents a coherent strategy for accommodating seemingly conflicting judgements in population ethics, especially the non-identity problem and the double intuition that we have a moral reason not to bring miserable people into existence and that there is no moral reason to bring happy people into existence. However, given the challenges I have raised, it is unclear whether Frick's experiment is actually successful as a solution to the non-identity problem.

Frick (2020) ends his paper by asking: If you can have your cake and eat it too, why not do both? As noted above, Frick has been successful at providing a coherent strategy for accommodating seemingly conflicting judgements in population ethics. Given this success, Frick (2020) is suggesting that it is now natural to see his account as establishing the truth of these judgements (rather than their mere potential coherence).

In response to his question, it is true that Frick can have his cake, that is, provide a coherent strategy for accommodating seemingly conflicting judgements in population ethics. However, given the challenges I have raised, there is reason to doubt that he can eat it, too, i.e. establish their actual truth.

## Chapter Four: Boonin's (2014) Solution

### Introduction

Consider the following case.

*Wilma:* Wilma decides to have a child whom she will call Pebbles. According to Wilma's doctor, if she conceives now, Pebbles will be born with a significantly impairing disability.<sup>41</sup> Pebbles' life will still be worth living, but it will be significantly worse than it would have been without the impairing disability. According to her doctor, if Wilma takes a tiny pill once a day for the next two months, her child will be born perfectly healthy. Out of convenience, Wilma decides to conceive right away (Boonin 2014, 2).

Many people have the strong intuition that Wilma's choice of conceiving now is morally wrong. However, upon reflection, it is hard to explain this intuition.

If Wilma decides to conceive now, she conceives a different child – Pebbles – from the child – call her Rocks – she would have conceived two months from now. If Pebbles has a life worth living and would not exist two months from now, Wilma's decision cannot make Pebbles worse off than she would otherwise have been. And, if Wilma's decision does not make Pebbles worse off than she would otherwise have been, she does not harm Pebbles.<sup>42</sup> If Wilma does not harm Pebbles, it seems that she does not wrong her either. And, if Wilma does not wrong Pebbles, it seems that her choice to conceive now is morally acceptable. I will follow David Boonin (2014) and refer to this last claim as the *Implausible Conclusion*.

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<sup>41</sup> The disability could be impairing because of external factors, such as society's failure to accommodate the needs of disabled people.

<sup>42</sup> I am assuming here that Wilma's decision to conceive now does not make any third party worse off either.

The problem in cases like *Wilma* – the problem of explaining the intuition that the Implausible Conclusion is morally wrong – stems from the lack of identity between Pebbles and Rocks. It is one instance of what is known in moral philosophy as the *non-identity problem*.

David Boonin (2014) has recently offered a new solution to the non-identity problem. According to Boonin (2014), all classic and contemporary solutions have failed to provide a plausible way of avoiding the Implausible Conclusion. Consequently, he claims that we ought to re-examine the intuitions guiding our responses to non-identity cases. Specifically, Boonin (2014) argues that, despite appearances to the contrary, our intuitions in these cases are misguided and that we in fact ought to embrace the Implausible Conclusion as morally acceptable. According to Boonin (2014), it can even be shown that accepting the Implausible Conclusion is actually in line with common sense morality.

In this paper, I will raise a three-part challenge to Boonin’s solution to the non-identity problem. First, I argue that the two thought experiments Boonin uses to support the claim that the Implausible Conclusion is in line with common sense morality do not warrant any such claim. Second, I argue that Boonin’s other two arguments for accepting the Implausible Conclusion fail because they rely on flawed or dialectically ineffective analogies with the original *Wilma* case. Third, I argue that Boonin’s solution has deeply problematic theoretical and practical implications, thus undermining Boonin’s own aim of providing a ‘modest’ solution.

## **1. Boonin’s solution**

According to Boonin (2014), the non-identity problem consists of five plausible premises leading to the Implausible Conclusion. More formally, we can represent Boonin’s (2014) understanding of the non-identity problem as follows:

1\*: Wilma’s decision to conceive now does not make Pebbles worse off than she would have been.

2\*: If Wilma's decision harms Pebbles, then it makes Pebbles worse off than she would have been.

3\*: Wilma's decision to conceive now does not harm anyone other than Pebbles.

4\*: If Wilma's decision to conceive now does not harm anyone, then, it does not wrong anyone.

5\*: If Wilma's decision to conceive now does not wrong anyone, then, it is not morally wrong.

C\* (Implausible Conclusion): Wilma's decision to conceive Pebbles now is not morally wrong (Boonin 2014, 27).

In what follows, I will explain Boonin's solution to the non-identity problem in more detail.

### ***1.1 Three criteria for any solution***

The argument leading to the Implausible Conclusion is clearly valid. Boonin (2014) argues that avoiding the Implausible Conclusion thus requires rejecting at least one of 1\*-5\*. In addition, he claims that rejecting one of 1\*-5\* can only succeed by respecting three criteria: independence, robustness, and modesty.

According to the 'independence' criterion, a solution to the non-identity problem needs to be independently plausible. 'Independently plausible' here means that a solution needs to be plausible independently of its ability to solve the non-identity problem. Concretely, the solution cannot require us to reject one of 1\*-5\* *merely* because this would allow us to avoid the Implausible Conclusion. According to Boonin, the reason for this is that a solution that is not independently plausible is arbitrary, that is, it cannot tell us why we should reject one premise of the non-identity problem rather than another (Boonin 2014, 20-21).<sup>43</sup>

According to the 'robustness' criterion, any solution ought to be robust enough to deal with variations of the non-identity problem. In this paper, I will mainly focus on the direct version of the non-identity problem exemplified by Boonin's *Wilma* case. Having said that, in section 1.6

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<sup>43</sup> It seems that Boonin's 'independence' criterion is too strict in some cases. A solution might give us a way of rejecting a premise that is less implausible than rejecting another premise and that is less implausible than embracing the Implausible Conclusion. This is true even if this solution is not independently plausible on Boonin's view. Having raised this worry, I will now leave it to one side for the remainder of this paper.



below, I will also briefly explain how Boonin intends to deal with so-called ‘societal versions’ of the non-identity problem (Boonin 2014, 21-22).

According to the ‘modesty’ criterion, a solution to the non-identity problem cannot have implications which are morally more troublesome than the Implausible Conclusion itself. Put differently, the cure to the disease ought not to be worse than the disease itself. After all, if a solution raises more issues than it solves, we might as well reject it in the first place (Boonin 2014, 22-24).

Having specified the three criteria discussed above, Boonin (2014) further argues that most classic and contemporary solutions to the non-identity problem have failed to satisfy at least one of the three criteria. I have discussed three of these solutions and their shortcomings in the first chapter of my thesis. In addition, I have discussed two recent solutions to the non-identity problem by Dasgupta (2018) and Frick (2020) and I have argued that both of these solutions ultimately fail. So, there is a sense in which this dissertation up to this point lends further support to Boonin’s suggestion that we should just embrace the Implausible Conclusion. However, this chapter of the dissertation aims to cast serious doubt on Boonin’s other arguments for his position.

Below, I will explain how Boonin himself aims to solve the non-identity problem.

## ***1.2 Biting the bullet***

According to Boonin (2014), the failure of previous solutions should make us rethink our approach to the non-identity problem. Rather than seeing it as a *problem*, we should see it as an *argument* establishing its conclusion. We ought to bite the bullet and accept that Wilma’s act of conceiving right away is morally acceptable.

In addition, Boonin (2014) argues that the non-identity argument is actually in line with common sense morality. He provides three main arguments in support of this claim.

### ***1.3 Two thought experiments***

Boonin's first argument relies on two thought experiments which are meant to bring out the plausibility of accepting the Implausible Conclusion. Consider the first case.

*Famine relief:* Peter unexpectedly receives a letter containing fifty pounds. He can either spend the money on dinner or donate it to Oxfam, thereby saving the life of one child.

Peter decides to spend the money on himself (Boonin 2014, 192).

According to Boonin (2014), it would be morally better or more praiseworthy for Peter to donate the money to Oxfam. However, he also argues that it is widely agreed that Peter does not do anything positively immoral by spending the money on dinner. This is not to say that everyone would agree with Boonin's assessment of the *Famine relief* case. Instead, Boonin (2014) claims that the thought experiment shows that, broadly speaking, people's common-sense morality judges Peter's decision to be morally acceptable (even if not ideal).

The *Famine relief* case bears interesting similarities to the *Wilma* case. According to Boonin (2014), both Wilma and Peter have to decide between two options with one of them being slightly better for them and the other being better for human well-being overall. As noted above, in the famine relief case, Boonin (2014) claims that it is morally permissible for Peter to choose the option that is slightly better for him, that is, spending the fifty pounds on dinner. Consequently, we might think that it is equally morally acceptable for Wilma to choose the option that is slightly better for her, that is, conceiving right away. According to Boonin (2014), the reason that both Peter and Wilma's choices are morally justified is that neither of them harms anyone or violates anyone's rights (Boonin 2014, 192-194).

Consider now a second thought experiment.

*Rescue:* Fred is walking past a lake. Two children, one with an impairing medical condition and one perfectly healthy, are drowning in the lake. Fred can only save one of the children.

It is a little bit more convenient for him to save the child with the impairing medical condition. Out of convenience, Fred decides to save the child with the impairing medical condition (Boonin 2014, 195).

According to Boonin, most people would agree that Fred's choice is morally acceptable, that is, that he has done nothing positively immoral by saving the impaired child.

Again, the *Rescue* case bears important similarities to the *Wilma* case. In both cases, Fred and Wilma have to decide who will 'exist', that is, who will be saved and conceived, respectively. Specifically, they have to decide whether a significantly impaired person will exist or whether a perfectly healthy person will exist. In both cases, they decide out of convenience that a significantly impaired person will exist and that a perfectly healthy person will not exist. According to Boonin, given that most people find Fred's choice morally acceptable, it is natural to extend this judgement to the *Wilma* case, that is, accept that her choice of conceiving now is morally permissible.<sup>44</sup>

Indeed, Boonin argues that Wilma's choice should strike us as even more acceptable than Fred's action. After all, unlike Fred's choice, Wilma's choice does not lead to the death of an already living person. Instead, given that Wilma decides to conceive Pebbles, Rocks will simply never come into existence (Boonin 2014, 195-198).

Overall, Boonin leverages the *Famine relief* and *Rescue* cases to bring out structural similarities between these cases and the non-identity problem. He then argues that, given that Peter and Fred's choices are morally acceptable, we also ought to accept Wilma's choice.

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<sup>44</sup> One could argue that there is a morally relevant difference between the *Rescue* case and the *Wilma* case as Wilma's choice concerns her own children rather than strangers. One might think that this gives her some special reason to choose the healthy child which Fred does not have. However, in response, Boonin (2014) can revise the *Rescue* case and make Fred choose between saving one of his own children.

#### ***1.4 Boonin's 'transitivity' argument***

Boonin's second argument in favour of the Implausible Conclusion's intuitiveness relies on two additional thought experiments.

Consider the first case.

*Betty:* Betty faces the same choice as Wilma except for the following caveat. According to the doctor, Betty's child will be significantly impaired no matter when she conceives. In other words, Betty has to choose between conceiving no child at all or conceiving a significantly impaired child. Given that she has a slight preference to conceive, Betty decides to have a child (Boonin 2014, 198).

According to Boonin (2014), most people agree that Betty's choice of conceiving a significantly impaired child rather than conceiving no child at all is morally acceptable, that is, it is not positively immoral.

Consider, now, a second case.

*Jane:* Jane already has two healthy and happy children. If she decides to conceive again, her third child will also be born perfectly healthy and happy. Jane has a slight preference for not conceiving and hence does not have a third child (Boonin 2014, 198-199).

Again, according to Boonin (2014), most people agree that Jane's choice of not conceiving another healthy and happy child is morally acceptable.

Boonin (2014) argues that the combination of the *Betty* and *Jane* cases speaks in favour of the Implausible Conclusion. As noted above, it is morally acceptable to conceive an impaired child (Option A) when the only other option is conceiving no child at all (Option B). In addition, it is also morally acceptable not to conceive any child (Option B) if the only other option is conceiving a further healthy and happy child (Option C).

Consequently, according to Boonin (2014), it follows that it is also morally acceptable to conceive an impaired child (Option A) when the only other option is conceiving a perfectly healthy child (Option C). Wilma decides to conceive an impaired child when the only other option is conceiving a happy child. Hence, it seems that her choice is morally acceptable.

The preceding argument relies on a more general transitivity principle according to which *Transitivity*: '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 of A and C, then it is not immoral to choose A over C when those are the only two options' (Boonin 2014, 202).

Boonin (2014) argues that there has been no change in any morally relevant property between Betty and Jane's choices and Wilma's choice. Hence, according to Boonin (2014), Wilma's choice is morally acceptable.

### ***1.5 Boonin's 'different species' argument***

The third argument in favour of the Implausible Conclusion starts with a diagnosis: According to Boonin (2014), the reason why many people mistakenly think that Wilma's choice of conceiving Pebbles is morally wrong is that they imagine Pebbles not only as worse off than Rocks, but also as significantly physically impaired. Boonin (2014) therefore asks us to imagine an alternative *Wilma* case in which Pebbles is born with a mental impairment instead of a physical impairment. Specifically, Pebbles's mental life should be imagined as equivalent to that of an ordinary and healthy horse.

Now, consider the following case.

*Mary*: Mary has two children and four horses. She has to choose between conceiving one more healthy child or breeding one more healthy horse. Given her preference for the latter option, she decides to breed one more healthy horse (Boonin 2014, 205-206).

Boonin (2014) argues that most people agree that Mary's choice of breeding another healthy horse rather than conceiving another healthy child is morally acceptable, that is, it is not positively immoral.

According to Boonin (2014), Wilma and Mary face similar choices. They can either choose the option that is more convenient for them and thus bring a being with the mental life of a horse into existence. Or, they can choose the option that is less convenient for them and decide to bring a healthy human being into existence. As noted above, many people find Mary's convenient decision to bring a being with the mental life of a horse into existence morally acceptable. Consequently, Boonin claims that we should also find Wilma's decision to bring mentally impaired Pebbles into existence intuitive (Boonin 2014, 206).

Boonin (2014) anticipates the following objection to his 'different species' argument. According to the objection, human beings with the mental life of a horse are more valuable than a horse. As a result, the objection claims that Wilma and Mary's choices are not analogous and Boonin is wrong to draw on the Mary case to support Wilma's decision.

In response, Boonin (2014) accepts that, on this view, Wilma and Mary's decisions are not analogous. However, he also argues that if it were true that human beings with the mental life of a horse are more valuable than a horse, then, Wilma would have even more of a reason to bring Pebbles into existence than Mary would have a reason to bring a horse into existence. After all, on this objection's view, Pebbles would be more valuable than a horse. So, if anything, the objection seems to reinforce Boonin's case for accepting the Implausible Conclusion (Boonin 2014, 207).

## ***1.6 Societal non-identity cases***

According to Boonin (2014), his solution to the *Wilma* case generalises to other versions of the non-identity problem. He claims, for example, that his solution is able to deal with so-called ‘societal’ versions of the problem.

Consider the following case offered by Boonin himself.

*Nuclear policy:* A society has to decide between a nuclear energy policy and an alternative policy which does not rely on nuclear energy at all. Adopting the nuclear policy would increase the current society’s standard of living slightly more than it would have otherwise increased. In addition, the nuclear policy will create nuclear waste which, four hundred years on, will painlessly kill every person in this society at the age of fifty (Boonin 2014, 5-6).

Intuitively, the adoption of the nuclear energy policy seems morally wrong.<sup>45</sup> However, upon reflection, it is hard to explain this intuition.

By adopting the nuclear energy policy, the current society slightly increases its own standard of living. As a result, it seems natural to assume that people in this society will lead slightly different lives. Over time, these slight differences will turn into big differences. These people will meet different people than they would otherwise have, and form different relationships. They will at the very least conceive at slightly different times to when they would otherwise have conceived. Consequently, if the nuclear policy is adopted, numerically different people – that is, different from the people who would otherwise have existed – will exist.

If numerically different future people will exist, it is unclear how the nuclear policy’s adoption could be morally wrong. The future people who will exist four hundred years on would

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<sup>45</sup> Some people might find the nuclear policy’s adoption even more morally troublesome than Wilma’s decision to conceive Pebbles now.

not have existed if the policy had not been adopted. As a result, they enjoy a life worth living that they would not otherwise have enjoyed. Consequently, the nuclear policy does not make these future people worse off than they would otherwise have been. It is thus also plausible to argue that they are not harmed by the policy either. So, it seems that the nuclear policy is morally acceptable.

In line with his judgement about the *Wilma* case, Boonin (2014) argues that, despite our apparent intuitions to the contrary, the nuclear policy's adoption is in fact morally acceptable. In addition, he claims that the adoption is in line with common sense morality. To support his case, Boonin offers the following example.<sup>46</sup>

*Humanitarian aid:* Every year, the US contributes humanitarian aid worth billions of dollars to countries around the world. The US could contribute billions more to humanitarian aid, thereby saving thousands of additional lives. It is a little bit more convenient for the US not to increase its spending (Boonin 2014, 220-221).

According to Boonin (2014), many people believe that a failure by the US to increase its humanitarian aid contribution is not positively immoral.<sup>47</sup>

Crucially, Boonin argues that the case of the US is similar to the case of the nuclear energy policy. In both cases, two current societies decide to adopt a policy that it is a little bit better for them, even though they could prevent the death of thousands of people if they adopted an alternative policy which was a little bit worse for them. Given that we find the US's decision morally acceptable, Boonin argues that we should also find the nuclear policy's adoption morally acceptable (Boonin 2014, 221).

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<sup>46</sup> According to Boonin (2014), this case is an extension of the Peter case to the non-identity problem's societal version.

<sup>47</sup> This is not to say that a spending increase would not be morally praiseworthy.



### ***1.7 Biting the bullet and the three criteria***

According to Boonin (2014), his bullet-biting solution satisfies the three criteria that any solution to the non-identity problem ought to respect.

First, the solution is independently plausible. It is independently plausible because it does not encourage us to accept the Implausible Conclusion merely because this would allow us to solve the non-identity problem. Instead, according to Boonin, accepting the Implausible Conclusion is the result of comparing our judgement in the non-identity case with our judgements in other thought experiments (such as the *Famine relief*, *Rescue* or *Mary* cases). In other words, our reason to accept Wilma's choice is anchored in moral convictions that are independent of the non-identity problem itself (Boonin 2014, 217-218).

Second, Boonin argues that his solution – embracing the Implausible Conclusion – is robust enough to deal with any variation of the non-identity problem. The reason it is robust enough is that its plausibility in no way depends on the specific premises guiding the *Wilma* case. Instead, as noted above, Boonin rests his case on the plausibility of our verdicts in independent thought experiments. Consequently, no matter how the specific premises of the non-identity problem are modified, Boonin's case for the plausibility of accepting the Implausible Conclusion stands (Boonin 2014, 218-219).

Third, according to Boonin, his solution is modest enough to avoid theoretical and practical implications which are even more implausible than the Implausible Conclusion itself (Boonin 2014, 219). (I will discuss the potentially implausible implications of Boonin's solution in more detail below.)

## **2. Assessing Boonin's solution**

In this section, I proceed to a critical discussion. In particular, I will raise four main objections to Boonin's solution.

## ***2.1 Rethinking the Famine relief and the Rescue cases***

In this sub-section, I want to do two things concerning the *Famine relief* and *Rescue* cases. First, I aim to undermine Boonin's case for the intuitiveness of accepting Peter's and Fred's choices. As a result, Boonin will be unable to draw on these choices to support the claim that the Implausible Conclusion is in fact in line with common sense morality. Second, for each case, I aim to show why Boonin mistakenly thought that the relevant choices were morally acceptable.

Consider, then, a variation of the *Famine relief* case.

*Famine relief\**: Peter faces an unexpected choice. He can either push button one and thereby save the life of the person standing next to him. Or, he can push button two, and thereby spend fifty pounds on dinner. Button two is a little bit closer to Peter's hand. Out of convenience, he decides to push button two.

In this revised version of the case, Peter's choice strikes me as clearly morally wrong. Specifically, it strikes me as positively immoral to refrain from saving one person's life merely for the sake of convenience.

The revised *Famine relief\** case is structurally analogous to Boonin's original case in all morally relevant respects.<sup>48</sup> Again, Peter faces a choice with one option being slightly better for him and the other option being better for human well-being overall. If we were to follow Boonin's (2014) assessment of the original case, we would be forced to accept Peter's choice in the revised case, too. However, unlike in Boonin's original case, it seems clear that many people do not consider Peter's choice to be morally acceptable. Hence, it seems natural to conclude that Boonin's assessment of the initial, structurally similar case was mistaken.

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<sup>48</sup> While controversial, this claim has been defended in the literature before. In his book on moral intuitions, Peter K. Unger (1996) has argued that, despite certain psychological mechanisms to the contrary, we are morally obliged to give as much as we can to alleviate the suffering of others, even if those others are physically distant from us. Similarly, Pummer and Crisp (2020) have argued that, while we are not obliged to go as far as Unger demands, there is often reason to doubt that personal involvement is a morally relevant factor in grounding an obligation to come to someone's rescue.

One possible reason why Boonin appears right in his assessment of the initial case lies in the way he sets up Peter's initial choice. By making Peter choose between a visible and direct benefit (i.e. dinner) and an indirect and invisible benefit (i.e. the geographically distant person's life), Boonin might have misled our intuitions to favour the former over the latter. However, once we adjust the case and make it a choice between two direct and visible benefits, it becomes clear that there are strong reasons to doubt our intuitions about Peter's choice after all.<sup>49</sup> And, if there are strong reasons to doubt our intuitions about Peter's choice, it cannot provide much support for the Implausible Conclusion either.

Consider now a variation on Boonin's (2014) *Rescue* case.

*Rescue\**: During a worldwide pandemic, life-saving vaccines are in short supply. A doctor can administer a vaccine either to a person aged twenty or to a person aged fifty. Out of convenience, the doctor chooses to administer the vaccine to the person aged fifty.

Clearly, the doctor faces a morally incredibly difficult choice. However, it strikes me as equally clear that her choice is ultimately morally wrong. She should have chosen to administer the vaccine to the twenty-year old person. The reason for this might be that the twenty-year old person has a higher expected quality of life left to her than the fifty-year old person.<sup>50</sup>

Again, the revised rescue case bears important similarities to Boonin's initial rescue case. In both cases, Fred and the doctor have to decide who will exist. Specifically, they have to decide whether a person with a lower expected quality of life will exist or whether a person with a higher expected quality of life will exist. In both cases, they decide out of convenience that a person with a lower expected quality of life will exist.

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<sup>49</sup> This might also entail rejecting Boonin's claim that a failure by the US to increase its humanitarian aid spending is morally acceptable.

<sup>50</sup> There need not be anything intrinsically more valuable about being aged twenty. Instead, it could be that society simply offers many more opportunities to have a good life to someone who probably has more years left to live.

Importantly, in the revised rescue case, it is plausible to say that the doctor chooses the morally wrong option. Consequently, it seems natural to extend this thinking to the structurally analogous initial *Rescue* case. In other words, it is doubtful that Fred's choice of saving the impaired child is morally permissible. At the very least, our intuitions about Fred's choice do not appear strong or stable enough to leverage them in favour of embracing the Implausible Conclusion.

The reason Boonin's initial verdict might strike us as plausible again concerns his set-up of the *Rescue* case. By making the case about Fred *heroically* jumping into the lake and saving a person, Boonin might have misled our intuitions to the conclusion that it does not really matter *whom* Fred saves. After all, his act is heroic no matter whom he saves. However, as we have seen in the revised *Rescue\** case, it does matter whom we save.

Overall, I have done two things in this subsection. First, I have undermined Boonin's claim that his assessment of the *Famine relief* and *Rescue* cases represents widely shared intuitions. Consequently, his claim that the Implausible Conclusion should be accepted as intuitive appears equally dubious. Second, I have provided possible debunking explanations for why Boonin's initial assessment of the two cases appeared intuitive.

## ***2.2 Rejecting the transitivity argument***

Consider now Boonin's second argument, which appeals to the *Betty* and *Jane* cases and the *transitivity principle*. There are at least two ways of resisting the transitivity argument. First, we can try to reject Boonin's (2014) assessment of the *Betty* and *Jane* cases, which claimed that it was morally acceptable for Betty to conceive an impaired child (rather than no child at all) and for Jane not to conceive a child (rather than conceiving a perfectly happy child). By questioning the validity of Boonin's assessment of these cases, we could undermine any possible appeal to the transitivity principle. However, this strategy strikes me as implausible as it requires us to deny the moral acceptability of Betty and Jane's choices. Instead, I aim to pursue an alternative strategy.

It is unclear how much dialectical force Boonin's transitivity argument has. Recall the challenge posed by the transitivity argument. We have to find a morally relevant difference between the *Wilma* case and the *Betty* and *Jane* cases. This will allow us to argue that Boonin's (2014) transitivity principle does not apply to these three cases. We are then in a position to deny Boonin's (2014) claim that the *Betty* and *Jane* cases support the intuitiveness of the Implausible Conclusion in the apparently structurally similar *Wilma* case.

It is worth noting, though, that the challenge raised by the transitivity argument seems no different to the challenge raised by the non-identity problem in general. If you are inclined to believe that the non-identity problem in general is a genuine moral issue, you will also be inclined to believe that there is a morally relevant difference between the *Betty* and *Jane* cases and the *Wilma* case. This is true, even if you are not yet able to point out what the exact morally relevant difference is.

In other words, the transitivity argument raises no new challenge above and beyond the one Boonin (2014) has already posed for the non-identity problem in general – i.e. finding a plausible solution to the non-identity problem, even though most existing solutions appear implausible. Once you have settled on a solution to the non-identity problem in general, you will then be able to point out a morally relevant difference between the *Betty* and *Jane* cases and the *Wilma* case.

Of course, this is not to say that finding a plausible solution to the non-identity problem in general is an easy task. However, provided you are inclined to believe that the non-identity problem is a genuine moral issue in the first place, the transitivity argument does not carry any extra dialectical weight.

### ***2.3 Rethinking the ‘different species’ case***

I now want to consider Boonin’s ‘different species’ argument. Recall that, if in the *Mary* case it is morally acceptable for Mary to bring a healthy horse rather than a healthy human being into existence, then it must also be morally acceptable for Wilma to bring a human being with the mental life of a horse rather than a healthy human being into existence.

In response, I want to make two points.

First, it does not strike me as implausible as Boonin (2014) suggests to bite the bullet and accept that she ought to choose the healthy human being over the healthy horse.<sup>51</sup> There are multiple ways of motivating this bullet-biting claim.

On the one hand, one might think that Mary ought to choose the healthy human being because the human being has a greater expected quality of life than the healthy horse. (This seems especially true in our world in which animals are often treated in a cruel manner). On the other hand, one might think that Mary ought to choose the human being because, given the higher expected quality of life of the human being, she thereby maximizes expected impersonal welfare in the world. Alternatively, one might think that Mary ought to choose the human being because humans have inherently greater moral status than horses because of their rationality or, at least, their potential for rationality.

I need not commit myself here to any specific reason why Mary ought to choose the healthy human being. The point is that there seem to be many plausible ways of straightforwardly rejecting Boonin’s assessment of the *Mary* case and thus also undermining his transition to the Wilma case. After all, if there are ways of showing that it is intuitive for Mary to choose conceiving

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<sup>51</sup> Notice that this does not mean that Mary ought to start creating as many human beings as possible. Instead, she ought to choose the human being over the horse only if she has already committed to creating a living being in the first place.

the healthy human being, we might also think that it is wrong for Wilma to bring a human being with the mental life of a horse into existence.

Second, it is worth reconsidering a response which Boonin (2014) himself mentions but ultimately rejects. According to this response, a being's overall welfare level is *partly* determined by species membership. Consider the case of a human being with the mental life of a horse. The human being might, for example, not be able to enjoy the pleasures (such as reading poetry) that typical healthy human beings enjoy. The reason this matters is that the impaired human being seems worse off because of it. The fact that she is unable to do what other typical humans can do seems to make life go worse for her.

In contrast, there seems to be nothing striking about a horse with the mental life of a horse. The reason for this is that, unlike in the case of the human, the fact that the horse cannot enjoy poetry does not make its life worse. After all, horses are not the kinds of beings who could read poetry in the first place.

Consequently, according to this response, the reason Wilma ought to choose the impaired human being is that the situation is much worse for her than for the healthy horse. The fact that the human being cannot enjoy all the things that a typical human being can enjoy gives her a welfare disadvantage compared to the horse who can enjoy all the things a typical horse enjoys (Boonin 2014, 208).

According to Boonin (2014), this response does not succeed. He argues that we can adapt the *Wilma* case as follows. Imagine that Wilma still has to choose between conceiving an impaired Pebbles and a healthy Rocks. However, this time, Pebbles' impairment is much less severe, and she has a mental life that is richer than that of a horse. In one sense – the sense of who can enjoy more pleasures, independently of species membership – Pebbles is thus better off than the horse. However, it is also still the case that impaired Pebbles cannot enjoy all the things that a typical

human being can enjoy while the horse can enjoy all the things that a typical horse enjoys. In another sense – the sense in which well-being is affected by species membership – Pebbles is thus worse off than the horse (Boonin 2014, 208).

Now, imagine that the two senses in which Pebbles is better and worse off than the horse precisely cancel each other out. According to Boonin (2014), in this revised case, it is intuitive to claim that Wilma’s act of conceiving the less severely impaired child is morally acceptable. After all, no one has a welfare advantage over the other (Boonin 2014, 208).

In response, it is unclear how much argumentative force Boonin’s revision of the *Wilma* case actually has. If Pebbles’ impairment is much less severe than originally assumed, then maybe it is morally permissible for Wilma to conceive Pebbles rather than Rocks. However, this does nothing to show that Wilma’s choice in the *original* non-identity case is morally acceptable. After all, in the original non-identity case it is stipulated that Pebbles’ impairment is severe. Crucially, it is partly the severity of Pebbles’ impairment which drives our intuitions towards refusing to accept Wilma’s original decision. So, Boonin’s revision might deal with the response to the *Mary* case, but it cannot justify Wilma’s choice in the original non-identity case.

#### ***2.4 Implausible Implications***

Finally, I aim to show that Boonin’s solution does not respect the so-called ‘modesty’ criterion. Specifically, I argue that his solution has morally troublesome theoretical and practical implications.

Boonin (2014) concedes that his solution to the non-identity problem entails the moral permissibility of practices such as cloning, incestual relationships, or polluting the environment. More precisely, Boonin (2014) claims that we cannot oppose these practices on the grounds that they are bad *for* the affected people. After all, the non-identity argument entails that such practices



are not bad *for* the affected people, that is, they do not make the people worse off than they would otherwise have been and hence do not harm them either.<sup>52</sup>

In response, I want to make two points.

First, it does strike me as strongly counter-intuitive that practices such as polluting the environment are morally permissible. The reason it strikes me as counter-intuitive is precisely because polluting seems to be bad *for* future generations. Consider for instance how political campaigns aim to convince people to join the fight against climate change. Surely, one of their strongest messages is the fact that fighting climate change will benefit (or avoid harming) future generations.

Of course, this is not to say that polluting must be wrong only because it is bad for future generations. However, it does mean that any plausible account of polluting's moral wrongness ought to hold that polluting is wrong, at least in part, because of its harmful effects on future people. Boonin's solution is unable to fulfil this requirement. It has implications which are hard to endorse and which create even more moral troubles than we started out with. In other words, Boonin's solution violates his own 'modesty' criterion.

Boonin (2014) hints at a way of countering this objection. In assessing the practical implications of his own solution, Boonin (2014) argues that any individual act of polluting 'cannot reasonably be expected to alter the identity of every single person who is conceived after the act and who might be adversely affected by it'. Consequently, any individual act of pollution can still be morally assessed as to whether or not it harms any person by making her worse off. And, if this assessment is still possible, then Boonin's solution does not have the implication that we cannot morally prohibit polluting because it is bad *for* the affected people (Boonin 2014, 216).

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<sup>52</sup> Of course, this does not mean that Boonin (2014) cannot oppose these practices on grounds other than that they make the affected people worse off than they would otherwise have been. For example, Boonin could argue that polluting the environment is bad because non-human nature has an intrinsic value that needs to be protected.

While Boonin's response seems true, it also remains unsatisfactory. Specifically, it is unclear why Boonin is allowed to appeal to practical considerations (such as the actual probability of individual acts affecting future people's identities) to soften his solution's implications while other solutions are not. (In his rejection of other solutions, Boonin [2014] has regularly pointed out that such solutions violate the 'modesty' criterion by having theoretical implications which are even harder to accept than the Implausible Conclusion.)

Consider, for instance, a possible implication of the basic act-consequentialist solution to the non-identity problem which Boonin (2014) does not discuss.

According to a basic act-consequentialist understanding of morality, the morally right act is 'the one that produces, or that can reasonably be expected to produce, the best overall consequences among all of the available alternatives' (Boonin 2014, 150). In the case of Wilma, the act that can reasonably be expected to produce the best consequences is waiting two months and conceiving Rocks instead of Pebbles. After all, conceiving Rocks would maximize total human well-being. In other words, according to a consequentialist solution, we ought to reject premise 5\* of the non-identity argument and claim that an act can be morally wrong even though it does not wrong any particular person.

One implication of the basic act-consequentialist solution consists in what is often referred to as the 'Repugnant Conclusion'. Given the act-consequentialist solution, we are committed to the following: If we have a choice between creating a world with small number of very happy people and creating a world with a huge number of people with lives barely worth living, we ought to choose the latter (provided the number of people is large enough). After all, choosing the second option maximizes total human well-being (Parfit 1984, 388).

Similar to Boonin's strategy, an act-consequentialist might appeal to practical considerations to soften the counterintuitiveness of her solution's implications. For example, in a recent paper on the 'Repugnant Conclusion', several philosophers have pointed out that '*an*

*approach that entails the Repugnant Conclusion need not entail any recommendations in practice* (Zuber et al. 2021, 3). In other words, an act-consequentialist solution to the non-identity problem need not lead to any practical moral dilemmas, thus potentially making its implications acceptable after all.

Overall, the challenge for Boonin is two-fold. Either, he opposes appealing to practical considerations in softening the impact of a solution's implications. As a consequence, his own solution remains implausible as it has strongly counter-intuitive theoretical implications (such as not being able to oppose polluting on the grounds that it harms future people). Or, Boonin accepts the legitimacy of appealing to practical considerations to soften the impact of a solution's implications. However, this opens the door for many other solutions, such as the act-consequentialist solution, to avoid the 'modesty requirement' in the same way as Boonin does.

## **Conclusion**

Boonin (2014) has provided a new solution to the non-identity problem according to which we ought to accept the Implausible Conclusion. Rather than seeing non-identity cases as problems, we ought to see them as arguments establishing their conclusions. In addition, Boonin (2014) argues that accepting the Implausible Conclusion is in fact in line with common sense morality. According to Boonin (2014), this is exemplified by our judgements about the *Famine Relief*, *Rescue*, *Betty*, *Jane*, and *Mary* cases.

In response, I have provided a three-part challenge. First, I have argued that, although Boonin's (2014) assessment of the *Famine Relief* and *Rescue* cases may appear intuitive, in fact it is not. Hence, the cases cannot be used to support the Implausible Conclusion.

Second, I have argued that Boonin's other two arguments do not succeed. The 'transitivity' argument fails because it does not have any dialectical force above and beyond the general challenge of finding a plausible solution to the non-identity problem. Boonin's 'different species' argument also fails because it does not convincingly establish that Mary is right in choosing to

breed a horse instead of a human being and, even if she is right in doing so, the argument does not support Wilma's decision in the original non-identity case.

Finally, I have argued that Boonin's solution fails to fulfil his own 'modesty criterion' because it has deeply problematic practical and theoretical implications. The most noteworthy implication is probably the fact that, on Boonin's (2014) view, we cannot morally condemn acts (such as polluting) because they are bad for future generations.

The failure of Boonin's solution marks a significant moment in the non-identity debate. As Boonin (2014) himself has shown, many past and present solutions to the non-identity problem are implausible. However, as I have tried to show in this paper, simply accepting the Implausible Conclusion is not plausible either. Overall, the non-identity problem remains as problematic and potentially *intractable* as ever.

# Conclusion

## 1. The thesis

I started this thesis by presenting the non-identity problem in its direct and societal versions. The non-identity problem arises in cases such as *Blake* and *Green energy* with many people's firm intuition that the couple and the society have done something morally wrong – by conceiving Blake right away, and by choosing to retain the coal policy, respectively. However, upon reflection, it is hard to explain this intuition.

Individual procreation decisions and societal choices influence when new people are conceived. Concretely, if the couple and the society had made different choices, numerically different people would have existed. As a result, it is also hard to see why their decisions are morally wrong for the actually existing people, so long as these people have lives worth living. For example, if the couple had waited two months before conceiving, Blake would not have existed. She would thus not have had the life worth living that she actually has. As a result, it seems that the couple's decision does not make Blake worse off and hence does not harm her. So, we are left with the counter-intuitive conclusion that the couple does not wrong Blake and hence that their decision to conceive right away is morally acceptable.

Initially, in the introduction, I discussed three traditional solutions to the non-identity problem: consequentialism, the de re/de dicto solution, and the rights-based solution.

According to consequentialism, the couple's decision to conceive Blake right away is morally wrong because it fails to make the world go best in an impersonal sense. However, as I noted in the introductory chapter, consequentialism commits us both to the implausible claim that we ought to create as many happy children as possible and to the so-called 'Repugnant Conclusion'.

According to the de re/de dicto solution, the couple harm, and therefore wrong, ‘their child’ in a de dicto sense. However, I pointed out that the de re/de dicto solution has implausible implications in other morally relevant cases such as the adoption case.

According to the rights-based solution, it is morally wrong for the couple to conceive Blake right away while knowing that they will be unable to fulfil her right not to be born with an impairing medical condition. However, as I emphasized in the introductory chapter, any appeal to rights is likely to fail as Blake can reasonably be expected to have (implicitly or explicitly) waived any right not to be born with an impairing condition. In addition, the rights-based solution has the counter-intuitive implication that, if a couple is only ever able to have children with impairing medical conditions, it is wrong for them to have children at all.

Given the failure of the three traditional solutions to the non-identity problem, I moved on to discuss three recent solutions developed by Shamik Dasgupta (2018), Johann Frick (2020), and David Boonin (2014) respectively.

In chapter two, I presented and assessed Dasgupta’s solution. Dasgupta (2018) argues that we can solve the non-identity problem by appeal to what he calls ‘flexistentialism’. According to flexistentialism, we need to be flexible about the entities that our moral language refers to. For example, in Dasgupta’s (2018) *Xia* case, there is an unlimited number of entities that are spatially coincident with Xia. In order to solve the non-identity problem, Dasgupta (2018) claims that we need to focus on the entity which would exist no matter when the couple conceives. Once we focus on this entity, we are free to argue that the couple harmed their child (*Xia* 2) and that their decision is therefore morally wrong.

In my assessment of Dasgupta’s (2018) view, I raised a three-part challenge.

First, I challenged a key motivation for flexistentialism. According to Dasgupta (2018), the psychological continuity view of personal identity over time supports his claim that thinking of

genetic origins as essential properties is arbitrary. In response, I argued that the two dominant views of personal identity over time – animalism and the psychological continuity view – can be shown to actually support the time-dependence premise and the claim that genetic origins are essential properties.

Second, I argued that, even if we accept Dasgupta's (2018) motivation for flexiexistentialism, the view has implausible consequences. In particular, it risks undermining important instances of moral disagreement because it makes the truth of moral claims too context-sensitive.

Third, I argued that, even if Dasgupta (2018) can motivate flexiexistentialism and accommodate moral disagreement, his two most prominent arguments do not adequately support flexiexistentialism. The argument from wrongness claims that, if we assume that conceiving Xia right away is morally wrong, then only flexiexistentialism can make sense of this claim. However, I responded by arguing that this argument fails to support flexiexistentialism because it does not offer a convincing reason to adopt Dasgupta's set-up of the non-identity problem over existing alternative set-ups.

The coherent wishes argument claims that Xia's wish to have been born at some other time is coherent. According to Dasgupta (2018), the argument supports his position because flexiexistentialism can make sense of the coherence of Xia's wish. I responded to the coherent wishes argument by arguing that it is plausible to deny the coherence of Xia's wish and, even if Xia's wish is coherent, this is in fact compatible with the time-dependence premise.

In chapter three, I presented and assessed Johann Frick's (2020) recent solution to the non-identity problem.

According to Frick (2020), the non-identity problem arises as a choice between not bringing anyone into existence, bringing someone with a moderately happy life into existence, and bringing someone with a very happy life into existence. He argues that it is morally permissible to

choose not to bring anyone into existence because our moral reason to consider other people's well-being is conditional on the independent existence of a reason-bearer.

If we have to decide between bringing someone with a moderately happy life into existence and bringing someone with a very happy life into existence, Frick (2020) argues that we have a contrastive moral reason to do the latter. The contrastive reason is anchored in our ability to better fulfil the normative standard – the standard telling us to maximize the well-being of the particular person our choice is about – in the case of the very happy person than in the case of the moderately happy person.

In response to Frick, I offered a four-part challenge.

First, I challenged Frick's (2020) new view of well-being's reason-giving force. According to Frick (2020), moral reasons are 'bearer-regarding'. For example, an existing person's well-being gives us a moral reason to act because there is a bearer to which our moral reason can attach. However, I argued that Frick's (2020) bearer-regarding view of well-being's reason-giving force cannot make sense of the (at least partly) impersonal nature of some moral values such as charity (and by extension well-being).

Second, I argued that Frick does not provide a plausible rationale for individuating normative standards in the way his solution requires. For Frick's (2020) solution to succeed, the cases of the moderately happy person and the very happy person must be governed by two normative standards of the same kind. However, this way of individuating normative standards overlooks two coherent alternatives, namely that non-identity cases are governed by a single normative standard or by two normative standards of a different kind. I argued that Frick has not provided an independently plausible reason to prefer his way of individuating normative standards over existing alternative ways.



Third, Frick's solution faces serious counter-examples in the non-identity literature. Specifically, his solution seems to provide us with the wrong verdict in Boonin's *Lake* case, i.e. that we are morally required to save the healthy person over the impaired person.<sup>53</sup>

Finally, I argued that Frick fails to show that bearer-regarding reasons drive our intuitions in non-identity cases. By modifying Frick's (2020) own *Worker* case, I showed that teleological reasons often outweigh bearer-regarding reasons. As a result, it seems plausible to assume that bearer-regarding cannot account for the strength of our intuitions in non-identity cases.

The serious shortcomings of both the traditional solutions to the non-identity problem and the two recent solutions offered by Dasgupta and Frick seem to support a different strategy for solving the non-identity problem. In chapter four, I therefore discussed Boonin's solution according to which there is no non-identity *problem* in the first place. Instead, according to Boonin (2014), non-identity cases such as his *Wilma* case, should be seen as arguments establishing their conclusion. In fact, Boonin (2014) argues that the seemingly counter-intuitive conclusion in non-identity cases – which he calls the Implausible Conclusion – can be shown to be in line with common sense morality.

In response to Boonin, I offered a three-part challenge.

First, I argued that the two thought experiments which Boonin (2014) uses to support the claim that the Implausible Conclusion is in line with common sense morality do not actually support any such claim. Instead, by revising Boonin's (2014) *Famine relief* and *Rescue* cases, I showed that the thought experiments generate intuitions against the Implausible Conclusion.

Second, I argued that Boonin's (2014) two arguments in favour of the Implausible Conclusion are either flawed or dialectically ineffective. The so-called 'transitivity' argument fails

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<sup>53</sup> In chapter four, I softened this challenge to Frick by showing that Boonin's (2014) assessment of the *Lake* case might itself be flawed.

because it does not have any dialectical force above and beyond the general challenge of finding a plausible solution to the non-identity problem. Boonin's (2014) 'different species' argument also fails because it does not convincingly establish that we are right in choosing to breed a horse instead of a human being and, even if we are right in doing so, the argument does not support Wilma's decision in Boonin's original non-identity case.

Third, I argued that Boonin's solution has deeply problematic theoretical and practical implications. For example, Boonin's solution does not allow us to morally condemn acts such as polluting on the grounds that they are bad for future generations. After all, on Boonin's (2014) view, such acts are not bad for the affected future generations.

## **2. The implications**

I have argued that both efforts to solve the non-identity problem and attempts to de-problematize the non-identity debate remain deeply problematic. The non-identity problem remains as live as ever. As a result, certain theoretical and practical debates in population ethics that I presented in the introductory chapter also remain as open as ever.

On the one hand, the unsolved nature of the non-identity problem does not allow us to adjudicate between person-affecting and impersonal accounts of morality. Both of these two broad conceptions of morality so far fail to offer a fully plausible solution to the non-identity problem, thus giving none of them a decisive advantage over the other (at least in the area of population ethics).

On the other hand, and perhaps more worryingly, the non-identity problem remains acute for certain key practical debates. For example, the non-identity problem's unsolved nature might undermine attempts to dialectically support urgent action on climate change. After all, if it cannot be convincingly shown that climate change is morally wrong because it is bad for future generations, then a key argument in favour of stricter climate policies is lost.

Overall, the conclusion of this thesis can be read in two ways. On the one hand, given the non-identity problem's seemingly unsolvable nature, it might be taken to signal the end of the non-identity debate. Or, and perhaps more appropriately, it can be taken as an encouragement to reposition the non-identity problem at the centre of our intellectual efforts in population ethics.

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