

# New and Improvable Lives

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## 1. Introduction

According to what we can call *weak utilitarianism*, or *WU*, at least when it neither costs you too much nor violates any moral constraints, you should maximize the sum of well-being. This view has the plausible implication that, other things equal, it is wrong to harm others, or to deny them benefits. But it also has two implications that seem to me implausible.

First, WU implies that, other things equal, it is wrong to harm yourself, or even to deny yourself benefits.<sup>1</sup> That seems to me a mistake. If you choose to mope at home rather than enjoy time with friends, that may be imprudent, but it is not wrong.<sup>2</sup>

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<sup>1</sup> This implication contravenes what is known as *the self-other asymmetry*. See Michael Stocker, 'Agent and Other: Against Ethical Universalism', *Australasian Journal of Philosophy* 54 (1976): 206–220; Michael Slote, 'Morality and Self-Other Asymmetry', *The Journal of Philosophy* 76 (1984): 179–192; Ted Sider, 'Asymmetry and Self-Sacrifice', *Philosophical Studies* 70 (1993): 117–132; and Douglas W. Portmore, *Commonsense Consequentialism* (Oxford: Oxford University Press, 2011), Chapter 5.

<sup>2</sup> It might be more plausible that it is wrong for you to act in ways that make you worse off in the far future. However, the greater plausibility of this claim could be due to the plausibility of the psychological view about personal identity, on which the you who exists in the far future might be a different person from the you who exists now. See Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), Part 3.

Second, WU implies that, other things equal, given the opportunity to create new happy people, it is wrong not to.<sup>3</sup> That again seems to me a mistake. Though there is moral reason to make people happy, there is no moral reason to make new happy people.<sup>4</sup>

Why is it wrong, other things equal, to harm or deny benefits to others, but not wrong to harm or deny benefits to yourself, and not wrong not to create new happy people? I think a plausible answer is that, when you harm or deny benefits to others, they can complain, whereas you cannot complain when you harm or deny benefits to yourself, and people who do not exist cannot complain when you do not create them.<sup>5</sup>

We can make the idea of a complaint more precise as follows: an act gives a person a complaint if and only if she exists or would exist after the act, she has not consented to the act, and the act is worse for her than an alternative; the strength of her complaint is the amount by which the act is worse for her than the alternative that is best for her.<sup>6</sup>

We can now formulate a complaints-based alternative to WU. According to what we can call *minimize aggregate complaints*, or *MAC*, at least when it neither costs you too much nor violates any moral constraints, you should minimize the sum of strength-weighted complaints.<sup>7</sup> Like WU, MAC implies that, other things equal, it is wrong to harm others, or to deny them benefits. But it also avoids the implausible implications noted above.

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<sup>3</sup> This implication contravenes what is known as *the procreation asymmetry*. For discussion and defence of the asymmetry, see Jan Narveson, 'Utilitarianism and New Generations', *Mind* 76 (1967): 62–72; Jan Narveson, 'Moral Problems of Population', *The Monist* 57 (1973): 62–86; and Melinda A. Roberts, 'An Asymmetry in the Ethics of Procreation', *Philosophy Compass* 6 (2011): 765–776. For a more sceptical discussion of the asymmetry, see Jeff McMahan, 'Problems of Population Theory', *Ethics* 92 (1981): 96–127.

<sup>4</sup> I take this phrase from Narveson, 'Moral Problems of Population', at 80.

<sup>5</sup> This complaints-based approach to morality is sometimes called *contractualist*, because of its connections to the view defended in T.M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 2008).

<sup>6</sup> If we are tempted by *prioritarianism*, we could add that the strength of her complaint increases the worse off the act leaves her absolutely. See Derek Parfit, 'Equality and Priority', *Ratio* 10 (1997): 202–221.

<sup>7</sup> I defend this view in 'Aggregation, Complaints, and Risk', *Philosophy & Public Affairs* 45 (2017): 54–81. For defence of closely related views, see Michael McDermott, 'Utility and Population', *Philosophical Studies* 42

What are the disadvantages of MAC relative to WU? Suppose you can create either a group of people with happy lives or a different group of people with lives that are only marginally worth living. The latter group would have various disabilities, such as severe asthma and severe arthritis, and would die relatively young. It might seem you should create the group with happy lives. WU captures this intuition, because creating the group with happy lives would produce more well-being. MAC instead implies that it is permissible to create the group with marginal lives. Since this group would have lives worth living, creating them would not produce any complaints. More generally, MAC fails to imply that, other things equal, you should create people with better lives rather than different people with worse-but-still-worth-living lives. This is known as *the non-identity problem*.<sup>8</sup>

Though the non-identity problem has been very influential, its importance is increasingly contested. David Boonin has recently argued, at length, that we can plausibly embrace the problem, and several other philosophers have endorsed that position.<sup>9</sup> These philosophers do not find it implausible that it is permissible to create the group with marginal

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(1982): 163–177; Melinda A. Roberts, ‘The Asymmetry: A Solution’, *Theoria* 77 (2011): 333–367; Larry Temkin, *Rethinking the Good* (Oxford: Oxford University Press, 2012); Michael Otsuka, ‘How it Makes a Moral Difference that One is Worse Off than One Could Have Been’, *Politics, Philosophy & Economics* 17 (2018): 192–215; and Michael McDermott, ‘Harms and Objections’, *Analysis* 79 (2019): 436–448.

<sup>8</sup> See Parfit, *Reasons and Persons*, Chapter 16.

<sup>9</sup> See David Boonin, *The Non-Identity Problem and the Ethics of Future People* (Oxford: Oxford University Press, 2014); David Heyd, ‘The Intractability of the Non-Identity Problem’, in Melinda A. Roberts and David T. Wasserman (eds.), *Harming Future Persons* (New York: Springer, 2009), Chapter 1; McDermott, ‘Harms and Objections’, at 438; and Abelard Podgorski, ‘The Diner’s Defence: Producers, Consumers, and the Benefits of Existence’, *Australasian Journal of Philosophy* 98 (2020): 64–77. Melinda Roberts argues that some of the most provocative illustrations of the non-identity problem fail, because the people we could create with worse lives really would be harmed by our creating them. However, she agrees that the problem arises in other cases, such as my choice between the group with happy lives and the group with marginal lives, and she thinks that in these cases we can plausibly embrace the counterintuitive implications. See her ‘The Non-Identity Fallacy: Harm, Probability and Another Look at Parfit’s Depletion Example’, *Utilitas* 19 (2007): 267–311. Parfit also notes that not everyone finds the non-identity problem persuasive in *Reasons and Persons*, at 368 and 378.

lives rather than the different group with happy lives. I am inclined to agree with their assessment. If there is no moral reason to create new happy people, there is no moral reason to create the group with happy lives, and since the group with marginal lives would have lives worth living, there seems no moral reason not to create them instead.<sup>10</sup>

But even if the non-identity problem is not a decisive disadvantage of MAC, there are two nearby problems that are. These problems arise when you can create people with lives that are worse than they could have been. My aim in this paper is to develop a view that avoids these problems while retaining the advantages of MAC.

I present the two problems for MAC in Section 2, reject a recent response to these problems in Section 3, develop a view that avoids these problems while retaining the advantages of MAC in Section 4, address two potential objections to this view in Section 5, explain a further advantage of this view in Section 6, and conclude in Section 7.

I should flag a slight complication. I assume, in part for simplicity, that creating a person with a sufficiently bad life can be worse for her than not creating her, and thus give her a complaint. Some philosophers would object to this assumption. On their view, creating a person can be worse for her only if it makes her worse off, and saying that a person with a

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<sup>10</sup> It might seem that there is another important disadvantage of MAC. MAC might seem to imply that we should almost never create new people, because usually we cannot be certain that the people we would create would have lives worth living, and so creating them risks producing complaints, whereas not creating them avoids this risk. However, MAC requires us to minimize complaints only when other things are equal, and usually when we are deciding whether to create new people, other things are not equal. For example, when parents are deciding whether to have children, usually other things are not equal, because the parents strongly desire children. If the desire of the parents is strong enough, and the risk of their children having lives not worth living is low enough, MAC can allow that it is permissible for them to have children. Furthermore, not creating new people usually does risk producing complaints. These complaints could come from grandparents who strongly desire to have grandchildren, or from the people who would be made worse off by the economic recession and social stagnation that might result from a shrinking population.

bad life is worse off than if she had not existed makes no sense—it is like saying that a person who fails an exam has a lower score than if she had not taken the exam.<sup>11</sup>

It seems to me clear that a life can be so bad that creating a person with this life rather than not creating her can give her a complaint. I take it this would be accepted even by those who hold that creating a person cannot be worse for her than not creating her.<sup>12</sup> So, if we accept that creating a person cannot be worse for her than not creating her, we should revise our account of complaints. We should hold that a person can also have a complaint against being created with a bad life rather than not being created, where the strength of her complaint is the amount by which the life is worse for her than a life that is borderline worth living. If we accept this revised account of complaints, and we modify a few of my other claims accordingly, the arguments that follow should all go through.

## 2. Two Problems for MAC

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<sup>11</sup> See John Broome, *Ethics Out of Economics* (Cambridge: Cambridge University Press, 1999), Chapter 10; Krister Bykvist, 'The Benefits of Coming into Existence', *Philosophical Studies* 135 (2007): 335–362; and Jeff McMahan, 'Asymmetries in the Morality of Causing People to Exist', in Melinda A. Roberts and David T. Wasserman (eds.), *Harming Future Persons* (New York: Springer, 2009), Chapter 3. For criticism of this view, see Nils Holtug, 'On the Value of Coming into Existence', *The Journal of Ethics* 5 (2001): 361–384; Melinda A. Roberts, 'Can it Ever Be Better Never to Have Existed At All? Person-Based Consequentialism and a New Repugnant Conclusion', *Journal of Applied Philosophy* 20 (2003): 159–185; Gustaf Arrhenius and Wlodek Rabinowicz, 'The Value of Existence', in Iwao Hirose and Jonas Olson (eds.), *The Oxford Handbook of Value Theory* (Oxford: Oxford University Press, 2015), Chapter 22; Marc Fleurbaey and Alex Voorhoeve, 'On the Social and Personal Value of Existence', in Iwao Hirose and Andrew Reisner (eds.), *Weighing and Reasoning: Themes from the Philosophy of John Broome* (Oxford: Oxford University Press, 2015), Chapter 7; and Jacob M. Nebel, 'Asymmetries in the Value of Existence', *Philosophical Perspectives* 33 (2019): 126–145.

<sup>12</sup> Bykvist and McMahan both suggest a willingness to accept that creating a person with a sufficiently bad life rather than not creating her can give her a complaint, for they hold that creating a person can be bad for her even when it is not worse for her. See Bykvist, 'The Benefits of Coming into Existence'; and McMahan, 'Asymmetries in the Morality of Causing People to Exist', at 50.

In this section, I present the two problems for MAC. Though my diagnoses of the problems are original, the cases in which they arise were presented to me as counterexamples to MAC by Jacob Ross.<sup>13</sup>

### *2.1. Backfiring Complaints*

Suppose you can create either Amy with a marginal life or Bobby with a good life. We can represent this choice with figures, where 1 represents the marginal life and 100 represents the good life.

#### Case 1

- (1) Amy 1
- (2) Bobby 100

(I assume here, and in my other cases, that you have no alternative to the options listed.) If we stipulate that no one else is affected, MAC implies that both options are permissible, because neither produces any complaint. This case then illustrates the non-identity problem. As I explained above, I do not find this problem especially troubling.

Suppose next that you have a third option. You can create both Bobby—the same Bobby as in (2)—and Carly. Bobby would have a fantastic life, full of joy and pleasure. Carly would have a torturous life, full of pain and misery.

- (3) Bobby 150 and Carly –500

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<sup>13</sup> Ross presented these cases to me as counterexamples to MAC in conversation. He discusses them as counterexamples to certain axiological views in ‘Rethinking the Person-Affecting Principle’, *Journal of Moral Philosophy* 12 (2015): 428–461. I say more about his arguments in that paper in Section 5.2.

MAC has the plausible implication that it is wrong to choose (3), because (3) gives Carly a strong complaint. But it now has another, implausible implication. (2) gives Bobby a complaint, because he is better off under (3). (1) gives no one any complaint. So, MAC implies that (1) is the only permissible option—that it is wrong to choose (2).

As this case shows, MAC implies that people sometimes have complaints that backfire, by making it wrong for you to create them even though you could create them with lives worth living. We can call this *the problem of backfiring complaints*.

Here is another illustration of the problem:

### Case 2

- (1) Amy 1
- (2) Bobby 100 and Carly 101
- (3) Bobby 101 and Carly 100

(2) gives Bobby a complaint, because he is better off under (3). (3) gives Carly a complaint, because she is better off under (2). (1) gives no one any complaint. So, MAC implies that the complaints of Bobby and Carly backfire, by making (1) the only permissible option.

## 2.2. Tyrannical Complaints

Suppose next that you can create either no one, Amy with a good life, or Amy, Bobby, and Carly with fractionally worse lives.<sup>14</sup>

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<sup>14</sup> I include the option of creating no one to avoid complexities that might otherwise arise from Amy being created no matter what you do.

### Case 3

- (1) —
- (2) Amy 100
- (3) Amy 99, Bobby 99, and Carly 99

(3) gives Amy a weak complaint, and (1) and (2) give no one any complaint. So, MAC implies that (1) and (2) are the only permissible options. That seems to me a mistake. Imagine you choose (3) and, after coming into existence, Amy complains. Intuitively, Bobby and Carly could decisively oppose this complaint. They could point out that, though (2) would have been slightly better for Amy, it would have been much worse for them.

As this case shows, MAC implies that sometimes complaints against acts cannot be opposed by people the acts create. We can call this *the problem of tyrannical complaints*.

To see the full extent of this problem, notice that, according to MAC, the very weak complaint that Amy has against (3) would make it wrong for you to choose (3) no matter how many other new people were added to this option, and no matter how blissful their lives. Even if there is no moral reason to create these blissful people, it is difficult to believe that it is wrong to do so, simply because an alternative is very slightly better for Amy.

It might seem inconsistent to hold that there is no moral reason to create these blissful people and yet also hold that, if you do create them, they should be able to oppose complaints against your decision. But there is no inconsistency here. It need not be disrespectful to advocate against bringing someone into existence before it is done, because there is then no one to disrespect, but it is clearly disrespectful to complain afterwards. Intuitively, once the new person exists, her life matters, and she can oppose the disrespectful complaint.

### **3. McDermott's View**



Michael McDermott has recently developed a variant of MAC in response to counterexamples similar to Case 1 and Case 2.<sup>15</sup> (He also credits these counterexamples to Ross.) In this section, I present his view and argue that it should be rejected.

### *3.1. McDermott's View*

McDermott proposes a view on which, other things equal,

- A person can *reasonably object* to an act if and only if there is an alternative act that both is better for her and produces a lesser sum of strength-weighted complaints.<sup>16</sup>
- You should act in a way to which no one can reasonably object.

We can call this *McDermott's View*, or *MV*.

Return to Case 1.

#### Case 1

- (1) Amy 1
- (2) Bobby 100
- (3) Bobby 150 and Carly –500

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<sup>15</sup> McDermott, 'Harms and Objections'.

<sup>16</sup> McDermott formulates the view not in terms of complaints but rather in terms of a corresponding, technical notion of 'harm'.

MAC implies that Bobby has a complaint against (2) that backfires, by making (1) the only permissible option. MV avoids this implication. Bobby cannot reasonably object to (2), because the only option that is better for him produces a greater sum of strength-weighted complaints. So, MV implies that it is permissible to choose (2), as well as (1).

Return next to Case 2.

### Case 2

- (1) Amy 1
- (2) Bobby 100 and Carly 101
- (3) Bobby 101 and Carly 100

MAC implies that Bobby and Carly have complaints against (2) and (3) that backfire, by making (1) the only permissible option. MV again avoids this implication. Bobby cannot reasonably object to (2), because the only alternative that is better for him produces an equal sum of strength-weighted complaints. Carly cannot reasonably object to (3) for the same reason. So, MV implies that it is permissible to choose (2) and (3), as well as (1).

### *3.2. Rejecting McDermott's View*

However, MV has three significant flaws.

First, MV does not avoid tyrannical complaints. Return to Case 3.

### Case 3

- (1) —
- (2) Amy 100
- (3) Amy 99, Bobby 99, and Carly 99

Amy can reasonably object to (3), because (2) both is better for her and produces a lesser sum of strength-weighted complaints. So, like MAC, MV implies that (1) and (2) are the only permissible options.

Second, MV faces an analogue of the problem of backfiring complaints. Suppose you have the following options:

Case 4

- (1) Amy 1
- (2) Bobby 100
- (3) Bobby 150 and Carly -1

Bobby can reasonably object to (2), because (3) both is better for him and produces a lesser sum of strength-weighted complaints. Carly can reasonably object to (3), because (1) both is better for her and produces a lesser sum of strength-weighted complaints. Amy cannot reasonably object to (1), because no alternative is better for her. So, the reasonable objection that Bobby has to (2) backfires, by making (1) the only permissible option.

Third, MV implies that people sometimes cannot reasonably object to acts that intuitively they can reasonably object to. Suppose you have the following options:

Case 5

- (1) Amy -5
- (2) Bobby 100 and Carly 110
- (3) Bobby 110 and Carly 100

Clearly, Amy can reasonably object to (1). But MV implies that she cannot, because no alternative both is better for her and produces a lesser sum of strength-weighted complaints.

#### **4. My Proposal**

In this section, I develop a view that avoids backfiring and tyrannical complaints, and analogue problems, while retaining the advantages of MAC relative to WU. I begin by presenting a preliminary version of the view and explaining how it handles the cases considered above. I then refine the view so that it can handle some further cases.

##### *4.1. The Preliminary View*

According to the preliminary version of my proposed view, other things equal,

- A person can reasonably object to an act if and only if she exists, she has not consented to the act, and there is or was an alternative act satisfying 1–3.
  1. The alternative is, or would have been, better for her.
  2. The alternative gives, or would have given, a greater sum of well-being to the set of people who currently exist.
  3. The alternative gives, or would have given, a greater sum of well-being to the set of people who exist conditional on the alternative.
  
- You should act in a way to which no one can reasonably object.<sup>17</sup>

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<sup>17</sup> The most plausible version of this view might give well-being a prioritarian weighting. See Parfit, 'Equality and Priority'. It might also be formulated such that it treats people who are certain to exist in the future the same as people who already exist. I set aside these issues to simplify my discussion.

We can call this view *Avoid Reasonable Objections (Preliminary)*, or *AROP*.

It should be intuitive that a person can reasonably object to an act only if she exists, she has not consented to the act, and there is an alternative act that is better for her. Why is it also necessary that the alternative satisfies condition 2? Plausibly, the objection is reasonable only if it is defensible to everyone who currently exists, and it is defensible to them if and only if the alternative gives them a greater sum of well-being. Why is it also necessary that the alternative satisfies condition 3? Plausibly, the objection is reasonable only if it is defensible to everyone who exists conditional on the alternative, and it is defensible to them if and only if the alternative gives them a greater sum of well-being.

I should flag that what AROP requires is not simply that you act in a way to which no one can reasonably object *before you act*, but rather that you act in a way to which no one can reasonably object *at any time*. As we will see, this feature of the view is important.

#### *4.2. No Tyrannical Complaints*

Return to Case 3.

##### Case 3

- (1) —
- (2) Amy 100
- (3) Amy 99, Bobby 99, and Carly 99

MAC and MV imply that (1) and (2) are the only permissible options. That seems to me a mistake. Imagine you choose (3) and, after coming into existence, Amy objects. Bobby and Carly could rightly feel aggrieved. Though (2) was slightly better for Amy, it was much worse for them. That seems to make it unreasonable for Amy to object to (3).

AROP is designed to reflect and formalise this intuitive analysis. Amy cannot reasonably object to (3) before you choose it, because she does not exist, and she cannot reasonably object to (3) after you choose it, because then no alternative gives a greater sum of well-being to the set of people who currently exist.

Notice that things would be importantly different if Amy existed before you act, so that choosing (2) would simply maximize her well-being. She could then reasonably object to (3) before you act, because (2) would give a greater sum of well-being both to the set of people who currently exist and to the set of people who exist conditional on (2).

It might seem surprising that AROP is so sensitive to whether a person exists before or only after an act. But on reflection this sensitivity seems to me very plausible. It allows AROP to explain why, given a choice between benefitting an existing person and creating a new happy person, other things equal, you should benefit the existing person.

#### *4.3. Back to Case 5*

Return next to Case 5, which poses a special problem for MV.

##### Case 5

- (1) Amy –5
- (2) Bobby 100 and Carly 110
- (3) Bobby 110 and Carly 100

Clearly, Amy can reasonably object to (1). This is a problem for MV, because there is no alternative that both is better for Amy and produces a lesser sum of strength-weighted complaints. But it is not a problem for AROP. Amy can reasonably object to (1) after you

choose it, because then (2) and (3) give a greater sum of well-being both to the set of people who currently exist and to the set of people who exist conditional on (2) and (3).

#### *4.4. No Backfiring Complaints*

Return next to Case 1.

##### Case 1

- (1) Amy 1
- (2) Bobby 100
- (3) Bobby 150 and Carly –500

MAC implies that Bobby has a complaint against (2) that backfires, by making (1) the only permissible option. AROP avoids this implication. Bobby cannot reasonably object to (2) before you choose it, because he does not exist, and he cannot reasonably object to (2) after you choose it, because the only alternative that is better for him is (3), and (3) does not give a greater sum of well-being to the set of people who exist conditional on (3).

Return next to Case 2.

##### Case 2

- (1) Amy 1
- (2) Bobby 100 and Carly 101
- (3) Bobby 101 and Carly 100

MAC implies that Bobby and Carly have complaints against (2) and (3) that backfire, by making (1) the only permissible option. AROP avoids this implication. Bobby cannot

reasonably object to (2) before you choose it, because he does not exist, and he cannot reasonably object to (2) after you choose it, because then no alternative gives a greater sum of well-being to the set of people who currently exist (and, furthermore, the only alternative that is better for him is (3), and (3) does not give a greater sum of well-being to the set of people who exist conditional on (3)). Carly cannot reasonably object to (3) for the same reasons.

Return next to Case 4.

#### Case 4

- (1) Amy 1
- (2) Bobby 100
- (3) Bobby 150 and Carly -1

MAC implies that Bobby has a complaint against (2) that backfires, by making (1) the only permissible option. MV implies that Bobby has a reasonable objection to (2) that backfires, by making (1) the only permissible option. AROP avoids these implications. Bobby can reasonably object to (2) after you choose it, but this objection does not backfire, because Carly cannot reasonably object to (3). She cannot reasonably object to (3) before you choose it, because she does not exist, and she cannot reasonably object to (3) after you choose it, because then no alternative gives a greater sum of well-being to the set of people who currently exist.

However, there are other cases in which AROP does imply that people have reasonable objections that backfire. Suppose you have the following options:

#### Case 6

- (1) Amy 1



(2) Amy 2 and Bobby 2

(3) Bobby 100

Amy can reasonably object to (1) after you choose it, because then (2) gives a greater sum of well-being both to the set of people who currently exist and to the set of people who exist conditional on (2). Bobby can reasonably object to (2) after you choose it, because then (3) gives a greater sum of well-being both to the set of people who currently exist and to the set of people who exist conditional on (3). Since no one can reasonably object to (3), the objection that Amy has to (1) backfires, by making (3) the only permissible option.

Here is a natural way to fix AROP:

- A person can reasonably object to an act if and only if she exists, she has not consented to the act, and there is or was an alternative act satisfying 1–4.
  1. The alternative is, or would have been, better for her.
  2. The alternative gives, or would have given, a greater sum of well-being to the set of people who currently exist.
  3. The alternative gives, or would have given, a greater sum of well-being to the set of people who exist conditional on the alternative.
  4. *No one can, or would have been able to, reasonably object to the alternative.*
  
- You should act in a way to which no one can reasonably object.

We can call this view *AROP+*. This revision ensures that Amy cannot reasonably object to (1), because Bobby can reasonably object to (2).<sup>18</sup> More generally, it ensures that reasonable objections never backfire.

There is an obvious potential problem with *AROP+*. If whether a person can reasonably object to an act can depend on whether another person can reasonably object to an alternative act, there might be cases in which it is indeterminate whether a person can reasonably object to an act, due to circularity in the dependence relations between reasonable objections. We can now turn to address this concern.

#### 4.5. *Avoiding Circularity*

There cannot be circularity in the dependence relations between reasonable objections in cases where the available acts affect only people these acts create. I prove this in a footnote.<sup>19</sup> However, there can be such circularity in cases where the available acts affect people who exist before you act. Suppose Amy exists before you act (as indicated by an asterisk), she is the only person who exists before you act, and you have the following options:

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<sup>18</sup> This result might still seem problematic. It might seem that, if it is permissible to choose (1), it must also be permissible to choose (2), because (2) is better for both Amy and Bobby. I discuss this objection in Section 5.2.

<sup>19</sup> Suppose  $A_1, A_2, \dots, A_n$  are alternative acts that affect only the people these acts create, and  $P_1, P_2, \dots, P_n$  are among the people these acts create. Suppose for reductio that there is circularity in the dependence relations between potential reasonable objections to these acts, as follows: whether  $P_1$  would be able to reasonably object to  $A_1$  depends on whether  $P_2$  would be able to reasonably object to  $A_2$ , which depends on whether  $P_3$  would be able to reasonably object to  $A_3$ , ... which depends on whether  $P_n$  would be able to reasonably object to  $A_n$ , which depends on whether  $P_1$  would be able to reasonably object to  $A_1$ . Since whether  $P_1$  would be able to reasonably object to  $A_1$  depends on whether  $P_2$  would be able reasonably object to  $A_2$ ,  $A_2$  gives a greater sum of well-being both to the set of people who exist conditional on  $A_1$  and to the set of people who exist conditional on  $A_2$ . It follows that  $A_2$  produces a greater sum of well-being than  $A_1$ . By the same reasoning,  $A_3$  produces a greater sum of well-being than  $A_2$ ,  $A_4$  produces a greater sum of well-being than  $A_3$ , ...,  $A_n$  produces a greater sum of well-being than  $A_{n-1}$ , and  $A_1$  produces a greater sum of well-being than  $A_n$ . So, by the transitivity of 'greater than', we have the contradiction that  $A_1$  produces a greater sum of well-being than  $A_1$ .

Case 7

- (1) Amy\* 1 and Carly 200
- (2) Amy\* 10 and Bobby 1
- (3) Amy\* 1, Bobby 100, and Carly 1

Amy might be able to reasonably object to (1) before you choose it, because then (2) is an alternative that, with respect to her, satisfies conditions 1–3. So, whether she can reasonably object to (1) depends on whether anyone can, or would be able to, reasonably object to (2). Bobby might be able to reasonably object to (2) after you choose it, because then (3) is an alternative that, with respect to him, satisfies conditions 1–3. So, whether he can reasonably object to (2) after you choose it depends on whether anyone can, or would be able to, reasonably object to (3). Carly might be able to reasonably object to (3) after you choose it, because then (1) is an alternative that, with respect to her, satisfies conditions 1–3. So, whether she can reasonably object to (3) after you choose it depends on whether anyone can, or would be able to, reasonably object to (1). But now we have a circle, for whether Amy can reasonably object to (1) depends on whether Bobby can, or would be able to, reasonably object to (2), which depends on whether Carly can, or would be able to, reasonably object to (3), which depends on whether Amy can, or would be able to, reasonably object to (1).

This circularity makes it indeterminate whether anyone can reasonably object to any of (1)–(3). So, we might try to fix AROP+ by holding that you should act in a way to which no one *determinately* can reasonably object. The revised view would then imply that it is permissible to choose any of (1)–(3).

However, this revision on its own is problematic. Suppose you have a fourth option:

- (4) Amy\* –500

Clearly, Amy can reasonably object to (4). But the revised view implies that it is indeterminate whether she can reasonably object to it, because whether she can depends on whether there is an alternative act to which no one can reasonably object, and, as we have seen, that is indeterminate.

We should instead combine this proposed fix with another, as follows:

- A person can reasonably object to an act if and only if she exists, she has not consented to the act, and there is or was an alternative act satisfying 1–4.
  1. The alternative is, or would have been, better for her.
  2. The alternative gives, or would have given, a greater sum of well-being to the set of people who currently exist.
  3. The alternative gives, or would have given, a greater sum of well-being to the set of people who exist conditional on the alternative.
  4. *Either (a) no one can, or would have been able to, reasonably object to the alternative, or (b) whether (a) holds does not depend on whether this person can reasonably object to this act.*
  
- You should act in a way to which no one *determinately* can reasonably object.

Since this is the final version of the view, we can call it simply *ARO*. If we fix the view in this way, it remains indeterminate whether Amy can reasonably object to (1), because whether there is an alternative act that, with respect to her, satisfies conditions 1–4 depends, indirectly, on whether she can reasonably object to (1). For the same reason, it remains indeterminate whether Bobby can reasonably object to (2), and whether Carly can reasonably

object to (3). But it does not remain indeterminate whether Amy can reasonably object to (4), because whether there is an alternative to (4) to which no one would be able to reasonably object does not depend on whether Amy can reasonably object to (4). So, ARO implies that it is permissible to choose any of (1)–(3), and that it is wrong to choose (4).

I appreciate that ARO is a complex view, and that this complexity might be taken to count against it. But the complexity of the view reflects the complexity of the intuitions that it is designed to regiment. Furthermore, it is relatively straightforward to apply the view to simpler cases, as my earlier discussion hopefully makes clear.

#### *4.6. Retaining the Advantages of MAC*

It remains to be shown only that ARO retains the advantages of MAC relative to WU. This is straightforward. Since you consent, at least tacitly, to the acts you perform, you cannot reasonably object when you harm or deny benefits to yourself. Since the people you do not create do not exist, they cannot reasonably object when you do not create them.

### **5. Two Objections to ARO**

In this section, I address two potential objections to ARO.

#### *5.1. Otsuka's Intuition*

Suppose you have the following options:<sup>20</sup>

##### Case 8

(1) —

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<sup>20</sup> I include the option of creating no one to avoid complexities that might otherwise arise from Bobby being created no matter what you do.

(2) Amy 150 and Bobby 100

(3) Bobby 150 and Carly 100

(2) gives Bobby a complaint, and (3) gives no one any complaint. So, MAC implies that you should choose (3) over (2). Michael Otsuka thinks this implication is, at least on reflection, very intuitive, and that it is an important advantage of MAC relative to WU.<sup>21</sup>

If Otsuka is right that you should choose (3) over (2), that is a problem for ARO, because ARO implies that it is permissible to choose (2). I used to agree with Otsuka that (2) gives Bobby a complaint, and that this complaint makes it wrong to choose (2). However, the alternative analysis formalised in ARO now seems to me at least as plausible. Bobby cannot reasonably object to (2) before you choose it, because he does not exist, and he cannot reasonably object to (2) after you choose it, because then no alternative gives a greater sum of well-being to the set of people who currently exist. Since he cannot reasonably object to (2) either before or after you choose it, it is permissible for you to choose it.<sup>22</sup>

## 5.2. Ross and Improvable-Life Avoidance

I mentioned earlier that the problem cases for MAC were originally presented to me by Jacob Ross. He has not written about these cases in connection to *deontic* views—views about what makes acts right or wrong—but he has written about them in connection to *axiological* views—views about what makes outcomes better or worse.<sup>23</sup> He uses them to show that certain axiological views have the following implausible implication:

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<sup>21</sup> Otsuka, ‘How it Makes a Moral Difference’, at 194–195.

<sup>22</sup> Otsuka also proposes a variant of MAC designed to avoid problems closely connected to backfiring and tyrannical complaints. However, his proposal is a hybrid of MAC and WU, and it sacrifices the advantages of MAC.

<sup>23</sup> Ross, ‘Rethinking the Person-Affecting Principle’, at 443–446.

“we have ... reason to prefer outcomes in which a given person does not exist to outcomes in which this person exists and has an improvable life [a life that is worse than in another available outcome]”.<sup>24</sup>

He calls this *the problem of improvable-life avoidance*.

Since ARO is a purely deontic view, it does not have implications about which outcomes are better or worse, and so it cannot imply that you should *prefer* to avoid improvable lives. But it does have an implication that is at least superficially very similar. It implies that, other things equal, you should *choose* to avoid improvable lives.

Here is an illustration:

Case 9

- (1) Amy 1
- (2) Amy 1 and Bobby 1
- (3) Bobby 100

Amy cannot reasonably object to (1), but Bobby can reasonably object to (2). So, ARO implies that you should choose (1) rather than (2), and thus that you should choose not to create Bobby rather than to create him with an improvable life.

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<sup>24</sup> Ross, ‘Rethinking the Person-Affecting Principle’, at 443.

Is this implication implausible? It might seem so. It is often assumed that, if an act A is permissible and an act B is better than A for some people and worse for no one, B must be permissible as well. We can call this *the deontic person-affecting principle*, or *the DPAP*.<sup>25</sup>

Though this principle has great intuitive appeal, it is false. Suppose you have the following options:

Case 10

- (1) —
- (2) Amy 1
- (3) Amy 100

The DPAP implies that, if it is permissible to choose (1), it must also be permissible to choose (2), because (2) is better for Amy and worse for no one. But it is clearly wrong to choose (2). If you are going to create Amy, you should create her with a good life rather than a marginal life. So, given that (1) is permissible, the DPAP is false.

## **6. A Further Advantage of ARO**

In this section, I explain a further advantage of ARO relative to both WU and MAC.

Suppose you have the following options:

Case 11

- (1) Amy 1

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<sup>25</sup> For discussion of the DPAP and related principles, see Parfit, *Reasons and Persons*, Chapter 16; Ross, ‘Rethinking the Person-Affecting Principle’; and Derek Parfit, ‘Future People, the Non-Identity Problem, and Person-Affecting Principles’, *Philosophy & Public Affairs* 45 (2017): 118–157.



(2) Amy 100

Clearly, it is wrong to choose (1). But almost as clearly, it is wrong to choose (1) *because it wrongs Amy*.<sup>26</sup> ARO captures this intuition if, as seems very plausible, one way in which you can wrong a person is by acting in a way to which she can reasonably object.

Can WU and MAC capture this intuition?

If we accept WU, we might claim that (1) wrongs Amy by giving her less well-being than is possible. But it is not plausible that you wrong a person simply by giving her less well-being than is possible, because sometimes this is the only way to give greater well-being to others. We might next claim that (1) wrongs Amy by giving her less well-being than is possible while also failing to maximize total well-being. But since WU holds that failing to maximize total well-being is what makes (1) wrong, this would get things backwards, by making the fact that (1) wrongs Amy depend on the fact that (1) is wrong.

If we accept MAC, we might claim that (1) wrongs Amy by giving her a complaint. But it is not plausible that you wrong a person simply by giving her a complaint, because sometimes this is the only way to avoid giving stronger complaints to others. We might next claim that (1) wrongs Amy by giving her a complaint while also failing to minimize the sum of complaints. But since MAC holds that failing to minimize the sum of complaints is what makes (1) wrong, this would again get things backwards.

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<sup>26</sup> For the distinction between acting wrongly and wronging a person, see Judith Jarvis Thomson, *The Realm of Rights* (Cambridge: Harvard University Press, 1990), at 122; Michael Thompson, 'What is it to Wrong Someone? A Puzzle About Justice', in R. Jay Wallace, Samuel Scheffler, and Michael Smith (eds.), *Reasons and Value* (Oxford: Oxford University Press, 2004), Chapter 14; David Owens, *Shaping the Normative Landscape* (Oxford: Oxford University Press, 2012), Chapter 2; and Nicolas Cornell, 'Wrongs, Rights, and Third Parties', *Philosophy & Public Affairs* 43 (2015): 109–143.

So, a further advantage of ARO relative to both WU and MAC is that it supports the following, very natural thesis: at least in many cases, acts are wrong because they wrong people. We can call this thesis *the explanatory priority of wrongings*.<sup>27</sup>

## 7. Summary

WU has considerable explanatory power, but it has two implications that seem to me implausible. First, it implies that, other things equal, it is wrong to harm yourself, or even to deny yourself benefits. Second, it implies that, other things equal, it is wrong not to create new happy people. MAC retains the explanatory power of WU while avoiding these implications, but it faces the problem of backfiring complaints and the problem of tyrannical complaints. I have proposed ARO as an alternative. It retains the advantages of MAC while avoiding the problem of backfiring complaints and the problem of tyrannical complaints. Furthermore, unlike WU and MAC, it supports the explanatory priority of wrongings.

## Bibliography

- Anscombe, Elizabeth. 'Who is Wronged?', *The Oxford Review* 5 (1976): 16–17
- Arrhenius, Gustaf and Wlodek Rabinowicz, 'The Value of Existence', in Iwao Hirose and Jonas Olson (eds.), *The Oxford Handbook of Value Theory* (Oxford: Oxford University Press, 2015), Chapter 22
- Boonin, David. *The Non-Identity Problem and the Ethics of Future People* (Oxford: Oxford University Press, 2014)
- Broome, John. *Ethics Out of Economics* (Cambridge: Cambridge University Press, 1999)
- Bykvist, Krister. 'The Benefits of Coming into Existence', *Philosophical Studies* 135 (2007): 335–362
- Cornell, Nicolas. 'Wrongs, Rights, and Third Parties', *Philosophy & Public Affairs* 43 (2015): 109–143
- Fleurbaey, Marc and Alex Voorhoeve, 'On the Social and Personal Value of Existence', in Iwao Hirose and Andrew Reisner (eds.), *Weighing and Reasoning: Themes from the Philosophy of John Broome* (Oxford: Oxford University Press, 2015), Chapter 7

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<sup>27</sup> G.E.M. Anscombe seems to assume the explanatory priority of wrongings in her critique of the claim that, other things equal, you should save a greater number of people rather than a lesser number of different people. She challenges proponents of this claim to explain who is wronged if you save the lesser number. See her 'Who is Wronged?', *The Oxford Review* 5 (1976): 16–17. If we accept either WU or MAC, this challenge has considerable force. But we can answer it by accepting ARO.

- Heyd, David. 'The Intractability of the Non-Identity Problem', in Melinda A. Roberts and David T. Wasserman (eds.), *Harming Future Persons* (New York: Springer, 2009), Chapter 1
- Holtug, Nils. 'On the Value of Coming into Existence', *The Journal of Ethics* 5 (2001): 361–384
- Horton, Joe. 'Aggregation, Complaints, and Risk', *Philosophy & Public Affairs* 45 (2017): 54–81
- McDermott, Michael. 'Harms and Objections', *Analysis* 79 (2019): 436–448
- McDermott, Michael. 'Utility and Population', *Philosophical Studies* 42 (1982): 163–177
- McMahan, Jeff. 'Asymmetries in the Morality of Causing People to Exist', in Melinda A. Roberts and David T. Wasserman (eds.), *Harming Future Persons* (New York: Springer, 2009), Chapter 3
- McMahan, Jeff. 'Problems of Population Theory', *Ethics* 92 (1981): 96–127
- Narveson, Jan. 'Moral Problems of Population', *The Monist* 57 (1973): 62–86
- Narveson, Jan. 'Utilitarianism and New Generations', *Mind* 76 (1967): 62–72
- Nebel, Jacob M. 'Asymmetries in the Value of Existence', *Philosophical Perspectives* 33 (2019): 126–145
- Otsuka, Michael. 'How it Makes a Moral Difference that One is Worse Off than One Could Have Been', *Politics, Philosophy and Economics* 17 (2018): 192–215
- Owens, David. *Shaping the Normative Landscape* (Oxford: Oxford University Press, 2012)
- Parfit, Derek. 'Equality and Priority', *Ratio* 10 (1997): 202–221
- Parfit, Derek. 'Future People, the Non-Identity Problem, and Person-Affecting Principles', *Philosophy & Public Affairs* 45 (2017): 118–157
- Parfit, Derek. *Reasons and Persons* (Oxford: Oxford University Press, 1984)
- Podgorski, Abelard. 'The Diner's Defence: Producers, Consumers, and the Benefits of Existence', *Australasian Journal of Philosophy* 98 (2020): 64–77
- Portmore, Douglas W. *Commonsense Consequentialism: Wherein Morality Meets Rationality* (Oxford: Oxford University Press, 2011)
- Roberts, Melinda A. 'An Asymmetry in the Ethics of Procreation', *Philosophy Compass* 6 (2011): 765–776
- Roberts, Melinda A. 'Can it Ever Be Better Never to Have Existed At All? Person-Based Consequentialism and a New Repugnant Conclusion', *Journal of Applied Philosophy* 20 (2003): 159–185
- Roberts, Melinda A. 'The Asymmetry: A Solution', *Theoria* 77 (2011): 333–367
- Roberts, Melinda A. 'The Non-Identity Fallacy: Harm, Probability and Another Look at Parfit's Depletion Example', *Utilitas* 19 (2007): 267–311
- Ross, Jacob. 'Rethinking the Person-Affecting Principle', *Journal of Moral Philosophy* 12 (2015): 428–461
- Scanlon, T. M. *What We Owe to Each Other* (Cambridge: Harvard University Press, 2008)
- Sider, Ted. 'Asymmetry and Self-Sacrifice', *Philosophical Studies* 70 (1993): 117–132
- Slote, Michael. 'Morality and Self-Other Asymmetry', *The Journal of Philosophy* 76 (1984): 179–192
- Stocker, Michael. 'Agent and Other: Against Ethical Universalism', *Australasian Journal of Philosophy* 54 (1976): 206–220
- Temkin, Larry. *Rethinking the Good* (Oxford: Oxford University Press, 2012)
- Thompson, Michael. 'What is it to Wrong Someone? A Puzzle About Justice', in R. Jay Wallace, Samuel Scheffler, and Michael Smith (eds.), *Reasons and Value* (Oxford: Oxford University Press, 2004), Chapter 14
- Thomson, Judith Jarvis. *The Realm of Rights* (Cambridge: Harvard University Press, 1990)