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Is there a good solution to the Non-Identity Problem?

Introduction

The *Non-Identity Problem* refers to an ethical conundrum concerning an action taken by a moral agent in the present that has both an effect on a subject in the future and brings that future subject into existence[1]. If morality is grounded in the impact of an action on a specific agent, the *Non-Identity Problem* leads to the conclusion that all actions which both affect and bring a future agent into existence are morally permissible insofar as their impact does not make never existing preferable to life with the consequences of those actions for the future agent. This bar seems too low, as it leads to many counterintuitive conclusions, one of which I will explore in this essay. I will argue that a utilitarian approach provides a good solution to the *Non-Identity Problem* as it grounds morality in total utility rather than the well-being of an individual agent, thus allowing the possibility of certain acts being wrong despite not making any agent worse off. The essay will have four main sections: the first section will focus on outlining and breaking down the *Non-Identity Problem*, the second section will analyse appealing to utility as a possible solution to the problem, and the third and fourth sections will consider two strong objections to utilitarianism and explain why those objections are ultimately unsuccessful, thus proving utilitarianism to be a good solution to the *Non-Identity Problem*.

Section 1: The *Non-Identity Problem*, Mary's future child

To better understand the challenge that the *Non-Identity Problem* presents to our moral intuitions, consider the following thought experiment. Mary wants to conceive a child. The

[1] M.A. Roberts, The Nonidentity Problem (Stanford Encyclopedia of Philosophy, 2024)

doctors tell her that if she conceives a child now, that child will be born with a non-life-threatening disability. However, if she waits a few more months, she can conceive a healthy child. For the sake of the argument, we can assume that Mary will not suffer from caring for the disabled child. The disabled child will have a significantly lower quality of life than the able child, though both children's lives would be worth living (preferable to never existing at all)[2]. Intuitively, it seems clear that Mary should wait because that will lead to a better life for her child.

However, the *Non-Identity Problem* challenges this intuition. If Mary chooses not to conceive a child now, the child that she would have had if she were to conceive now will never exist. This is because the child she will conceive in a few months will not be identical to the child she could have now, as that child will have different characteristics (e.g. not be disabled), different genetic structure, etc. Therefore, by choosing not to conceive now, Mary seems to be choosing between the child being disabled and the child not existing at all, as opposed to choosing between having a disabled or an able child[3]. Hence, by conceiving the child now, Mary will not be making that child worse off. Instead, plausibly, she would be making that child better off, as we have stipulated that their life, despite the disability, will be worth living. Therefore, it seems that Mary is not morally obliged to wait to conceive a healthy child.

Using this thought experiment, we can break down the *Non-Identity Problem* into the following set of assumptions, premises and conclusions:

Assumptions:

[2] Derek Parfit, Reasons and Persons (Oxford: Oxford University Press, 1986): at 357-59
[3] Parfit, Reasons and Persons, at 351-59

1. Both the child conceived now and the child conceived in a few months will be better off living with their respective qualities of life than not existing at all
2. Mary, nor any other agent whose existence is not caused by the birth of the child, is not worse off due to the child having a disability
3. Mary's only two options are to conceive now or in a few months

The underlying argument of the *Non-Identity Problem*:

P1) If Mary conceives now rather than in a few months, her child will not be worse off, as they will have a life worth living and would otherwise not exist at all

P2) An act (A1) cannot be worse than another act (A2) if there is no one for whom that act (A1) is worse

C1) Thus, it is not worse for Mary to conceive now

P3) An act cannot be wrong if there is no better alternative to it

C2) It is not wrong for Mary to conceive the child now

A good solution to the *Non-Identity Problem* will satisfy the following two criteria. Firstly, it will successfully challenge the validity of the above argument or refute at least one of its underlying premises. Secondly, it will provide an alternative principled and persuasive approach to reaching the intuitive conclusion in ethical dilemmas, thus having to withstand key objections.

Section 2: Solution to the *Non-Identity Problem*, appeal to utility

Utilitarianism separates moral value from specific moral agents and places it exclusively on the promotion of utility. In this essay, I will view greater utility as meaning greater total well-being. As mentioned, a good solution to the *Non-Identity Problem* would satisfy two criteria: identify the flaw that causes the problem to occur and provide a plausible alternative

approach. In this section, I will address both criteria by first explaining how utilitarianism aims to solve the *Non-Identity Problem* and then evaluating the persuasiveness of utilitarianism by considering the main objections to it.

A utilitarian approach solves the *Non-Identity Problem* by rejecting Premise 2 (P2) of the underlying argument. It suggests that whether an action makes any specific agent worse off or not is morally irrelevant, as even an action that does not make any particular agent worse off can be morally wrong if an alternative action produces greater overall utility. In the context of the Mary's future child thought experiment, conceiving now would be wrong because the child that would be born would have a lower level of well-being than the child conceived a few months later. Appealing to utility in this case would therefore lead to the intuitive conclusion that Mary should wait because, ceteris paribus, she would be promoting a world with greater overall well-being.

Section 3: The Demandingness Objection

Appealing to utility to solve the *Non-Identity Problem* would be a good approach if it does not lead to counterintuitive conclusions of its own. The demandingness objection claims that utilitarianism compels us to perform certain actions that intuitively seem optional by arguing that choosing not to do them is morally wrong[4]. Applying the demandingness objection to the Mary's future child thought experiment, the utilitarian approach seems to imply that Mary is morally obliged to have children, possibly even many of them, as that would presumably increase total well-being. Intuitively, the decision feels personal, and that one is not blameworthy for their choice. Therefore, appealing to utility seems like a bad solution to the *Non-Identity Problem*, as it reaches a different counterintuitive conclusion.

[4] Andrea Sauchelli, Rule Consequentialism and Demandingness: The Wrong Solution(s)? (Cambridge: Cambridge University Press, 2025), at 211-24

The demandingness objection, though seemingly compelling, leaves the utilitarian several persuasive responses. Firstly, it is uncertain if having many children will lead to greater total well-being. Whilst having more children increases capacity for utility, it also has the potential to cause disutility or leave that additional capacity unfulfilled. Furthermore, the very idea of compelling families to have children may itself cause enough disutility as to not be viable according to utilitarianism, for example, due to people viewing morality as too demanding and intrusive and thus rejecting it altogether. Therefore, claiming that utilitarianism demands having children is a generalisation which is often inaccurate for individual cases.

Secondly, having established that utilitarianism does not always compel having children, I argue that the theory satisfies our intuition that such a choice is personal. The framework for this argument is provided by J.S. Mill, who argued in 'On Liberty' against paternalistic laws in part because the individual is superior to the state in judging what is best for them[5]. The utilitarian approach is limited to claiming that the right decision is the one that promotes the greatest total utility. Since it is impossible to accurately calculate the net utility of having an additional child, it is very plausible that the parents themselves are the best judges of that utility, as they are best familiar with the unique circumstances and environment in which they and their children would exist. Therefore, even if the theoretical guidance of utilitarianism is demanding, the process of moral decision-making in practice, even under a utilitarian view, is compatible with our intuitions.

Section 4: Derek Parfit's *Repugnant Conclusion*

Another challenge to utilitarianism is presented by Derek Parfit in what he calls the *Repugnant Conclusion*[6]. Parfit asks us to imagine two possible worlds. In world A, 1 million people exist, each having a well-being level of 100. In world B, 10 billion people exist, each

[5] John Stuart Mill, On Liberty (Cambridge: Cambridge University Press, 2011), at 47-52
[6] Parfit, Reasons and Persons, at 381-90

on well-being level 1. The values attributed to well-being are 'scores' of well-being, where 1 is a little better than not existing at all, and 100 is a lot better than not existing at all. Intuitively, it might seem that world A is better than world B, because people in world A are substantially happier than people in world B. However, a utilitarian is forced to contradict that intuition, instead preferring world B, because the sum of well-being in world B exceeds that of world A. To Parfit, this conclusion clashes with our moral intuitions so much as to be 'repugnant'[7].

However, I argue that the *Repugnant Conclusion* objection is not the sword utilitarian approach dies on because the process by which our intuitions in the two-world case are formed is fundamentally flawed. Our moral intuitions are determined by us putting ourselves in the shoes of the affected agents. For example, in the case of Mary's future child, we put ourselves in the shoes of Mary and her child and decide that we would rather she wait to conceive a healthy child. Similarly, the reason why world A is intuitively better than world B is that we would rather be in the shoes of the inhabitants of world A than world B, seeing as that would mean we would have a happier life.

However, the process by which our moral intuitions are formed is biased towards quality over quantity in the two-world case. I propose viewing the dilemma in the following way to eliminate that bias. There are two options: 1) with probability x, you can be an inhabitant of world B and have a life with a well-being score of 1, or 2) with probability x/10000 (or 0.0001x), you can be an inhabitant of world A with a well-being score of 100 and with probability 0.9999x, you will not exist at all. By viewing the dilemma in this way, we accurately account for the numerical difference in population of the two worlds, and the superiority of world A to world B no longer seems obvious. Therefore, the 'repugnant' nature

[7] Parfit, Reasons and Persons, at 381-90

of the utilitarian conclusion to the two-world dilemma is a product of a flawed understanding of the dilemma rather than evidence of a flawed nature of utilitarianism itself.

Conclusion

The *Non-Identity Problem* presents a challenge to moral decision-making that affects future agents who are themselves brought into existence by the decision. I established that a good solution would both refute the underlying argument of the *Non-Identity Problem* and provide a persuasive means of reaching intuitive moral conclusions. I argued that a good solution is appealing to utility, thereby anchoring morality in total well-being rather than the well-being of individual agents. This helps refute a key premise of the underlying argument of the *Non-Identity Problem*, namely that an act cannot be worse than another act if there is no one for whom that act is worse. I then evaluated the utilitarian approach's ability to reach positive intuitive conclusions by considering two main objections to it and explaining why they are insufficiently damaging to the utilitarian theory. Therefore, the utilitarian approach meets the criteria for a good solution to the *Non-Identity Problem*.

Bibliography

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