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**What is Harming?**

**Introduction**

In some cases, it is easy to tell whether one individual has harmed another. For example, when Smith breaks Jones’s knees with a baseball bat, Smith harms Jones. In other cases, whether an act is harmful can be more difficult to discern. Can we harm people with speech? Can we harm someone who is dead? What about someone who hasn’t yet been born? A theory of harming can help us articulate and justify answers to these and other questions.

A complete theory of harming must have both a substantive component and a formal component. The substantive component of the theory tells us what it is about you or your life that I interfere with when I harm you. Is a harm to you just *any* impediment to your well-being, or does harm occur only when the impediment is to some interest of yours that has special significance? Can you suffer a harm even while your well-being remains unaffected? These are questions about what Victor Tadros (2014) calls the “currency” of harm, and the issue of whether we can harm others with offensive or hateful speech turns upon what we take the currency of harm to be. Whether there are posthumous harms is also partly a question about currency.

In addition to the currency component, a complete theory of harming will also have a formal component, which Tadros refers to as the “measure” of harm. This component of the theory tells us how a particular harm might be related to an action or event. In harming you, do I make you worse off (with respect to whatever the currency of harm might be) than you *were*, worse off than you otherwise *would* have been, or worse off than you *should* have been? Must my harmful action *cause* the harm you suffer, or is it enough that the harm you suffer depends counterfactually on the action I perform? What we say about the measure of harm can bear on some important questions in ethics, such as the question of whether it is worse to do harm than to allow it; the question of whether we can harm future generations; and, as before, the question of whether there are posthumous harms.

 The literature on harm has not always been careful to distinguish between the currency and the measure of harm. This is unfortunate, for when the distinction is not drawn clearly, it is very easy for work on the *currency* of harm to reinforce unjustified assumptions about the measure of harm, or vice versa. In what follows I hope to root out these unjustified assumptions and bridge the gap between work on the currency and measure of harm. In the course of doing so, I will also argue for substantive accounts of both. Specifically, I will argue that *well-being* is the currency of harm and that the measure of harm is best captured by a *causal account* of harming.

**The Currency of Harm**

Work on the currency of harm is interdisciplinary, appearing in law journals as well as philosophy journals. Consequently, substantive accounts of harm are sometimes couched in legal terms that obscure the relationship between the concept of harm and other important philosophical concepts, such as the concepts of *well*-*being*, *rights*, *desires*, and *interests*. This kind of terminological disconnect is unfortunate. If the relationship between harm and other philosophical concepts were made clearer, harm theorists could more easily avail themselves of innovations in, for example, the well-being literature; likewise, well-being theorists could more easily avail themselves of innovations in the harm literature. In this section, I aim to clarify the relationship between harm and well-being and then argue that the currency of harm *is* well-being. But since harm is so frequently analyzed in terms of interests, I will begin with a brief survey of interest-based views.

One prominent line of thought begins with the notion that harm is a setback to an individual’s interests. Many who take this starting point also hold that not just *any* setback to an individual’s interests qualifies as a harm. Instead, there is a privileged class of interests that matter more than others, and only setbacks to these important interests count as harms. For example, John Kleinig (1978) argues that the interests that must be set back are *welfare interests*, or interests that are “indispensable to the pursuit and fulfilment of characteristically human interests, whatever those interests might be” (31). Others argue that the relevant class of interests is delineated by an individual’s moral claims. Thus, Joel Feinberg (1984) argues that according to the sense of “harm” in which he is interested, “only setbacks of interests that are wrongs, and wrongs that are setbacks to interest, are to count as harms” (36). Stephen Perry (2003) affirms botha moral criterion and a “core” interest criterion, noting that in cases where a person’s core interests are unimpeded, “a right can be violated, and an interest set back, without any harm occurring” (1306).

Philosophers who write about the currency of harm often acknowledge a relationship between the concept of someone’s *interests* and the concept of her *well*-*being*, but they characterize this relationship in different ways. Feinberg (1986) takes interests to be “distinguishable components of a person’s good or well-being,” and he holds that “interests can be summed up or integrated into one emergent personal interest.” Perry (2003) agrees that interests are related to well-being, but he rejects the second of Feinberg’s claims, arguing that “we have no good reason to think that the myriad array of interests that are subject to harm and benefit … can all be reduced to a single underlying interest of any kind” (1304). Some theorists appear to equate interests with the satisfaction of a person’s preferences or desires. [[1]](#footnote-1) Thus, if and only if a preference- or desire-satisfaction theory of well-being is true, these theorists appear to be committed to the claim that the currency of harm is well-being. Finally, Simester and von Hirsch (2011) take interests to be distinct from well-being. They write, “Our interests merely serve our well-being. … They do not determine it” (36).

We can bring more clarity to this discussion by temporarily bypassing the concept of an interest altogether and focusing directly on the relationship between harm and well-being. Let us distinguish between four possible accounts of this relationship. According to the *sufficiency view,* necessarily, *any* impediment to someone’s well-being qualifies as a harm. (Here I am using “impediment” as a placeholder; in the next section, I will consider the precise way in which the currency of harm needs to be measured.) According to the *non-sufficiency view*, some impediments to well-being are *not* harms. Both the sufficiency view and the non-sufficiency view leave open the question of whether an impediment in one’s well-being is a necessarycondition of harm, so we can round out the discussion with two additional views. According to the *necessity view,* all harms are impediments to well-being. And according to the *non*-*necessity* view, some harms are not impediments to well-being.

Many people who theorize about harm in terms of “well-being” rather than “interests” take the conjunction of the sufficiency view and the necessity view to be the default: they assume that all and only impediments to well-being are harms.[[2]](#footnote-2) Such a claim is *prima facie* plausible. Common sense affirms that your well-being is a matter of how well things are going for you and that when things go badly for you, you are harmed. Indeed, I agree with these theorists that we should accept the conjunction of the sufficiency view and the necessity view unless we encounter sufficiently compelling arguments for either the non-sufficiency view, the non-necessity view, or both.

One argument for the non-sufficiency view appeals to the moral significance of harm. Some commonsense moral principles suggest that there is a strong reason against harming, and a prohibition on harm is built into many of our laws and codes of professional ethics. In Seana Shiffrin’s words, “harm commands special attention” (2012, 366). At the same time, there appear to be cases in which the reason against impeding a person’s well-being are weak at best. Possibly for that reason, John Kleinig holds that it is not a harm to a millionaire to be short-changed by his paper boy.[[3]](#footnote-3) Likewise, Seana Shiffrin holds that it is not a harm to a billionaire to accidentally lose a thousand dollars.[[4]](#footnote-4) Although Shiffrin and Kleinig do not explicitly endorse the non-sufficiency view, their examples could be taken to support the following argument for it:

1. There is always a strong moral reason against causing a harm to someone.
2. There are cases in which there is at most a weak reason against causing an impediment to someone’s well-being.
3. Therefore, some impediments to well-being are *not* harms.

Let us call this the “Moral Reason” argument.

 The Moral Reason Argument is not especially persuasive because premise 1 is overstated. While commonsense morality *does* suggest that there is always a reason against causing a harm to someone, it’s not clear that this reason must always be strong. After all, commonsense morality also tells us (a) that the reason against causing a harm is commensurate with the gravity of the harm and (b) it is possible to suffer only a minor harm. Together, (a) and (b) imply that premise 1 is false: it is possible for the reason against harming to be weak.[[5]](#footnote-5)

In addition to the Moral Reason Argument, there is at least one other argument for the non-sufficiency view. This second argument takes its cue from John Stuart Mill’s famous Harm Principle. According to Mill, “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others” (2002, 11). It is widely supposed that such a principle limits state interference in the affairs of individuals, especially when it comes to issues like speech and sex. But in some cases, hateful, threatening, or offensive speech can impede the well-being of those who hear it, and even sex between consenting adults can affect the well-being of third parties.[[6]](#footnote-6) We thus arrive at the following argument:

1. Neither speech nor sex between consenting adults can cause harm to third parties.
2. Both speech and sex between consenting adults do sometimes cause impediments to the well-being of third parties.
3. Therefore, some impediments to well-being are *not* harms.

Because the first premise appears to be motivated, both by the Harm Principle and by the liberal assumption that speech and consensual sex should not be punished by the state, I will call this the “Liberal Argument.”

The problem with the Liberal Argument is once again with the first premise. For one thing, the motivation behind the first premise is weaker than it might originally have appeared. According to Mill’s formulation, the Harm Principle establishes harm to others as a *necessary* condition for the justified prohibition of various activities, not a sufficient condition. So even if Mill’s Harm Principle is true, it does not entail that if hate speech and consensual sex should be permitted, then they must not cause harm to others.

Some theorists have defended alternative formulations of the Harm Principle that might, if true, provide additional support for premise 1. Joel Feinberg’s (1984) formulation of the Harm Principle implies that harm to others is a *positive reason* for state coercion. If this positive reason for coercion has *no* *defeaters*, and if there is *no reason* for the state to prohibit speech and consensual sex, then it does, indeed, follow from Feinberg’s view that speech and consensual sex are harmless to others. However, it is not clear that we should accept both conjuncts of the antecedent. Perhaps it is true, both that there is a *prima facie* reason for the state to prohibit hate speech or sex between consenting adults *and* that other moral considerations function as defeaters. Alternatively, it might be the case, both that there is a *pro tanto* reason for the state to prohibit hate speech or sexual acts *and* that this reason is easily overridden by countervailing considerations.

The first premise of the Liberal Argument thus appears to lack full justification, whether we accept Mill’s original formulation of the Harm Principle or Feinberg’s (1984) formulation. And without a more persuasive argument for the first premise, the Liberal Argument is not especially compelling. At least, it does not strike me as *more* compelling than the sufficiency view. There may be better arguments for the non-sufficiency view, but until they are fully articulated, I think we ought to provisionally accept the sufficiency view.

What about the other two views? Recall that according to the necessity view, all harms are impediments to well-being. I suggested above that the necessity view is *prima facie* plausible, and that we should abandon it only if we encounter a persuasive argument for the non-necessity view.

There are at least two arguments for the non-necessity view that we ought to consider. The first argument, which I will call the “Legitimate Interest Argument,” appeals to a generic version of the moralized accounts of harm that I discussed in the first part of this section. Here it is:

1. All impediments to morally legitimate interests are harms.
2. All acts of property damage are impediments to morally legitimate interests.
3. Some acts of property damage are not impediments to well-being.
4. Therefore, some harms are not impediments to well-being.

The first two premises seem to fall out of Simester and von Hirsch’s (2011) view. For example, Simester and von Hirsch endorse the Harm Principle, and they write, “Within the terms of the Harm Principle, interference with another’s property rights constitutes a prima facie harm” (41). Their view is also consistent with Premise 3. Simester and von Hirsch argue that there is a close connection between property rights and well-being, such that “welfare and human flourishing … would become unattainable should [the law of property] be lost” (41). But the claim that well-being depends upon a *system* of property rights is consistent with the claim that on occasion, some *particular* property right could be violated without a concurrent drop in well-being. Moreover, Simester and von Hirsch appear to endorse the conclusion of the moralized harm argument when they write, “when we are harmed … it does not follow that our lives will actually go less well” (36).[[7]](#footnote-7)

 Nevertheless, the Legitimate Interest Argument is not compelling. Commonsense morality tells against the notion that damage to my property necessarily constitutes harm to me. It is implausible, for example, that if you scratch my car door and the scratch is never discovered, you have harmed me. Perhaps there are good policy reasons to hold you legally accountable for the scratch, *as if* you had harmed me. But even in that case, I think that for the sake of clarity we should at least say, not that the scratch *is* a harm, but that we are treating the scratch as if it *were* a harm. Even better, we can appeal to the independently plausible view that a person can be *wronged* (legally, morally, or both)without being *harmed.*

Let us set the Legitimate Interest Argument aside, then, and consider a second argument for the non-necessity view. Some philosophers of well-being hold that there is a difference between how well you are doing and how well your life is going. For example, Shelley Kagan (1994) argues for the possibility that “a person’s life might be going poorly, even though the person himself is well-off” (321). He illustrates this possibility with the case of a businessman who dies believing that he was well-respected by his peers and loved by his family. Nevertheless, the businessman’s wife was secretly cheating on him, and his peers only pretended to respect him. Kagan’s judgment is that although the man’s well-being was not affected by the deception, his life was worse because of it. If we combine Kagan’s distinction between the man’s well-being and his life with the principle that making someone’s life go poorly is a way of harming them, we arrive at the following argument:[[8]](#footnote-8)

1. Every instance of a life going poorly is a harm.
2. At least one instance of a life going poorly is not an instance of an impediment to well-being.
3. Therefore, some harms are not impediments to well-being.

I will refer to this as the “Going Poorly Argument.”

The second premise of the Going Poorly Argument is, of course, controversial; not everyone agrees with Kagan. However, even if we accept the second premise, it’s not clear that we have much reason to accept the first. Certainly, having your life go poorly is *bad* for you, but if it doesn’t affect your well-being, it’s not clear why we should classify this as a harm. One of the main reasons to distinguish between a person and a person’s life is to achieve greater conceptual clarity, especially about some of the more puzzling cases in the well-being literature. But that clarity is largely sacrificed if, immediately after drawing the distinction, we fail to draw a corresponding distinction between what’s badfor a person and what’s bad for a person’s life. So if we accept Kagan’s distinction, we ought to draw another distinction between harm and having your life go poorly.

I conclude, then, that none of the arguments for either the non-sufficiency view or the non-necessity view are successful. We have little reason, then, to abandon what I take to be the default view, namely, the conjunction of the sufficiency view and the necessity view. It remains highly plausible that all and only impediments to well-being are harms, or that well-being is the *currency* of harm.

Recall that in the introduction to this paper, I suggested that questions about whether we can harm people with speech and about whether we can harm the dead turn largely on what we take the currency of harm to be. We can now start to see how such questions might be answered. First, consider the extent to which various theories of well-being agree about whether hateful, threatening, or offensive speech can affect a person’s well-being. If there is general agreement that such speech *can* impede a person’s well-being, then we should tentatively conclude that speech *can* be harmful. Whether any speech should be regulated by the state is, of course, a separate question.

With respect to the question of harming the dead, we might divide theories of well-being into those that posit an experience requirement and those that don’t. If you have to experience an impediment to your well-being in order to suffer one, then you cannot suffer harm after you are dead. On the other hand, if you can suffer an impediment to your well-being without experiencing it, then our account of the currency of harm leaves it open whether we can harm the dead. To fully settle the matter, we would need to inquire more fully into the precise boundaries of an individual’s well-being. We would also need to consider questions about relationship between harms and harmful events or actions. I will survey some of these questions in the next section.

**The Measure of Harm**

So far, I have been using the terms “harming” and “causing harm” interchangeably. However, it is time to be more precise. In the literature on the metaphysics of harm, there are three prominent accounts of harming, and only one of these accounts is explicitly causal. I will formulate the three accounts as follows, using “A” to stand for an action or omission and “V” to stand for a victim:

The temporal account: A harms V if and only if V is worse off after A than V was before A.[[9]](#footnote-9)

The counterfactual account: A harms V if and only if a consequence of A is that V is worse off than V would have been in the absence of A.[[10]](#footnote-10)

The causal account: A harms V if and only if A causes a harm for V.[[11]](#footnote-11)

In the first two formulas, the term “worse off” should be understood in terms of whatever we take the currency of harm to be. If we take it to be well-being, for example, then V will need to have less well-being, either after A or given A.

Notice that in the first two formulas, I did not use any causal language. For example, I did not say that A *makes* V worse off than she was before or worse off than she otherwise would have been. “Makes” is a causal verb, and to highlight the difference between the first two accounts, which are both non-causal, and the third, which is causal, we need to formulate the first two accounts without any causal verbs.[[12]](#footnote-12)

An important difference between non-causal and causal accounts involves the individuation of harms. The temporal and counterfactual accounts tend not to distinguish *harming* from *harm.* Proponents of these accounts often use the terms “harmful event” “harm” and “harming” interchangeably. On the other hand, the distinction between *harming* and *harm* is important to a causal theorist: proponents of the causal account supplement their account of what it means *to* *harm* someone with a separate account of what a *harm* is.

Generally, a harm for a causal theorist is some sort of condition or state of affairs that has something to do with the currency of harm.[[13]](#footnote-13) For example, if well-being is the currency of harm, a hedonist causal theorist might claim that *the state of affairs in which I suffer six units of pain* is a harm for me. Alternatively, a causal theorist who endorses desire-satisfaction theory might say that *the state of affairs in which my desire for health is frustrated* is a harm for me. Or a causal theorist who endorses an objective-list theory of well-being might say that *the state of affairs in which I lack four units of friendship* is a harm for me.

Here is an illustration of this difference in how causal and non-causal theorists think about what a harm is. Take a case in which Smith breaks Jones’s knee with a baseball bat. Proponents of all three accounts would likely agree that Smith harmed Jones. Causal theorists might insist that something like the *broken knee* is the harm. More precisely, a causal theorist might say that we can refer to the harm as the “broken knee,” but strictly speaking, the harm is something like *the state of affairs in which Smith suffers eight units of broken-knee pain.* According to the causal theorist, Jones causes that state of affairs *by causing* Smith’s broken knee, but this doesn’t mean that Jones’s action is a harm; Jones’s action is merely a harmful event. For the non-causal theorist, on the other hand, Jones’s action doesn’t just *cause* a harm—it *is* a harm. So there are at least two harms in the non-causal theorist’s picture: the event in which Jones swings the baseball bat and the event in which Smith’s knee breaks.

The distinction between causal accounts and non-causal accounts is important because some of the main problems in the harm literature turn upon whether harming is causal or non-causal. Indeed, I will next argue that with respect to solving at least two problems involving apparent harm, the causal account has an advantage over the non-causal accounts. These two problems are the non-identity problem and the problem of preemption.

 The non-identity problem arises in what I will call “non-identity cases,” or cases where an action that results in an individual’s existence also constrains his or her prospects for well-being. One of Derek Parfit’s (1987) famous examples of a non-identity case centers on a 14-year-old girl who wants to have a child. Because she is so young, her child—call him *Alex—*will have a bad start in life; this makes her action seem intuitively harmful. On the other hand, Alex’s life will still be worth living. Importantly, Alex will never exist at all if his mother waits until she is older to conceive a child. (In that case, she will conceive a *different* child from a different egg and sperm.) Thus, if the 14-year-old conceives now and has Alex, Alex will be no worse off as a consequence of her action than he would have been, had she not conceived him. Likewise, Alex will be no worse off *after* the girl’s action than he was *before* she conceived him. It seems, then, that neither the counterfactual account nor the temporal account can accommodate the intuition that the girl’s act of conceiving Alex would be harmful. The causal account fares better; to vindicate the intuition that Alex would be harmed, all a causal theorist needs to establish is that Alex’s having a bad start in life corresponds to some state of affairs that would be a harm for him and that the girl’s act of conceiving Alex would cause that state of affairs.

My own solution to the non-identity problem attempts to justify these claims by appealing to the following causal theory of harming[[14]](#footnote-14):

Harm (def.): An event, E, harms an individual, S, if and only if E causes a state of affairs that is a harm for S.

Harm (def.): A state of affairs, T, is a harm for an individual, S, if and only if

1. an essential component of T is the absence of something intrinsically good for S or the presence of something intrinsically bad for S; and
2. if S existed and T had not obtained, then S would have had more of that good or less of that bad.

To see how this account works, first consider whether the state of affairs in which Alex has a bad start in life satisfies the first condition on being a harm. This seems likely; it’s plausible that a bad start in life *is* or at least supervenes on something that is *intrinsically* bad for Alex, according to whatever we take to be the true theory of well-being. This state of affairs also satisfies the second condition. If Alex existed and the state of affairs in which he had a bad start in life *had not obtained,* then Alex would have had less of the corresponding intrinsic bad. Notice that when we imagine the possibility that Alex did not have a bad start in life, we are not imagining a possible world where Alex was never born. That is the possible world we would have to consider if we were imagining away the *cause* of the apparent harm, but on my account we imagine away the *apparent* *harm,* itself—not its cause. Instead of imagining that Alex was never born, we are imagining a possible world where the 14-year-old girl conceived Alex and then later had help raising him. In this scenario, Alex was raised with love, support, and stability. He had more of the relevant intrinsic good in his life than he did in the scenario where he had a bad start in life. Thus, the state of affairs in which Alex has a bad start in life is or supervenes on a harm for Alex: this state of affairs is worse for him than the state of affairs in which he exists and *does not* have a bad start in life. And since the 14-year-old girl would cause the state of affairs in which he has a bad start in life by conceiving Alex, she would harm him.

 The non-identity problem is not the only problem that a causal account of harming can help to solve. A causal account can also help with preemption cases. Suppose that Smith breaks Jones’s knees with a baseball bat, and that if Smith had not broken Jones’s knees, Brown would have. Intuitively, it seems as though Smith harms Jones. Nevertheless, it is not true that Jones is worse off, given Smith’s action, than he would have been, had Smith not acted. For if Smith had not acted, Brown would have, and Jones would have been just as badly off. On the other hand, it is true that Jones is worse off *after* Smith’s action than he was before Smith swung the bat. It is also true that Smith *caused* Jones’s broken knees. Thus, in preemption cases, temporal accounts and causal accounts both seem to have an advantage over counterfactual accounts.

If we consider both the non-identity problem and the preemption problems together, it appears that the causal account most consistently has the advantage. But if we accept the causal account, how should we answer questions about harming the dead and harming future people? First, much (though not all) of our puzzlement about harming future people centers on the non-identity problem. We saw above that the causal account can vindicate the intuition that harm occurs in a non-identity case. Thus, the answer to our question about harming future people—at least in a non-identity case—is that we can, indeed, harm them.

What about the dead? I noted in the previous section that if we accept well-being as the currency of harm, and if we reject the experience requirement for well-being, then many of our remaining questions about harming the dead will turn on the metaphysics of harming. The causal account of harming can help with some of these questions. For example, if we reject backwards causation, then we must reject the view that an event that happens *after* I die can cause a harmful state of affairs that obtains *before* I die. Nevertheless, it might still be possible that an event that happens *after* I die can cause a subsequent state of affairs that is a harm for me. A lingering question, then, is whether a state of affairs that obtains after I die can be a harm for me.

**Conclusion**

I have argued that well-being is the currency of harm and that causation is its measure. I also showed how the issues of whether we can harm with speech, whether we can harm the dead, and whether we can harm future people are related to what we take to be the currency or the measure of harm. Nevertheless, I did not settle all the questions we might have about these issues. It remains to be settled, for example, whether a state of affairs that obtains after you are dead can be an impediment to your well-being.

 Other unresolved questions have to do with how the literature on harming relates to the literature on doing and allowing harm[[15]](#footnote-15) and to the literature on collective harm.[[16]](#footnote-16) If we accept a causal account of harming, should we hold that all and only instances of harming are instances of *doing* harm? Though I won’t make a full case for it here, I believe that we should. Notice, however, that if harming is doing harm, and if doing harm is causing harm, and if causes can be actions *or* omissions, then it is possible to *do harm* by action and to *do harm* by omission. On the view I am describing here, then, the distinction between doing and allowing harm does not correspond to the distinction between action and omission.[[17]](#footnote-17)

 Next, what does harm have to do with collective harm? Issues of collective harm arise most famously in cases where we can formulate counterfactuals of the following kind: *Even if I hadn’t gone on that Sunday drive, climate change would still have occurred.*[[18]](#footnote-18)Or *even if I hadn’t purchased meat, animals would have suffered just as much*.[[19]](#footnote-19) The problem is that in cases like climate change or meat eating, the actions of large numbers of individuals seem to be collectively harmful, but the action of a single individual does not seem to be harmful at all.

 However, if the causal account of harming is true, the truth of the above counterfactuals does not matter to whether you have caused harm. Instead, whether your individual act of driving or purchasing meat was harmful will depend upon whatever we take to be the correct theory of causation. This might solve part of the problem; it might allow us to say that the actions in question are both collectively *and* individually harmful. However, if causation comes in degree,[[20]](#footnote-20) there may still be concerns about how strong your reasons are to refrain from contributing to climate change or animal suffering. Further work needs to be done, then, to determine whether the reasons for you not to contribute to a collective harm are as strong as you take them to be.

**Works Cited**

Bernstein, Sara. (2017). ‘Causal Proportions and Moral Responsibility.’ In David Shoemaker, ed. *Oxford Studies in Agency and Responsibility Volume 4.* Oxford: Oxford University Press, 165 – 182.

Bontly, Thomas. ‘Causes, Contrasts, and the Non-Identity Problem.’ *Philosophical Studies* 173

(2016): 1233 – 51.

Boonin, David. *The Non-Identity Problem and the Ethics of Future People.* Oxford: Oxford

University Press, 2014.

——. *Dead Wrong: The Ethics of Posthumous Harm.* Oxford: Oxford University Press, 2019.

Bradley, Ben. *Well-Being and Death.* New York: Oxford University Press, 2009.

——. ‘Doing Away With Harm.’ *Philosophy and Phenomenological Research* 85 (2012): 390 –

412.

Budolfson, Mark. ‘Consumer Ethics, Harm Footprints, and the Empirical Dimensions of Food

Choices.’ *Philosophy Comes to Dinner: Arguments About the Ethics of Eating.* Eds. Andrew Chignell, Terence Cuneo, and Matthew Halteman. New York: Routledge, 2016. 163 – 181.

Feinberg, Joel. *Harm to Others.* New York: Oxford University Press, 1984.

——. ‘Wrongful Life and the Counterfactual Element in Harming.’ *Social Philosophy and*

*Policy* 4 (1986): 145 – 78.

Feit, Neil. ‘Plural Harm.’ *Philosophy and Phenomenological Research* 90.2 (2015): 361 – 88.

Gardner, Molly. (2015). A Harm-Based Solution to the Non-Identity Problem. *Ergo* 2(17): 427

– 444.

––– (2017). On the Strength of the Reason Against Harming. *Journal of Moral Philosophy*

14(1): 73 – 87.

––– (2019a). When Good Things Happen to Harmed People. *Ethical Theory and Moral Practice*

22(4): 893 – 908.

––– (2019b). David Boonin on the Non-Identity Argument: Rejecting the Second Premise. *LEAP*

7(3), doi 10.31009.

Hanna, Nathan. ‘Harm: Omission, Preemption, Freedom.’ *Philosophy and Phenomenological*

*Research* 93.2 (2016): 251 – 73.

Hanser, Matthew. ‘Killing, Letting Die and Preventing People From Being Saved.’ *Utilitas* 11.3

(1999): 277 – 295.

——. ‘The Metaphysics of Harm.’ *Philosophy and Phenomenological Research* 77

(2008): 421 – 50.

——. ‘Harming and Procreating.’ *Harming Future Persons: Ethics, Genetics, and the Non-*

*Identity Problem.* Eds. M. Roberts and D. Wasserman. Dordrecht: Springer, 2009. 179 –

99.

Harman, Elizabeth. ‘Can We Harm and Benefit in Creating?’ *Philosophical Perspectives* 18

(2004): 89 – 113.

——. ‘Harming as Causing Harm.’ *Harming Future Persons: Ethics, Genetics, and the Non-*

*Identity Problem.* Eds. M. Roberts and D. Wasserman. Dordrecht: Springer, 2009. 137 –

54.

Holtug, Nils. ‘The Harm Principle.’ *Ethical Theory and Moral Practice* 5.4 (2002): 357 – 89.

Kagan, Shelly. ‘Me and My Life.’ *Proceedings of the Aristotelian Society* 94 (1994): 309 – 24.

——. ‘Do I Make a Difference?’ *Philosophy and Public Affairs* 39.2 (2011): 105 – 41.

Kleinig, John. ‘Crime and the Concept of Harm.’ *American Philosophical Quarterly* 15.1 (1978):

27 – 36.

Klocksiem, Justin. ‘A Defense of the Counterfactual Comparative Account of Harm.’ *American*

*Philosophical Quarterly* 49.4 (2012): 285 – 300.

Mill, John Stuart. *The Basic Writings of John Stuart Mill.* New York: Modern

Library, 2002.

Moore, Michael. *Causation and Responsibility: An Essay in Law, Morals, and Metaphysics.*

Oxford: Oxford University Press, 2009.

Nefsky, Julia. ‘Consequentialism and the Problem of Collective Harm: A Reply to Kagan.’

*Philosophy and Public Affairs* 39.4 (2012): 364 – 395.

Norcross, Alastair. ‘Harming in Context.’ *Philosophical Studies* 123 (2005): 149 – 73.

Northcott, Robert. ‘Harm and Causation.’ *Utilitas* 27.2 (2015): 147 – 164.

Nozick, Robert. *Anarchy, State, and Utopia.* Oxford: Blackwell, 1974.

Parfit, Derek. *Reasons and Persons.* Oxford: Oxford University Press, 1987.

Perry, Stephen. “Harm, History, and Counterfactuals.’ *San Diego Law Review* 40 (2003): 1283 –

1313.

Pitcher, George. ‘The Misfortunes of the Dead.’ *American Philosophical Quarterly* 21.2 (1984):

183 – 88.

Rabenberg, Michael. ‘Harm.’ *Journal of Ethics and Social Philosophy* 8.3 (2015): 1 – 32.

Rickless, Samuel. ‘The Moral Status of Enabling Harm.’ *Pacific Philosophical Quarterly* 92

(2011): 66 – 86.

Roberts, Melinda. ‘The Nonidentity Problem.’ The Stanford Encyclopedia of Philosophy. Ed.

Edward N. Zalta. Winter 2015.

<https://plato.stanford.edu/archives/win2015/entries/nonidentity-problem/>

Shiffrin, Seana. ‘Wrongful Life, Procreative Responsibility, and the Significance of Harm.’

*Legal Theory* 5 (1999): 117 – 48.

——. ‘Harm and its Moral Significance.’ *Legal Theory* 18 (2012): 357 – 398.

Simester, A.P. and Andreas von Hirsch. *Crimes, Harms, and Wrongs: On the Principles of*

*Criminalisation* Oxford: Hart Publishing, 2011.

Sinnott-Armstrong, Walter. ‘It’s Not *My* Fault: Global Warming and Individual Moral

Obligations.’ *Perspectives on Climate Change: Science, Economics, Politics, and Ethics.*

Eds. Walter Sinnott-Armstrong and Richard Howath. Amsterdam: Elsevier, 2005. 285 – 307.

Tadros, Victor. ‘What Might Have Been.’ *Philosophical Foundations of the Law of Torts.* Ed.

John Oberdiek. Oxford: Oxford University Press, 2014. 171 – 92.

Thomson, Judith. ‘More on the Metaphysics of Harm.’ *Philosophy and Phenomenological*

*Research* 82 (2011): 436 – 58.

Woollard, Fiona. ‘The Doctrine of Doing and Allowing I: Analysis of the Doing/Allowing

Distinction.’ *Philosophy Compass* 7.7 (2012): 448 – 458. (2012a)

——. ‘The Doctrine of Doing and Allowing II: The Moral Relevance of the Doing/Allowing

Distinction.’ *Philosophy Compass* 7.7 (2012): 459 – 469. (2012b)

1. For example, George Pitcher (1984) writes, “An event or state of affairs is a misfortune for someone (or harms someone) when it is contrary to one or more of his more important desires or interests” (184). Similarly, in a passage about harm and compensation, Nozick writes, “In the terminology of economists, something compensates X for Y’s act if receiving it leaves X on at least as high an indifference curve as he would have been on, without it, had Y not so acted” (57). As Victor Tadros (2014) observes, the latter passage suggests that Nozick takes harm to be something akin to preference frustration. [↑](#footnote-ref-1)
2. Some of the many philosophers who start from this assumption include Derek Parfit (1987), Alastair Norcross (2005), Ben Bradley (2009), Matthew Hanser (2009), Robert Northcott (2015), Thomas Bontly (2015), myself (2015), Michael Rabenberg (2015), and David Boonin (2019). [↑](#footnote-ref-2)
3. Referring to the case in which the millionaire is short-changed, Kleinig observes that “the loss is so trivial that calling it a harm is like using a sledgehammer to drive in a pin” (1978, p. 29). [↑](#footnote-ref-3)
4. She frames this as an objection to various accounts of harm, writing that such accounts “overidentify conditions as harm that do not merit the label. … A billionaire’s accidental loss of a thousand dollars will be said to be a harm to him, assuming he has a stake in his stockpile, as many billionaires do” (2012, p. 371). [↑](#footnote-ref-4)
5. Of course, one might also challenge the suggestion that the millionaire and billionaire examples support premise 2. The millionaire’s well-being might not actually be affected by the paper boy’s short-changing him, and it is possible that the billionaire’s well-being is not affected by the loss of a thousand dollars. These examples would then do nothing to establish the claim that in some cases, there is at most a weak reason against impeding someone’s well-being. However, it would be easy enough motivate premise 2 with other examples. We can imagine a case in which the well-being of an otherwise extremely well-off person would drop slightly while he ate an under-ripe banana. Plausibly, there is only a weak moral reason against offering him the banana. In any case, I believe that the main weakness of the moral reason argument lies in premise 1, rather than premise 2. [↑](#footnote-ref-5)
6. Nils Holtug (2002) offers a persuasive argument for this point. He considers three prominent theories of well-being: hedonism, desire-satisfaction theories, and objective list theories. He then argues that if someone feels uneasy when other people engage in homosexual intercourse, then on any of these theories of well-being, the person who feels uneasy will have diminished well-being. [↑](#footnote-ref-6)
7. Here I am assuming they believe that when your life goes less well, you have suffered an impediment to your well-being. However, I will consider shortly whether well-being and having your life go a certain way can come apart. [↑](#footnote-ref-7)
8. David Boonin (2019) also considers how this argument bears on the possibility of harming the dead. [↑](#footnote-ref-8)
9. I include this view because it is an illuminating contrast to the counterfactual account. However, it’s not clear that anyone would endorse this view as I have formulated it. Stephen Perry (2003) endorses a “historical” account of harming, and Michael Rabenberg (2012) endorses “historical worsening” as a sufficient condition for harming. However, neither Perry’s view nor Rabenberg’s view, as I understand them, are really temporal accounts of harming. I take them both to be *causal* accounts of harming conjoined with temporal accounts of harm. Temporal accounts of either harming or harm are also discussed but not endorsed by Holtug (2002), Norcross (2005), Hanser (2008), Thomson (2011), and Bradley (2012). [↑](#footnote-ref-9)
10. Proponents of this account or some modified version of it include Parfit (1987), Norcross (2005), Klocksiem (2012), Tadros (2014), Feit (2015), Hanna (2016), and Boonin (2014, 2019). [↑](#footnote-ref-10)
11. Proponents of this account or some modified version of it include Shiffrin (1999, 2012), Harman (2004, 2009), Thomson (2011), Northcott (2015), Bontly (2016), and myself (2015, 2017, 2019a, 2019b). As I noted in fn. 5, I also take Perry (2003) and Rabenberg (2012) to be proponents of this view. [↑](#footnote-ref-11)
12. Nevertheless, it is almost impossible to discuss the implications of non-causal accounts without using causal language. Therefore, I will occasionally use causal terms to discuss these accounts, but the reader should understand these causal terms as stand-ins for the relevant temporal or counterfactual relations. [↑](#footnote-ref-12)
13. For example, Harman (2004, 2009) and Shiffrin (1999, 2012) favor a “non-comparative” account of harm. According to the non-comparative account, a harm is a condition or state of affairs that is bad for someone even if it doesn’t make her worse off than she would have been in its absence. However, a proponent of the causal theory of harming need not endorse a non-comparative account of harm. My (2015) account includes a counterfactual comparative account of *harm*, even though it does not include a counterfactual comparative account of *harming*. Causal theorists can also endorse a temporal account of harm conjoined with a causal account of harming; indeed, Perry (2003) and Rabenberg (2015) both seem to do something like this. For more on the distinction between accounts of *harming* and accounts of *harm*, see my (2017). [↑](#footnote-ref-13)
14. This is roughly the account I defend in my (2015) and (2019b) papers, though I have reworded the definitions slightly. [↑](#footnote-ref-14)
15. For a helpful overview of this literature, see Woollard (2012a, 2012b). [↑](#footnote-ref-15)
16. For an illuminating discussion of collective harm, see Kagan (2011) and Nefsky (2012). [↑](#footnote-ref-16)
17. There is also small and interesting literature on the question of whether enabling harm is equivalent to either doing harm or allowing harm. See, for example, Rickless (2011) and Hanser (1999). [↑](#footnote-ref-17)
18. See Sinnott-Armstrong (2005). [↑](#footnote-ref-18)
19. See Budolfson (2016). [↑](#footnote-ref-19)
20. Michael Moore (2009) makes a compelling argument for the claim that causation is scalar. Sara Bernstein (2017) shows how a view like Moore’s gives rise to an interesting puzzle about causation and moral responsibility. [↑](#footnote-ref-20)