



# The non-identity problem and Shiffrin

Reuven Brandt

Department of Philosophy, UCSD

April 15 2025

# When is reproduction harmful?

Denying a premise:

- ☐ 'no harm, no foul' principle (wrongdoing only in cases of harm)
- ☐ **Counterfactual account of harm**
- ☐ Time-dependency claim (gamete-dependency claim)
- ☐ Permissibility of creating offspring in the cases described

# Problems with counterfactual harm

- Harm does not seem to be only about comparing the difference between possible final states
  - Taxi Driver
  - Two Bullies
  
  - Justin Bieber example

# Shiffrin on Harm

## ■ Harm:

“involves the imposition of a state or condition that directly or indirectly obstructs, prevents, frustrates, or undoes an agent’s cognizant interaction with her circumstances and her efforts to fashion a life within them that is distinctively and authentically hers—as more than merely that which must be watched, marked, endured or undergone. To be harmed primarily involves the imposition of conditions from which the person undergoing them is reasonably alienated or which are strongly at odds with the conditions she would rationally will” p. 123-124

# Shiffrin on Harm

- Benefit: Anything that advances an agent's interests
- Pure benefit: Benefit that does not arise by virtue of diminishing/removing/preventing a harm
- NOTE: For Shiffrin, it is possible for an individual to be both benefitted *and* harmed by the same action

# Rescue re-examined

- Rescued is harmed, but the harm is imposed by Firefighter in order to prevent a greater harm – being burned alive
- Imposing harm when consent cannot be sought is acceptable only if it is to avoid a greater harm
- But is this so in the case of pure benefit?
  - Broken arm for increased intelligence
  - Wealthy, Unlucky, and the gold bullion
- Harming for the sake of pure benefit is:
  - Simply wrong (strong version)
  - Acceptable only if the individual bringing about the harm is prepared to compensate the person harmed (weaker version)
  - Is the weaker version defensible?
  - Why not think that part of the benefit IS compensation?

# Some possible solutions:

- Hypothetical consent?
- Bite the bullet?
- Compensation is 'contained' in the benefit?

# What does this mean for reproduction?

- Even if bringing an individual into existence results in overall benefit, it certainly does not prevent a greater harm
- Bringing children into existence certainly exposes them to serious harm
  - Physical pain
  - Psychological distress
  - “Life is pain, highness. Anyone who says differently is selling something” – Princess Bride
- It seems that all children have, at least in principle, grounds for complaint!
- Implications for assisted reproduction?



# What does this mean for reproduction?

- “All I mean to advance is the claim that because procreation involves a nonconsensual imposition of significant burdens, it is morally problematic and its imposer may justifiably be held responsible for its harmful results.” p. 139
- Does Shiffrin’s argument in fact support this claim? Is reproduction a kind of special case?

# A closer look

Can we escape anti-natalism?

- Not all non-consensual harms are wrong / create an obligation to compensate
  - Recall harming vs wronging
  - Maybe we need a separate criterion of wrongness
- Are there other problems with the view?
- The distinction between “pure benefit” and preventing harm might not be as clear as Shiffrin thinks
  - How does the bullion benefit Unlucky?
  - Many *prima facie* “pure benefits” can be re-described as preventing/alleviating harms
- Can Shiffrin’s argument account for the harm of death?



# A discussion about the non-identity problem

- Are there important differences in different kinds of cases?
  - Young parent vs disease?
- Does it matter if there are no other possible reproductive alternatives?
- What do you think the most fruitful solution is likely to be?
  - Should we just “bite the bullet”?