

The Problem of Existence

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There is a nearly universal belief that bringing someone into existence is morally permissible. In what follows, I argue that this general belief is in fact false. By formulating what I call the *risk principle*, I attempt to demonstrate that every instance of bringing a person into existence is morally impermissible. According to the *risk principle*, it is *pro tanto* wrong for one person to put an individual at risk of harm without the person's consent. I show that there is always a risk of harm in existence and it is never consented to by the one coming into existence, and it is therefore a *pro tanto* wrong to bring someone into existence. Furthermore, there are no morally relevant reasons to justify this *pro tanto* wrong. I conclude that bringing someone into existence is never morally permissible.

Albert Camus once stated that the one true issue in philosophy is whether or not we should commit suicide.¹ In this paper, I will address what is in some sense the opposite question, namely, whether or not we should bring another person into existence. This is not a playful and abstract concept I discuss; it is a serious ethical problem, and if my argument is sound, it carries with it uncomfortable ramifications. To most people the claim that it is morally wrong to bring someone into existence will seem absurd and clearly mistaken. Nevertheless, there are compelling considerations that can be offered on its behalf. In what follows I present and defend those considerations. I begin by presenting the *risk principle*

¹ Albert Camus, *The Myth of Sisyphus*, trans. Justin O'Brien (New York, NY: Vintage Books, 1955), 3.

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according to which it is *pro tanto* wrong to act as to create a risk of harm for another individual without their consent. Then, from there, I demonstrate that there is never consent when an individual is brought into existence and there is always a risk of harm. Thus, it is *pro tanto* wrong to bring someone into existence. Furthermore, there are no reasons that justify bringing someone into existence that outweigh this *pro tanto* wrong, and therefore it is always wrong to bring someone into existence. With this basic idea, it will be helpful to regiment the formal argument as follows:

The Argument Against Existence

- P1) For any person S, it is *pro tanto* wrong for S to act as to create a risk of harm for another individual without the individual's consent.
- P2) For any persons S, if S brings an individual into existence, then it's not the case that the individual consents to being brought into existence.
- P3) For any persons S, if S brings an individual into existence, then S acts so as to put that individual at risk of harm.
- C1) So, for any person S, it is *pro tanto* wrong for S to bring an individual into existence.
- P4) There are no morally justifying reasons that would outweigh the *pro tanto* wrong of bringing an individual into existence.
- C2) So, for all persons S, it is wrong for S to bring an individual into existence.

The argument is valid, and no premise is analytically true. Each premise will thus require a section dedicated to its defense, and we will begin our discussion with premise one: the *risk principle*.

I. The Risk Principle (Premise One)

For any person S, it is *pro tanto* wrong for S to act as to create a risk of harm for another individual without the individual's consent.

Before we can defend the truth of this principle, there are multiple terms that

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will require definitions, the first of which is *risk of harm*. There are various ways of understanding the notion of ‘risk’ here but the one we’ll focus on states that risk is “the probability of an unwanted event which may or may not occur.”² In our case, the unwanted event is harm. To define ‘harm’, I’ll be utilizing the comparison-based measure of harm which states that an act or an event A harms some person S only if A causes S to be worse-off than S would have been had A not taken place.³ Together, we will then give a ‘risk of harm act’ the following definition:

Risk of Harm Act: an act A that creates an above zero percent chance that a person will be worse off than they would have been had A not taken place.

At first glance, this definition might appear too broad. Many seemingly innocent actions place someone at some risk of harm. Note, however, that the premise states that these actions are *pro tanto* wrong, that is, the wrong can be outweighed by other moral considerations. Furthermore, the goal of the *risk principle* is to protect the victim of nonconsensual harmful acts. If an act is made impermissible solely by this premise (i.e., by the lack of consent) then the act can be permissible with the consent of those put at risk of harm.

So, having defined the relevant terms in the *risk principle*, we must now ask, why should we endorse such a principle? Well, imagine that I load a revolver with one bullet, spin the cylinder, and point it at a stranger’s stomach before pulling the trigger. If they’re unlucky – and they have about a 17% chance of being unlucky –

2 Sven Ove Hansson, 'Philosophical Perspectives on Risk', Techné: Research in Philosophy and Technology 8, no. 1 (2004): 1.

3 Adopted from Ori J. Herstein, "Why 'Nonexistent People' Do Not Have Zero Wellbeing but No Wellbeing at All." Journal Of Applied Philosophy 30, no. 2 (2013): 139.

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they'll end up taking a bullet to the stomach. This is an extreme example of putting someone at a risk of harm without their consent but it highlights the intuitively impermissible nature of such an action. This intuition supports the principle in cases of more minor harm as well. Let's pretend that I want to test the effects of chemical X on the human body. I know that any side effects will be minor, such as rashes and itchiness. It still seems impermissible for me to slip chemical X into my friend's morning coffee without their consent. Perhaps this could be overridden by other morally relevant considerations, such as the need to test chemical X quickly in order to cure a spreading epidemic, but the *risk principle* does not say that all instances of harm without consent are impermissible. It is *pro tanto* impermissible to put someone at risk of harm without consent. This appears well supported by intuition; in addition many philosophers have posited that it is morally wrong to treat others in ways that they do not consent to.⁴ In a similar vein, I claim that it is *pro tanto* wrong to subject others to risk of harm without consent. To reject the *risk principle* is to claim that there are no morally relevant reasons to require consent from someone before putting them at risk of harm. Such a claim would clearly be antithetical to moral intuition. Thus, I argue that the *risk principle*, being in line with moral intuitions, should be adopted.

II. Absent Consent (Premise Two)

For any persons S, if S brings an individual into existence, then it's not the case that the individual consents to being brought into existence.

First and foremost, consent can be understood in many different ways. First,

⁴ See, for instance, Onora O'Neill, 'Between Consenting Adults', *Philosophy & Public Affairs* 14, no. 3 (1985): 252-277. Also, see Alan Wertheimer, "Consent and Sexual Relations," in *The Philosophy of Sex*, ed. Alan Soble (Lanham: Rowman & Littlefield Publishers, 2008), 289-316.

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there is a distinction between *attitudinal consent* and *performative consent*. *Attitudinal consent* consists of mental states, that is, the mental state of consent. *Performative consent*, on the other hand, involves actual behavior as necessary condition of consent. This can be utterances or body language or similar performances.⁵ Yet, regardless of which model of consent we endorse, clearly neither attitudinal consent nor performative consent can be given by a nonexistent thing. A thing must exist to do the consenting. A nonexistent thing cannot give consent.

I argue, however, that there's a form of consent that can be posited as a defense of bringing someone into existence. Imagine the case of a woman in a hospital whose throat closes, causing her to lose consciousness. A nearby doctor must perform a tracheotomy on her which will cause physical harm to her body. Even while the woman cannot consent in any manner at this moment, it seems that the doctor's performing this procedure is morally permissible. He is acting under the belief that the woman would consent if she could consent. Acting on the basis of this type of *counterfactual consent* does appear to be morally permissible and the guiding principle can be formulated in the following way:

Counterfactual Consent: for any S, it is permissible for S to perform act A which creates a risk of harm for another individual without their consent only if S has a reasonable belief that the individual would consent to A if *per impossibile* they could, for instance, if they were aware of the relevant considerations.⁶

5 For a further discussion of this distinction, see Patricia Kazan, 'Sexual Assault and the Problem of Consent', in Violence Against Women: Philosophical Perspectives, ed. Stanley G. French, Wanda Teays, Laura M. Purdy (Ithaca, NY: Cornell University Press, 1998), 27-42.

6 Here I am assuming the one consenting is an ideal and rational consentor, whatever that may entail.

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It's important to note the inclusion of the qualifier "reasonable belief" is necessary.⁷ Without it seemingly impermissible behavior would be allowed.

Suppose a person drugs someone to have sex with them who, as it turns out, has a fetish for drugged sex; if this fetish is unknown to the person dosing the drug, it hardly seems appropriate not to call their behavior impermissible. Instead, the behavior can be permissible only if one has a reasonable belief that the consent would occur if possible.

So, does counterfactual consent occur when someone brings another into existence? That is, can bringing a person into existence be justified by a reasonable belief that the unborn would consent? It might seem so, upon first glance. Many of us do retroactively consent, now that we exist. Yet I argue that one cannot have a reasonable belief that the person they are bringing into existence will consent to existence. A belief in such a matter could only be reasonable if it was formed from some other knowledge of the person. For example, for the doctor performing the tracheotomy to have a reasonable belief that the woman would consent to the procedure, he would have to know that the woman is the type of person who would want to continue living. In order to form a reasonable belief about another person's preferences and desires, it is necessary to have knowledge of other relevant aspects of the person's character. To form the reasonable belief that my friend will consent to me throwing her a surprise party, I must know that she is the type of person that likes surprises and likes parties. Analogously, in order to form the reasonable belief

⁷ I won't be formulating any precise definition of what 'reasonable belief' is but I assume some legitimate justification is required for a reasonable belief. By showing that there is no legitimate justification for believing that a person will consent to existence, I can show that one cannot have a reasonable belief about the consent of a nonexistent person.

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that a person will consent to existence, we must know that they are the type of person that wants to exist. However, we cannot know this about someone who has never existed. To form reasonable beliefs about the things a person will consent to, we must know about other aspects of that person. This is impossible to know about someone who does not exist.⁸ Thus, there cannot be counterfactual consent for bringing a person into existence. Because this is the only type of consent possible for bringing someone into existence, there is never consent for bringing an individual into existence. Having established this, premise two has been defended, and we must move to premise three: the harmful state of existence.

III. Harmful Existence (Premise Three)

For any persons S, if S brings an individual into existence, then S acts so as to put that individual at risk of harm.

It does seem metaphysically possible to exist without a risk of harm and in this regard the premise may seem to fail. However, this is a paper about ethics; I am not writing as if we were living in an ideal world. It seems clear that in this world, most everyone will undergo some harm in existence which could range from a simple paper-cut to a traumatic car accident. Even in the course of a single day almost everyone experiences some harm – a headache or stubbing a toe or simply heartburn. And even if someone could somehow live their entire life without any harm, this does not entail that there was no risk of harm. If I somehow manage to avoid any harm while skiing, that does not necessarily mean that I was without risk of harm while skiing.

⁸ This assumes that we cannot create a person and entirely control their wills and desires. Perhaps counterfactual consent is possible if we create a person and somehow program their brain to consent to existence, but this seems wrong for other reasons.

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Furthermore, not only are instances of pain inevitable, but desire entails risk of harm. When we are brought into existence, we are imbued with natural desires for certain things such as food and water. There is always a risk that these desires will go unfulfilled, as many do. Other things being equal, unfulfilled desires are harmful, that is, it is harmful for a desire to be frustrated; this is the central axiom in *antifrustrationism*.⁹ So not only does existence entail risk of actual pain but it also entails risk of unsatisfied desires, desires frustrated. Risk of harm, whether actual pain or a frustrated desire, is inevitable. Thus, premise three is justified.

From these three premises we derive the subconclusion, “For any person S, it is *pro tanto* wrong for S to bring an individual into existence.” In order to justify bringing a person into existence, one will therefore need to identify a justifying reason that overrides the *pro tanto* wrong. In the following section, I will discuss these potential justifying reasons and show each fails to justify the lack of consent involved in bringing an individual into existence.

IV. Justifying Reasons (Premise Five)

There are no morally justifying reasons that would outweigh the *pro tanto* wrong of bringing an individual into existence.

There are many reasons why it is permissible to put someone at risk of harm without their consent. In this section, we will examine these justifications. I present four different situations, each one exemplifying a general principle that is supposed to override the *pro tanto* requirement for consent. My intent is to show that none of these cases permits bringing someone into existence.

⁹ Christoph Fehig, 'A Pareto Principle for Possible People' in *A Pareto Principle for Possible People*, ed. Christoph Fehig and Ulla Wessels (Berlin: Walter de Gruyter GmbH & Co., 1998), 508-543.

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Situation 1

Murry is walking down the street when he suddenly feels the urge to kill. He then pulls a knife from his pocket, grabs the nearest stranger and stabs them to death. After a trial, Murry is found guilty of this crime. It is permissible to put him in a prison or mental hospital without his consent even if doing so causes Murry emotional harm.

Situation 1 seems to signal that retribution is an appropriate justification for ignoring consent. It is permissible to punish wrongdoers without their consent. However, this situation is clearly not analogous to bringing someone into existence since a nonexistent person cannot commit a wrong for which they deserve retribution. So, there is no justifying reason found in Situation 1.

Situation 2

While in a hospital Selma's throat closes and she loses consciousness. The nearby doctor must perform a tracheotomy on her which will cause her body harm. Even while Selma cannot consent, this is permissible.

Situation 2 is simply a restatement of the counterfactual consent justification discussed earlier. As I argued there, this fails to justify bringing a person into existence because one cannot have a reasonable belief that a person would consent to something without knowing about some of their other relevant attributes but one cannot know of any other aspects of a nonexistent person and thus cannot form a reasonable belief that they would consent to existence.

Situation 3

Curtis is too scared to parachute out of a malfunctioning plane. If he does not jump, it is very likely that he will die. If he jumps, he is much more likely to live. A nearby woman, Nancy, pushes Curtis out of the plane without his consent. This is permissible.

In situation 3, Nancy ignores the lack of consent in order to raise Curtis' chances of survival and consequently lower his risk of harm. This raises a new type

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of moral justification according to which an action a person has not consented to is permissible if it protects them from harm. A formulation of this may look like the following:

Mitigation Justification: it is permissible for a person S to perform an act A that puts someone at risk of harm without their consent if the risk of harm as a result of A is less than the risk of harm if A had not been done.

Curtis had higher risk of harm inside the plane than outside the plane. Nancy thus lowered his risk of harm albeit without his consent. According to the *mitigation justification* this is permissible. Yet in the previous section we concluded that an individual always experiences some harm in existence. If they do not exist they experience no harms, granted they experience no pleasures either, but the mitigation justification is about minimizing risk of harm, not maximizing pleasure. Because there is always harm in existence, there will always be a greater than zero-percent chance of harm while in nonexistence there will always be a zero-percent chance of harm. Thus, no instance of bringing an individual into existence will minimize their risk of harm and so the mitigation justification cannot justify the lack of consent.

Situation 4

Dorris lives a very dull life and doesn't get out much and thus experiences little risk. Dorris' friend, Amy, wants Dorris to have a pleasurable experience for once in her life. So Amy forces Dorris, without her consent, to go for a drive in her car to the beach. While there is a risk that the two may crash, Dorris ends up having a great time. This was permissible of Amy.

The apparent permissibility of situation 4 rests on the very consequentialist consideration that in the end, Dorris is at a higher level of well-being than she would have been at had the two not gone on the joyride. This justification could be

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formulated as the claim it is permissible for a person S to perform an act A which puts another individual at risk of harm without their consent as long as A raises the well-being of the individual incurring the risk of harm. Yet this seems to miss a very relevant aspect of this kind of case. Consider instead if Amy had forced Dorris to join her for an immensely dangerous bout of stunt jumping in that car. Even if somehow Dorris left unscathed and was at a higher level of well-being, this seems clearly too risky to force on someone without their consent. Thus, I propose the following justification captured by Situation 4:

Well-Being Justification: it is permissible *ceteris paribus* for a person S to perform an act A which puts another individual at risk of harm without their consent if S has a reasonable belief that A will raise the well-being of the individual incurring the risk of harm

The *Well-Being Justification* seems to be the most powerful justification for bringing someone into existence. The goods of life, as opposed to the nothingness of nonexistence, seem to be adequate justification for bringing someone into existence. Furthermore, those who bring someone into existence seem to be in a position to have a reasonable belief that one will have an overall higher well-being in existence than in the nothingness of nonexistence. But I have two objections to this. First, a person's well-being in existence will at some point be worse than it would be in nonexistence, secondly, no person can ever have the reasonable belief that an individual's overall well-being will be higher in existence than nonexistence. I intend to demonstrate both of these points.

Let's begin with the claim that every person's well-being will at some point be lower in existence than nonexistence. Imagine the case of a basketball player, Yao Ming, and a philosopher, Socrates. When Ming makes his shots and scores,

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this is clearly good. But when Ming misses his shots, this is clearly bad. Socrates, on the other hand, doesn't play basketball. It's good that he isn't missing shots but is it bad that he isn't making shots? This doesn't appear to be bad. He isn't part of the game where making a shot is relevant. So, while it is good for Ming not to miss and bad for Ming not to score, it's good that Socrates isn't missing shots, but it's not bad that he isn't making shots. There is a clear asymmetry here between the pleasure of those who exist and of those who don't exist.¹⁰ It's bad for those who exist to miss out on pleasure but it's not bad for the non-existing persons to miss out on pleasure because there's nobody to miss out on pleasure. Analogously, Socrates just isn't part of the game where making shots is a good. So, it isn't bad that he isn't making any shots. Yet, while it's not bad that he isn't scoring, it is good that he isn't missing. It's a good thing that Socrates isn't out on the court missing every shot while the fans boo him and throw drinks at him. So, while Ming is in states of good when he makes shots and bad when he misses, Socrates is in states of good while he doesn't miss and not bad when he doesn't score.

As demonstrated earlier, every life has some harm in it. There's good as well, but this means that each life has good and bad (like Yao Ming playing basketball, making and missing shots). Nonexistence on the other hand has good (missing the bad) and not bad (missing the good). So, bringing someone into existence will lower their well-being to bad when they experience harm in life, while in nonexistence they will never be at a bad state with respect to well-being. Thus, bringing someone into existence will always lower their well-being at some

¹⁰ In this response to Situation 4, I draw from David Benatar's Better Never to Have Been. The Harm of Coming Into Existence, Oxford, UK: Oxford University Press, 2006. My basketball analogy is an adaptation of his example.

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moment (of existence).

One could easily object that the pleasure in life outweighs the pain. If Dorris was to scratch herself on the car door and have her well-being lowered at that moment, one could still call the joyride permissible as long as her overall well-being was higher in the end. So now we come to the second objection raised by the Well-Being Justification and must ask whether one can have a reasonable belief that the person one brings into existence will have an overall higher level of well-being than they would in nonexistence. I argue that one cannot ever have this reasonable belief. It is not an unrealistic possibility that a person will undergo a torturous amount of pain in life. People constantly get into car accidents, starve, freeze, burn, drown, get stabbed, get shot, get raped, get devoured, get assaulted, get strangled, get tortured, and so on. We're already aware that bringing someone into existence will lower their well-being at least at some point but it's entirely possible that their overall well-being will be lowered as well. Life is long and unexpected, and a lot could happen to that future person who is brought into existence. Is it reasonable for anyone to believe that none of these events will happen to the person that they have brought into existence? I argue that no individual is in the epistemic position to have this belief. It's entirely possible to know how to reduce the chances of these torturous events occurring but it's not possible to be reasonably sure that these events won't happen. If I bring someone into existence, I cannot be sure that they won't get involved in an accident where they're left mutilated afterward. This could occur completely unexpectedly while they're simply walking down the street thirty years after coming into existence. One cannot be in an epistemic position to form reasonable beliefs about an

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individual's well-being across the span of their entire life. Thus, the Well-Being Justification does not outweigh the *pro tanto* wrong of bringing someone into existence, and there are therefore no justifying reasons that outweigh this *pro tanto* wrong.

V. Objections

The most obvious objection not discussed in the above sections is this: how can we make claims about being worse off in existence when in nonexistence one seemingly has no level of well-being from which to become worse off? To capture an aspect of this objection, Ori Herstein argues that nonexistent persons don't have a well-being level of zero but instead have no level of well-being at all.¹¹ Compare someone who has a bank account with no money in it to someone without a bank account. While the former individual has a balance of zero, it would be wrong to say that the latter also has a balance of zero. She has no balance, not a balance of zero. Likewise, a nonexistent person doesn't have a well-being value of zero, but no well-being at all.

With this clarification we can return to our objection: it seems wrong to say that one can become "worse-off" by coming into existence. After all, how can we say that something with no value can become worse or better? These terms seem to apply only to things with some value by which to measure change. But consider someone who is being tortured who claims that they would be better off dead. It seems entirely possible for life to be so bad that ceasing to be is preferable, and if it is intelligible to claim that one would be better off dead, then it is just as

¹¹ Ori J. Herstein, 'Why "Nonexistent People" Do Not Have Zero Wellbeing but No Wellbeing at All'. *Journal Of Applied Philosophy* 30, no. 2 (2013): 139-140.

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intelligible to claim that one would be better off never having been.¹² If in certain circumstances nonexistence after life can be thought of as better than life, the same can surely be said of nonexistence before life.

Return again to the bank account example. Imagine that you have a bank account that is in extreme debt. If closing this account eliminated your debt, it would surely be sensible to say that it would be better for you to close this bank account, even if by doing so you move to no balance instead of a balance of zero. Likewise, if you knew that opening a bank account would put you into extreme debt, it is sensible never to open that bank account. Dropping the analogy, while nonexistence is a state of no well-being, in the right circumstances it surely makes sense to say that it can be better for you to die than to continue living. The same can be said for the nonexistent before birth. Thus, there is no weight to this objection. Just as it is intelligible to claim that one would be “better off” dead, it is entirely sensible to claim that one is “worse-off” by coming into existence.

VI. Conclusion

As I said at the beginning of this paper, this argument is one that many will find mistaken. However, I believe that I have put forward a compelling reason to adopt the controversial conclusion that bringing an individual into existence is always morally impermissible. The risk principle claims that it is *pro tanto* wrong for one person to put another individual at risk of harm without their consent. This seems to align well with moral intuition and I believe that it will be hard to reject. Furthermore, I have demonstrated that no one consents to being brought into

¹² Noted by Joel Feinberg, 'Wrongful Life and the Counterfactual Element in Harming' in *Freedom & Fulfillment*, edited by Joel Feinberg, 3-36. Princeton: Princeton University Press, 1992.

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existence, even when multiple types of consent are considered. I have also demonstrated that there is always risk of harm in life, be it clear instances of pain or the existence of frustrated desires that are always present in life. On the basis of these points I could demonstrate that it is *pro tanto* wrong to bring someone into existence. Finally, I have shown the failure of multiple attempts to provide reasons that outweigh this wrong. Thus, the undesirable conclusion is this: every instance of bringing someone into existence is morally wrong.