

The Conception of Possible People

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RM HARE AND D. PARFIT, IN DISCUSSING MORAL PROBLEMS about abortion, medical ethics and population policy, have each attempted to provide a utilitarian account of the moral status of possible people. I will consider the plausibility of these accounts, and then offer an alternative which steers clear of the difficulties they present.

Both Hare and Parfit initially frame their discussions by choosing the second of the following doctrines—the 'person-affecting' one in favour of the 'impersonal' first:

1. We should do what most reduces misery and increases happiness.
2. We should do what harms people the least and benefits them most.

Doctrine (1) diverges practically from doctrine (2) only when we can affect *who* exists by, for example, giving birth. It is unattractive both in its abstraction of happiness and suffering from the context of actual human beings, and in its implications (e.g. the moral censure of a childless couple who could have, with no untoward side-effects, a happy child in an uncrowded world).

Hare now considers cases where a choice has to be made between having one child rather than another [(1) p. 211; (2) p. 366]. For example, a couple may have to decide whether to abort a fetus which will probably become a severely handicapped child, and have a different, normal child (introduced by Hare as 'Andre'); or to go through with the pregnancy, after which another child will not be born. For Hare, the way to make this decision is to weigh up the interests of the possible people concerned: that is, the people whose existence is contingent on the decision.¹ Take Andrew: if the couple abort the present fetus he has, say, an 80% probability of being born, and if born, a high probability of a happy, fulfilled life. If they do not abort, Andrew has no chance of life at all—the mother will be sterile—and so suffers harm proportional to the good his life would have been to him. On the other hand, the possible person who would exist if the present fetus was carried to term—call her Carol—has in this case, say, a 95% probability of being born, but if born a very low probability of a happy life, due to severe handicap. If the fetus is aborted, Carol has, of course, no chance of life at all, though the harm thus done is far less than in Andrew's case. We now do the sums, and decide on the action which maximises the total good-life probability of those involved.

This account involves the following doctrine:

3. Possible people have interests which we can affect, and which should be considered as well as those of actual people.

This is another unattractive doctrine, in that it commits us to some unwarranted ontological extravagance. For a 'common-sense' account of possible people would accept that, contingent on the obtaining of certain states of affairs, there *will be* an actual person. Indeed, *if* this turns out to be the case, we can affect that person's interests now, e.g. by saving money to be spent later on clothes. If, however, no child is born, the relevant states of affairs not having obtained, then no one's interests have been protected by our saving (and the money will be spent elsewhere). On this view we settle Hare's case by deciding between two possible situations, each of which contains one person which we have brought into existence, though with different features and interests from the one which would exist if the other situation was induced. Each

situation is assessed according to the interests of those, and only those, who exist in it. Thus we may prefer the situation where the couple's interests and Andrew's are fairly easily safeguarded (ignoring the not-to-exist Carol), to that where the couple's interests and Carol's—the strains being greater—are harder to satisfy (ignoring the not-to-exist Andrew).

Hare's view is not this. For him, we must decide between two possible people, each of whose interests are affected differently according to the decision taken. Thus if the couple abort, Carol suffers while Andrew benefits: if not, Carol benefits while Andrew's interests are harmed. "True," admits Hare, "he does not exist to be harmed; and he is not *deprived* of existence, in the sense of having it taken away from him, though he is *denied* it. But if it would have been a good to him to exist (because this made possible the goods that, once he existed, he was able to enjoy), surely it was a harm to him not to exist, and so not to be able to enjoy these goods.'" [(1) p. 221].

Now we do make decisions involving the interests of future persons, persons who will actually exist, and we can affect those interests now (e.g. by environmental policies), but to claim that we can also affect, and should consider, the interests of persons who could, but in fact never will, exist, is to make long discredited ontological commitments.

Parfit accepts this. He distinguishes future people, as those who will exist whichever way we act, from possible people, as those who will exist if we act in one way, but who will not exist if we act in another; and rejects doctrine (3) (pp. 369-71). Instead, he introduces the following doctrine (to which, again, Hare is committed) [(2) p. 369]:

4. A person can be affected, for better or for worse, by being conceived.

Two possible interpretations suggest themselves here. On the first, it could be argued, given a Kripkean claim that the identity of the future individual is settled by that of the particular sperm and egg from which it grows, that by bringing these together in some circumstances rather than others, the individual could be affected for better or worse. It may be, for example that if conceived in New York rather than the Arctic Circle, the person grown from this sperm and egg will develop lung cancer. This would give us a fairly uncontentious way of adhering to

doctrine (4). It is not Parfit's. He is dealing with cases where the outcome of conception is settled, irrespective of the circumstances. It is the act of bringing sperm and egg together, abstracted from its particular circumstances, that he considers as affecting the child.

On the second interpretation, it could be argued that conception is one of a set of causally necessary conditions of the existence of the child, and, as such, can be said—as can any other member of the set—to affect the child. It seems clear, however, that this interpretation will not allow us to talk of affecting people *for better or worse* by conceiving them. In order for an action to affect someone for better or worse, it must make that person better or worse than he or she would otherwise have been. This presupposes the prior existence of that person as independent of the action. In the case of conception, however, the person would not otherwise have been—e.g. we have a suffering child, or no child at all—and the basis for the utility comparison is absent. The creation of a person via conception, even though it counts on this second interpretation as affecting that person, is a precondition of affecting the person for better or worse, and not an instance of it. Nevertheless, it is clearly doctrine (4) in the form presented above, and taken as abstracting from the circumstances of conception, that is at issue for Parfit,² and which is required for the utility comparisons he has in mind.

Given that, in this form, doctrine (4) has so little to recommend it, what considerations does Parfit adduce in its favour? There are two. To begin with, he argues that if we cannot affect someone for the better or worse by conceiving him—because the absence of the person otherwise deprives us of the basis for comparing utilities—then neither can we benefit someone by saving him. Further, by implication, we cannot harm someone by killing him. Now this, like doctrine (2), assumes the equivalence between the notions 'benefit/harm' and 'affect for better/worse,' which I shall briefly discuss below. Also, far from being absurd, it makes a certain amount of sense. If someone kills a friend of mine, and I rebuke him by saying that he has greatly harmed my friend, or affected him very much for the worse, I seem to be missing the point; which is precisely that my friend is dead, and no longer available for such comparisons. Similarly, if I am dragged from a raging torrent and thank my rescuer for having done something of great benefit to me, or affected me much for the better, I am missing the point; which is that I have been saved, and would otherwise have been dead, not just worse off. The

main issue here, of course, is the inadequacy of the person-affecting doctrine (2) for an account of the rightness or wrongness of killing and saving. If it requires doctrine (4) to compensate, there must be something seriously amiss, and other alternatives, both utilitarian and non-utilitarian, will appear proportionately more attractive.

The second consideration is that if we are to avoid doctrine (1), we need doctrine (4) in virtue of cases like this (p. 372): "Suppose we know that any child whom we could conceive will have an abnormality so severe that it will live for only a few years, will never develop, and will suffer fairly frequent pain. It would seem to be clearly wrong to go ahead, knowingly, and conceive such a child." Hare is rightly wary of such intuitive appeals. For suppose the couple are unhappy about contraception and desire a normal sexual life. Suppose also that, through experience, they are aware of the strains of raising a severely handicapped child and can withstand them, with no adverse side-effects to any actual persons. When the child is born they devote all their time and affection to it, relieve its suffering where possible, and do what they can to remedy the abnormality until it dies, whereupon they feel deeply the loss of the child. Is it still so clearly wrong to conceive this child? What weight should be assigned to Parfit's intuition as against that of parents of children with severe *spina bifida*, some of whom have had this kind of experience and would knowingly go through it again?

If this shows that our moral intuitions need closer examination, and that Parfit, in aiming at an equilibrium between ethical theory and moral intuition, tends to subordinate the former to the latter, then we must look closer at the arguments given here. Parfit's underlying reason is 'that the child will suffer.' There are two salient possibilities: either the suffering of the child makes its life not worth living, or it does not. If the child has, on balance, a worthwhile life, then our (revised) intuition might well be that the couple are not wrong to conceive—it can't be wrong for the child's sake for, we have assumed, its life is of greater value than non-existence. Parfit's argument therefore requires the alternative: that the child's life is not worth living.³ Now the basis for such judgment is not clear. (It would presumably differ, e.g. in the cases of the 'underdeveloped' child mentioned earlier, and of an adult assumed capable of autonomously evaluating his own existence and acting accordingly. However, Parfit avoids the tension that normally arises between utilitarianism and the notion of human autonomy as valuable in

itself, by considering a case [described above] where it seems that the judgment can only be made by people other than the child in question.) Still, at least for the sake of argument, the claim that it would be wrong to conceive such a child—because it will suffer—is more plausible. Showing that the person-affecting principle, doctrine (2), will not by itself yield the desired result, Parfit argues that the alternatives are to supplement doctrine (2) with doctrine (4), or to switch to the impersonal principle, doctrine (1).

Fortunately, as is the case with killing and saving, these alternatives are not exhaustive. For if a child suffers so much that its life is not worth living, this being the reason why it should not be conceived, then it seems clear that Parfit must hold it wrong to keep such a child alive, and right to end its life. But we do not need doctrine (1) here, or the discredited notion that keeping the child alive is affecting it for worse, and killing it is affecting it for the better (since the basis for comparison of the child's utilities is absent). Instead, if we know that the child suffers continual misery, that its basic needs can only be satisfied at the cost of pain outweighing their satisfaction, and that no more developed wants are possible, (or, if possible, unsatisfiable); then it is clear that it is in the child's interests to die. There is nothing to be gained from living, and much to be relieved of. Life for the child is an evil, of negative value. In such circumstances, we can kill the child for its own sake, in its own interests, without having to say we are affecting it for the better. In keeping the child alive we are acting against its interests, without affecting it for the worse. It follows that, in conceiving such a child, we are doing something against that child's deepest interests, and so act wrongly. We do not have to say that the possible child *now* has interests, only that, if produced, it will have an interest in non-existence which we have acted *against*. If we do not conceive the child, there will be no one in whose interest we have acted. In this way we can preserve Parfit's conclusion while rejecting doctrines (1) and (4), and recognising that (2), the human face of utilitarianism, is by itself inadequate.

This account does involve breaking the equivalence Parfit assumes between the notions 'act in/against interests,' 'benefit/harm' and 'affect for the better/worse' (p.372), since in these cases we can act in someone's interests without affecting him for the better.⁴ We may wish to tie the notions of benefit and harm closer to those of action in and against interests, than to those of affecting for the better or worse; or

perhaps distinguish between doing something for someone's benefit, and benefitting someone, to mark the important contrast. These are not issues of great importance. What is more important is that we can reject both the impersonal doctrine (1), and the combination of doctrines (2) and (4). We have an alternative attractive both theoretically and in its implications for moral decision-making.⁵

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NOTES

¹ Throughout this discussion the emphasis, as with Hare and Parfit, is on the child that a conception results in. The 'side-effects' – on parents, family, doctors, social resources etc. – which make actual decisions in this area that much more intractable, are set aside as already fairly well comprehended within a utilitarian framework.

² "We have been asking whether the act of conceiving a child can affect this child, for better or worse" (p. 372).

³ This is not required by Hare's utility comparisons between possible people, which are themselves eschewed by Parfit.

⁴ There are others. For example, I set up a trust fund for my daughter, to be made known and available to her only if she is destitute. Even if this never happens, and she is thus never affected by my action, I have acted in her interests.

⁵ One such implication is the preservation of an asymmetry often noted: that it may be wrong to have a suffering child, but not imperative to have a happy one. For while it is wrong to keep a child in intolerable suffering, it is not wrong to keep a happy child, and the account regards the creation of a happy child as in itself morally neutral.