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## **How it makes a moral difference that one is worse off than one could have been**

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### **Abstract**

In this article, I argue that it makes a moral difference whether an individual is worse off than she could have been. Here I part company with consequentialists such as Parfit and side with contractualists such as Scanlon. But, unlike some contractualists, I reject the view that all that matters is whether a principle can be justified to each particular individual, where such a justification is attentive to her interests, complaints, and other claims. The anonymous goodness of a distribution also matters. My attempt to reconcile contractualist and consequentialist approaches proceeds via a series of reflections on cases.

### **Keywords**

contractualism; consequentialism; complaints; non-identity problem; Parfit; no difference view

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d1</b>	71	50	
<b>d2</b>		70	50

**Figure 1.** Case 1.

Suppose, in Case 1 above, that you will adopt two children: dizygotic twins, who will be born a year from now.<sup>1</sup> One of the pair will be a particular individual whom I shall call ‘Beth’. You must now choose between two options: d1 and d2. If you choose d1, Beth will have a syndrome that will lead to her premature death at the age of 50, but have no further adverse effects. If you choose d2, you will make Beth much better off than she would have been because she will not have this syndrome and will live till the age of 70.

Matters are complicated by the fact that your choice between d1 and d2 will make a difference to the identity of the other twin. In the event that you choose to make Beth much better off than she would otherwise have been (d2), the other twin who will be conceived will be an individual whom I shall call ‘Cathy’, who will die prematurely at the age of 50 of the same syndrome. If you choose d1, in which Beth dies of this syndrome at 50, the other child will be a different individual, whom I shall call ‘Ann’, who will live till the age of 71.<sup>2</sup> I shall assume that, however many years any of these children live, they will be (equally) happy and healthy ones,

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<sup>1</sup> This case is modelled on Derek Parfit’s (2011: 223) *Case Three*. A difference, however, is that Parfit’s ‘Harry’, who is otherwise analogous to Ann, would live till 70 rather than till 71, and hence the two distributions in Parfit’s case are anonymously equivalent in a manner that I define below.

<sup>2</sup> In case it makes a difference, I stipulate that Ann would arise from a different ovum from Cathy.

and that the number of years any child lives corresponds to the interpersonally comparable cardinal level of welfare that this child enjoys over her lifetime.<sup>3</sup>

### **Anonymous versus person-tracking approaches to morality**

Should you opt for d2, in which Beth lives for twenty more years than she otherwise would have? Not according to the *No Difference View* that Derek Parfit endorses. On this view, ‘it makes no [moral] difference whether, because ... future lives would be lived by the same people, ... acts would be worse for these people’ (Parfit 2011: 219). Hence, we should pay no attention to what would otherwise have happened to particular individuals when we engage in an assessment of the merits of any given distribution of benefits that would be the upshot of your choice regarding Beth’s longevity. In particular, we should accord no moral significance to the fact that, if you choose d1, then Beth will be much worse off than she would otherwise have been. We should instead assess distributions d1 and d2 in a manner that strips away information regarding who in particular, if anyone, would have been better or worse off in the alternative.

Under this sort of *anonymous* assessment – by which I mean an assessment that doesn’t track the fates of particular individuals – all that is morally relevant is that, under d1, one child will live till 71 and the other child will live till 50, whereas under d2, one child will live till 70 and the other child will live till 50.<sup>4</sup> By opting for d2, you would bring about what is known as

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<sup>3</sup> The proposals that I shall consider in this paper will be confined, in their application, to cases involving non-negative levels of welfare over a lifetime, which is to say, to lives that are worth living.

<sup>4</sup> What I call an ‘anonymous’ assessment, Parfit (2011: 227–228) calls an assessment that takes account only of ‘impersonal goodness’. Since such goodness paradigmatically consists of people’s lives going well – their flourishing, the satisfaction of their needs, their freedom from suffering, etc. – I think it misleading to describe it as

an *anonymously Pareto inferior* outcome. This is an outcome where at least one position in the distribution of well-being is worsened, and no position is improved, where each position is anonymously identified by its ordinal rank from highest to lowest in terms of the well-being of the person who occupies it, and positions are not necessarily occupied by the same person across different possible distributions. In this case, the position of the child who would fare best is worsened if you choose to make Beth better off, as the child who occupies that position would live till 70 rather than till 71. No position is improved if you benefit Beth, since the child who would fare second-best will live till 50 whichever choice you make. It follows from such anonymous Pareto inferiority that benefitting Beth also fails to maximize overall utility: in this case, by yielding 120 life years rather than 121. I shall assume, throughout this paper, that, whenever one distribution is anonymously Pareto superior to another distribution, it is also *anonymously better*, by which I shall mean *more choiceworthy, all morally relevant anonymously assessable factors considered*.<sup>5</sup>

A commitment to the anonymous assessment of distributions unites a family of broadly consequentialist moral theories, including utilitarianism and prioritarianism. Such a commitment also characterises various egalitarian approaches that regard a more equal pattern of a distribution as a good in itself. In all such theories, the following is irrelevant to an assessment of

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impersonal. Though not impersonal, such goodness is *non-person-tracking* insofar as its magnitude is insensitive to whether particular individuals are better or worse off than they otherwise would have been.

<sup>5</sup> The anonymous Pareto superiority of one distribution to another is a sufficient, but not a necessary, condition of its anonymous betterness. One of two anonymously Pareto non-comparable distributions might be better than the other. For example, a two-person distribution in which one person lives 70 years and another lives 69 years is anonymously better than a two-person distribution in which one person lives 71 years and the other lives 20 years, even though the former is not anonymously Pareto superior to the latter.

the strength of the moral reasons you have to bring about different possible distributions of well-being among individuals: facts regarding how any particular individual would fare in the one distribution versus the other – or whether the individuals who would exist in the one distribution would even exist in another distribution. This approach is common among moral theorists who are influenced by economics.<sup>6</sup>

For a different set of moral theories, which might be broadly described as contractualist, how particular individuals would fare under different possible distributions is crucial to the assessment of the strength of the moral reasons you have to bring about one or another distribution. The root reason why this is so is that, on such a contractualist approach, moral principles are sound just in case they are justifiable to each person, where such a justification is attentive to the interests, complaints, and other claims of the individual in question.<sup>7</sup> In justifying a principle to a given individual, the question of how well or badly he or she would have fared under the alternative principles under consideration is key.

We can see, therefore, that the embrace versus the rejection of anonymous assessment marks an important divide in moral theories. These two approaches might also appear to be in irresolvable conflict, involving a clash of intuitions regarding fundamental matters. In what follows, I shall attempt to bridge the divide. I shall argue that it makes a moral difference whether an individual is worse off than she could have been. Here I part company with those

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<sup>6</sup> See Broome (2004: 135), where he assumes such an approach and describes it as involving a commitment to impartiality.

<sup>7</sup> For an approach along these lines, see Scanlon (1998).

whom I have called ‘consequentialists’ and side with those whom I have called ‘contractualists’.<sup>8</sup> But, unlike some contractualists, I shall reject the view that *all* that matters is whether a principle can be justified to each individual in the manner sketched in the previous paragraph. The anonymous goodness of a distribution also matters.<sup>9</sup> I shall propose a reconciliation of a consequentialist approach, which places importance on anonymous goodness, with a contractualist approach, which offers a justification to each that attends to how each person would fare otherwise. This reconciliation will proceed via a series of reflections on the case with which I began this paper, plus variations on this case.

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<sup>8</sup> These contrasting approaches might best be regarded as ideal types rather than views held by any actually existing moral theorists who embrace the labels. My characterization is especially likely to be an idealization in the case of contractualism. Interestingly and perhaps tellingly, Rawls’s (1971) own contractualism yields a difference principle that assesses distributions anonymously: the worst off, whoever in particular they might be, must be as well off as possible. But some of Rawls’s arguments on behalf of the difference principle imply that the worst off group is to be picked out non-anonymously and the fates of the particular individuals who constitute this group tracked across different distributions. See Broome’s contribution to Appendix H of Parfit (1987: 492–493), and see Rawls (2001: 69–70) for a response to Broome.

<sup>9</sup> In declaring that both of these factors matter, I endorse a version of what Parfit (2011: 226) calls *Temkin’s View*, according to which ‘what we ought to choose depends in part on the [anonymous] goodness of the outcomes of our choices, and in part on whether any of the people involved would have a *personal complaint*, because this outcome is worse for this person than some other possible outcome would have been’. The version that I endorse departs from the versions that Parfit considers and, as I indicate in note 19 below, that Temkin would himself endorse. It departs in a manner that wards off objections to that view that Parfit presses in the examples that I mention in note 14 below.

## **The moral significance of personal complaints**

As I mentioned above, Parfit's moral commitments imply that, in Case 1, you ought to choose d1 on the following grounds: once we abstract from person-tracking considerations to which the No Difference View gives no moral weight, the remaining anonymous moral factors decisively favour that distribution. I would maintain, contrary to the No Difference View, that one can offer the following morally weighty complaint on Beth's behalf against d1: contrary to nobody else's claims, Beth would be deprived of the considerable benefit of twenty additional happy, healthy years of life if you choose d1, in which Beth suffers from the syndrome. Admittedly, Cathy will be conceived and die prematurely at 50 of the same syndrome if you choose to benefit Beth. However, although Cathy will die prematurely in this case, she will nevertheless have a life worth living that could not have been any better for her. Hence benefitting Beth would not be at Cathy's expense. If you refrain from benefitting Beth, Ann will be conceived and live to the age of 71. But Ann has no claim to be brought into existence and no complaint if, as the result of your benefitting Beth, she never exists.

Beth's coming into existence is a *fait accompli*. Ann's existence, by contrast, is dependent on your choice regarding whether or not to benefit Beth.<sup>10</sup> The fact that Ann's existence is dependent on your choice is morally significant for the following reason. You can ensure, simply by opting to benefit Beth, that Ann will never exist. In the event that you opt to benefit Beth, Ann will be nothing more than a possible person, and never an actual person. It would, moreover, be a mistake to maintain that such a merely possible person might have any standing to complain about your failure to bring her into existence. A merely possible person is nothing more than the eternal absence of a person whose actual existence was also possible. An

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<sup>10</sup> The same is true of Cathy. Her existence is also choice-dependent.



absence of a person is not anyone. It's no one and nothing, and so lacks any moral standing to complain. To assume that an absence of a person is someone with moral standing is to take a metaphor – ‘possible person’ – and transform it into a pale, ghostly person (see Otsuka 2012: 373 and Temkin 2012: 416–434).

Beth, by contrast, would have a complaint against d1 that is grounded in the fact that she is guaranteed to be an actual person, whichever of the choices available to you that you make. You should not sacrifice Beth's actual interest in being much better off in d2 than she would be in d1, which is the only other option over which you have any control, for the sake of bringing someone else (Ann) into existence in d1 who has no claim to be brought into existence and whom you would not wrong by failing to bring her into existence.

Here's a way of making this last point. Suppose that these were your options:

	<b>Beth</b>
<b>d1</b>	50
<b>d2</b>	70

**Figure 2.** Case 2.

In other words, suppose that you will adopt a single child who will inevitably be born in a year. That child will be a particular individual named Beth. But you have a choice as to whether Beth lives till 70 or dies at 50. Assuming that the choice will be costless for everyone, it is clear that you ought to choose d2. Moreover, the fact that the sum total of well-being would be higher in d2 than in d1 does not fully explain this conviction. For consider the following case:

	<b>Ann</b>
<b>d1</b>	71
<b>d2</b>	

**Figure 3.** Case 3.

Here you are deliberating as to whether to adopt a single child who would not otherwise be created. If you choose to bring this child into the world, that child will live till 71. In this case, you are not morally obliged to choose d1 over d2. One is not obliged to bring a child into the world rather than none, simply because the child one brings into the world would lead a relatively long and happy life and therefore the sum total of well-being that people enjoy would be higher.

Now let us, as it were, combine the above two cases, to produce the following case:

	<b>Ann</b>	<b>Beth</b>
<b>d1</b>	71	50
<b>d2</b>		70

**Figure 4.** Case 4.

It remains true, when we combine these two cases, that you have no moral obligation to bring Ann into existence by choosing d1. Insofar as Beth is concerned, the strong reason you have to choose that she live 70 rather than 50 years also remains. Since bringing Ann into the world is morally optional – we do not have a duty to bring more and more happy people into the world – I would maintain that you ought to confer the benefit of longer life on the child, Beth, who is

going to live in any event, rather than bring a second child into the world. I would maintain that you ought to do this even though the sum total of utility would be so much higher in d1 rather than in d2 in this case.

Someone who is familiar with paradoxes of population ethics might interject at this point to say that here the case against d1 doesn't necessarily depend on Beth's complaint that this alternative renders her less well off than she could have been. Rather, it might instead be traceable to the fact that d1 involves a larger population than d2. We have learned from Parfit (1987: 387–390) that an obligation to bring more and more people into existence whose lives are worth living, thereby expanding the overall size of the population, can lead to a repugnant conclusion that we ought to bring about a universe filled with an enormous number of beings with lives barely worth living, and nobody with a life that exceeds this low level. An egalitarian might also chime in and note that d1 brings about a highly inequalitarian distribution, which is lacking in d2, thereby offering a further explanation of the case against d1 that is not based on Beth's complaint that this alternative renders her less well off than she could have been. There might also be the following sufficientarian objection to d1 in particular, which is also not based on Beth's aforementioned complaint. It might be claimed that 50 years is not good enough. It is a life too foreshortened, irrespective of whether it could have been any longer.<sup>11</sup>

We can eliminate, in one fell swoop, all three non-complaint-based grounds for choosing d2 over d1 in Case 4 by transforming this case back into Case 1, via addition of its third column. In Case 1 (see Figure 1 above), the overall size of the population remains the same, no matter what one chooses. In so confining ourselves to same-size populations, we avoid the

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<sup>11</sup> This needn't be an absolutist claim. It might be that 50 years is insufficient, given that this falls below the actual norm, though it would not have been insufficient had that been a fairly normal lifespan.

aforementioned repugnant conclusion.<sup>12</sup> Case 1 also renders the two distributions roughly equally unequal. The inequality in d2 is somewhat less bad than the inequality in d1, but this badness is all things considered outweighed by the goodness of the extra utility in d1.<sup>13</sup> Things are also equalized insofar as the insufficiency of a life foreshortened to 50 years is concerned, as there is exactly one such life in either alternative.

Matters are now no longer overdetermined against d1, yet the force of Beth's complaint against this option remains. Her complaint that she is less well off than she could have been is sufficiently strong here to outweigh the countervailing loss of one life year in the move to the anonymously Pareto inferior outcome d2 that is the upshot of heeding her complaint. So you ought, all things considered, to choose d2 in Case 1. You should do so on the strength of Beth's complaint against d1, which is not overridden by contrary considerations.

In Case 1, an invocation of Beth's morally weighty complaint against d1 seems indispensable to the justification of an obligation to select d2. But difficulties arise for an approach that takes such complaints so seriously when we turn our attention to cases such as the following:<sup>14</sup>

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<sup>12</sup> Taking account of the moral force of claims might, however, lead to a repugnant conclusion of a different sort, involving a downward spiral. I address this worry below.

<sup>13</sup> More precisely, it is all things considered outweighed, so long as one's egalitarianism is not so strong that one thinks one ought to level down, all things considered.

<sup>14</sup> See Parfit's (2011: 228) *Case Six*, and the case he discusses in his (2011: 754) note to p. 230, for examples that raise similar problems for an approach that accords moral weight to complaints.

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>	<b>Dana</b>
<b>d1</b>	71	50		
<b>d2</b>		70	50	
<b>d3</b>			69	50

**Figure 5.** Case 5.

Whereas Cases 2-4 were, so to speak, contractions of Case 1, here we encounter what might be described as an expansion of that case. In terms of the people who would be alive and their levels of well-being, the first two options, d1 and d2, are the same as in Case 1, but a third option has been added. In reflecting upon Case 5, many will be drawn to the conclusion that one ought to choose the anonymously best d1. That is the conclusion to which I am drawn.

Here is an argument on behalf of d1. It begins with the concession that d3 has the following significant virtue which is absent from d1: d3 lacks any complaint against it, whereas Beth has a significant complaint against d1. If, however, one chooses d1 over d3, one chooses something that is better for Beth than that alternative, given that she has a life worth living in d1 but would not have existed had d3 been chosen instead.<sup>15</sup> Therefore Beth's complaint against d1, in the event that it is chosen, does not provide sound reason to condemn such choice of d1 over d3, since choosing d3 would not have satisfied this complaint. Only choosing d2 over d1 would have satisfied Beth's complaint against d1. It is difficult, however, to justify the choice of d2, since, not only is it anonymously inferior to d1, but choosing d2 would give rise to a complaint of Cathy's that is just about as strong as Beth's complaint against d1.

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<sup>15</sup> See Arrhenius and Rabinowicz (2010) for a defence of the claim that someone who exists is better off than non-existence.

Some will press the following objection that choosing d1 cannot be reconciled with taking complaints seriously. Each of d1 and d2 has a significant and roughly comparable complaint against it, whereas d3 lacks any complaint against it, and d1's anonymous superiority to d3 is not by such a wide margin. Hence, it might be argued, if (as I do) one takes complaints seriously, one is compelled to choose d3 over either d1 or d2.

### **An Existential-Choice-Tracking Proposal**

In this section, I shall propose a general approach to complaints, which overcomes the aforementioned challenge which Case 5 poses. This approach draws a moral distinction between two types of complaint. It does so in a manner that justifies choice of the anonymously best option in scenarios such as Case 5, while heeding complaints even at a sacrifice of anonymous goodness in scenarios such as Case 1. I begin with some preliminary remarks to motivate this proposal.

I noted above, in my discussion of Case 1, that the moral force of a person's complaint is especially strong when that person's existence does not depend upon your choice.

This is not to say that a person's complaint against a distribution has *no* force when her existence depends upon your choice. For if one says this, then, counterintuitively, Beth has no complaint if one chooses d1 rather than d2 in the following one-person case:

	<b>Beth</b>
<b>d1</b>	50
<b>d2</b>	70
<b>d3</b>	

**Figure 6.** Case 6.

Here, as in Case 3, Beth's existence is not independent of your choice because you are choosing whether to bring a single child into the world or none. But, unlike Case 3, you can make a difference to the quality of the life of the single child whom you might bring into the world. If you choose d2, this will give rise to no conflict between the satisfaction of complaints and anonymous goodness: As well as satisfying Beth's complaint against d1, d2 is anonymously best. One might hypothesize that perhaps here anonymous considerations are doing all the work: i.e., it is not at all by virtue of Beth's complaint that you have reason to choose d2 over d1, but simply by virtue of the fact that d2 is anonymously better than d1.

I disagree, since there is, intuitively, stronger reason to choose d2 in Case 6 than in a case such as this one:<sup>16</sup>

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<sup>16</sup> See McMahan (2013: 19), who offers a justification for such an intuition regarding an analogous pair of cases.

	<b>Ann</b>	<b>Beth</b>
<b>d1</b>		50
<b>d2</b>	70	
<b>d3</b>		

**Figure 7.** Case 7.

It is plausible to maintain that complaints make a moral difference when things are otherwise equal in terms of anonymous goodness, as they are in Case 6 versus Case 7: Beth’s complaint against d1 in Case 6 provides stronger reason to choose d2 over d1 in Case 6 than we have to choose d2 over d1 in Case 7.

Here now, as promised at the outset of this section, is my general approach to complaints:

**An Existential-Choice-Tracking Proposal:**<sup>17</sup> (i) When someone’s existence is choice-independent, her complaints are morally weighty. They are sufficiently weighty that they are often capable of overriding anonymous moral considerations that tell in the other direction.

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<sup>17</sup> What I call an ‘Existential Choice’ is simply a choice that makes a difference to whether or not someone exists. It needn’t be absurd, angst-ridden, or radically free, and you should suppress all associations with mid-twentieth-century French philosophy as you read on.



(ii) When, by contrast, someone's existence is choice-dependent, her complaints retain moral weight. But this weight is greatly reduced in comparison.<sup>18</sup> Such complaints are never sufficient to override anonymous considerations that pull in another direction.<sup>19</sup>

Clause (i) captures the judgment that you have decisive moral reason, in Case 1, to heed Beth's complaint by choosing d2. Clause (ii) captures the intuition, as revealed by a comparison between Cases 6 and 7, that Beth's complaint still retains some moral weight even when her existence is choice-dependent. Clause (ii) also captures the judgment that, in Case 5, the anonymously best d1 should be chosen. I believe that this Existential-Choice-Tracking Proposal also handles all of the troubling cases Parfit offers in *On What Matters* in defence of the No Difference View.<sup>20</sup>

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<sup>18</sup> When the complaints of those whose existence is choice-independent come into conflict with the complaints of those whose existence is choice-dependent, the complaints of the former trump the complaints of the latter. Such a priority rule was proposed by Bastian Stern in order to avoid cases involving cycling preferences that Ralf Bader has presented in discussion.

<sup>19</sup> Larry Temkin's (2012: 417) *Narrow Person-Affecting View* also draws a moral distinction between people whose existence is choice-independent and those whose existence is choice-dependent. But he draws a different distinction from the one I am drawing. Unlike me, Temkin does not distinguish the moral weight of complaints of those whose existence is choice-independent versus those whose existence is choice-dependent. Rather, Temkin (2012: 418) writes: 'while we are, in general, neutral about making people exist, if we *are* going to make a particular person exist, her interests have to count in the same way as every other existing person's, in that we must seek to make that person, like every other existing person, as well off as possible'.

<sup>20</sup> The second clause averts counterexamples to complaints involving downward spirals that Parfit presses via the two cases mentioned in note 14 above. I say more about downward spirals below.

By generating the right results in all of these cases, the proposal gains justification via the method of reflective equilibrium. It gains further support from an underlying rationale for the Existential-Choice-Tracking Proposal that I shall develop in the remainder of the section. I shall advance the hypothesis that the lesser strength of the complaints of those whose existence is choice-dependent is explained by something more fundamental: namely, whether or not there is something *worse* for someone with an unsatisfied complaint, which could reasonably have been chosen. When there is, that weakens a person’s complaint. How strong a complaint a person has against an option depends on the available alternatives, including those that are worse, and not just those that are better, for that person.

This rationale will become clearer via a consideration of cases, beginning with the following:<sup>21</sup>

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>	<b>Dana</b>	<b>Eve</b>
<b>d1</b>	71	50			
<b>d2</b>		70	50		
<b>d3</b>				30	20

**Figure 8.** Case 8.

This case is another expansion of Case 1 via the addition of a third option d3. Given the option to choose d3 in which Beth does not exist, her existence appears to be choice-dependent. But, insofar as the application of the Existential-Choice-Tracking Proposal is concerned, the addition of d3 should not be construed as rendering her existence choice-dependent. This is because d3 is

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<sup>21</sup> This case was inspired by a case that William MacAskill presented in conversation.

not a genuine moral option even if it is a possible object of choice. It would clearly be very problematic to choose d3 over either d1 or d2. There is no apparent justification here to bring two people into existence with much less good lives than the two people whom one would otherwise bring into existence. We should therefore exclude d3 at the outset, as it is not a genuine moral option for you to deliberate among. Whether a person's existence is choice-dependent or choice-independent is relative to the class of choices among which deliberation is a genuine moral option.

Here I am approaching moral reasoning from the point of view of the deliberator who is trying to figure out what to do.<sup>22</sup> Among the things the deliberator should consider, in figuring out what to do, is what sorts of complaints, and how strong, a person would have against this versus that course of action among which it is reasonable to deliberate. It would, however, be unsound for you, as a deliberating agent, to reason that you may choose d1 where Beth is at 50 rather than d2 where Beth is at 70 because, after all, Beth should count her blessings that you didn't instead choose some other possible distribution in which Beth is enslaved and tortured for no good reason. Even though, by contrast, you would not wrong Beth in Case 8 by choosing d3, in which Beth doesn't exist, that option should not figure in your deliberations either, given that it is a manifestly unreasonable option. This is for the more general reason that, in figuring out

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<sup>22</sup> As Thomas Scanlon (2008: 58, 22) writes: 'The question of permissibility is the question, "May I do X?" which is typically asked from the point of view of an agent who is presented with a number of different ways of acting. The question is, which of these may one choose?' In answering this question, moral principles serve as 'guides to deliberation' that 'explain the answer by identifying the considerations that make it permissible or impermissible to do X under the circumstances in question'.

what to do, your deliberations should not range among manifestly unreasonable courses of action, as those are not genuine moral options.

Now consider the following case:

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d1</b>	70	50	
<b>d2</b>	50	70	
<b>d3</b>	50		71

**Figure 9.** Case 9.

On my Existential-Choice-Tracking Proposal, Beth’s complaint against d1 versus d2 is less strong than Ann’s complaint against d2 versus d1. But why is Beth’s complaint less strong than Ann’s? Even though their complaints are analogous insofar as they are complaints against being at 50 when one could have been at 70 instead, Ann’s complaint against d2 is stronger than Beth’s complaint against d1 for the following reason. If d2 is chosen, Ann will be condemned to her worst option. By contrast, if d1 is chosen, there will be another option that is worse for Beth: namely, d3, in which Beth doesn’t exist.<sup>23</sup> Moreover, d3 is a genuine moral option among which it is appropriate to deliberate. The anonymous Pareto superiority of d3 to its alternatives provides one reason why it is a genuine moral option. The genuineness of d3 as a moral option is also explained by the fact that its choice would not give rise to a complaint of Beth’s that she is worse off than she could have been. Beth would have no such complaint for the simple reason that, if

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<sup>23</sup> See the aforementioned defence by Arrhenius and Rabinowicz (2010) of the claim that someone who exists is better off than non-existence.

d3 is chosen, then Beth would not exist. Hence there would be nobody around to be the bearer of such a complaint.<sup>24</sup>

To bring out the moral relevance of the fact that d2 is worst for Ann but d1 is not worst for Beth in Case 9, it will be instructive to consider the following variation on that case, in which the existence of both Ann and Beth is now rendered choice-independent:

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d1</b>	70	50	
<b>d2</b>	50	70	
<b>d3</b>	50	45	<i>n</i>

**Figure 10.** Case 10.

If you, the deliberating agent, choose d1 to satisfy Ann’s complaints against d2 and d3, is Beth’s complaint against d1 attenuated by the fact that you did not choose d3 that is worse for her than the chosen d1? Well, if *n*, Cathy’s level of wellbeing in d3, is set very low (e.g.,  $n = 10$ ), then d3 would be a manifestly unreasonable option, which should be ignored for that reason. But suppose there is some higher number *n* which transforms d3 into a genuine moral, because not-unreasonable, option without also transforming either d1 or d2 into manifestly unreasonable

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<sup>24</sup> See Arrhenius and Rabinowicz (2010) for a defence, along the lines I have just sketched, of the combination of claims that the choice of an option in which a person does not exist is not worse for that person than existence, even though the choice of an option in which a person exists is better for that person than non-existence. They raise and respond to some difficulties with their view in Arrhenius and Rabinowicz (2015).

options.<sup>25</sup> Suppose that this number obtains.<sup>26</sup> If, now, you choose d1 in order to satisfy Ann's complaints against the other two options, is the case for choosing d1 rather than d2 (where d2 would eliminate any complaint from Beth) strengthened by the fact that there is another genuine moral option d3 that is worse for Beth than d1? Note that just as Ann's complaint against d2's being chosen over d1 is the complaint of someone whose existence is choice-independent, Beth's complaint against d1's being chosen over d2 is also the complaint of someone whose existence is choice-independent. But if d1 is chosen over d2, would Beth's complaint against this choice

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<sup>25</sup> Given what I have said about Case 4 above, it is not clear that bringing another human being (Cathy) into existence is a genuine moral option, however high  $n$  is and therefore however long and happy a life she would lead. This would, after all, be at the expense of the strong complaints of not one, as in Case 4, but of two people whose existence is choice-independent. Perhaps we will need to modify this example so that the third column represents Cathy plus some number  $n$  of *other* human beings who would be brought into the world in d3. With  $n$  now simultaneously representing both the number of new people and the quality of their lives, it is reasonable to assume that there is some number  $n$  high enough to render d3 a genuine moral option. Bear in mind that to be a genuine moral option is simply to be a proper object of deliberation rather than an option that is beyond the pale or manifestly unreasonable. Something can be a genuine moral option even if it turns out to be impermissible.

<sup>26</sup> Suppose that a slight difference in  $n$ , which reflects a small moral difference, were sufficient to transform something from a genuine moral option into something that is not a genuine moral option, thereby changing the rankings of choiceworthiness of the remaining options. This would be an implausible implication of my Existential-Choice-Tracking Proposal. It would be especially implausible if this slight change does not affect the permissibility of this option but only the reasonableness of deliberating about it before rejecting it. I agree that this would be an implausible implication of this supposition. But I deny the supposition that such a slight change could make a difference as to whether or not something is a genuine moral option. There will, rather, be a zone of indeterminacy that separates determinately genuine moral options from those that are determinately not genuine moral options. It will, moreover, take more than a slight change in  $n$  to traverse this zone.

nevertheless be weakened by the fact that another genuine moral option, d3, that is worse for Beth, wasn't chosen?

I think it would be. I think the fact that the chosen option d1 is better for Beth than another genuine moral option weakens her complaint against d1 relative to Ann's complaint against d2. Here's why. If we choose d2, then we choose Ann's worst option in the following sense: having chosen this option, there is no other genuine moral option that is worse for Ann. Other things equal, being condemned to one's worst option in this sense is a bad thing. 'This is your worst option (from the set of genuine moral options)' counts against the justifiability of this option to the individual.<sup>27</sup> Compare the following: 'This is your best option (from the set of genuine moral options).' Such an appeal provides a justification of an inequality to the worse off when they are as well off as they could be even though they are less well off than others. Moreover, such a justification of an inequality has added force when those who are worse off would have been even less well off in the absence of such inequality. In such circumstances, a further justification for the inequality is provided by the fact that it works to their advantage.<sup>28</sup> This confirms my claim that the presence of a less good alternative weakens one's complaint.

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<sup>27</sup> In making this proposal, I am assuming that one's level of welfare is not itself altered by the presence or absence of the personal complaint that this level is one's worst option. For a defence of the related proposal that being worse off than others grounds non-welfare-affecting personal complaints of the worse off, see Segall (2016: Ch. 4).

<sup>28</sup> For example, Rawls (1971: 102–103) writes that 'the difference principle expresses a conception of reciprocity. It is a principle of mutual benefit. ...Consider any two representative men A and B, and let B be the one who is less favored. ...Now B can accept A's being better off [under the difference principle] since A's advantages have been gained in ways that improve B's prospects. If A were not allowed his better position, B would be even worse off than he is'. Here Rawls is assuming that the worse off individual is non-anonymously specified. See note 8 above.

As a means of providing further support of this claim, let us suppose that there are different groups of people who would be adversely affected by a decision of the government. There is a strong case for a new airport, and public officials are deliberating as to whether to build it near villages to the southwest or the southeast of a large city. Considerations are finely balanced in either direction. Assume that those who live anywhere that would be adversely affected by a new airport are now all equally well off. Those who live in villages very near either the southwestern or the southeastern site will be severely affected if the nearby site is chosen, but only moderately affected if the other site is chosen. Those who live in villages due south of the city, and between the two sites, will be moderately affected in the event that either site is chosen. These 'southerners' have an equally strong complaint against either airport. If the southwestern site is chosen, the 'southeasterners' will be harmed to the same extent, and end up just as badly off, as the southerners. It seems clear, however, that the southeasterners have a less strong complaint against the southwest airport than do the southerners. This is because a reasonable and equally compelling alternative would have been much worse for the southeasterners, as it would have involved an airport in their backyard. That they will suffer only moderate, rather than severe, harm is a lucky break and a reason for relief, relative to this alternative. Just as it counts against one's being at a certain absolute level of well-being that one is worse off than one could have been, it counts in favour of one's being at that level that one is better off than one could have been. There is a symmetry here.

We are now in a position to apply the lessons above to Case 1 with which I opened this paper, in a manner that sheds further light on the moral significance of the fact that a chosen option is one's worst option. Consider the following variation on that opening case:



	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d1</b>	71	50	
<b>d2</b>		70	50
<b>d3</b>			

**Figure 11.** Case 11.

This case is the same as Case 1, except that it includes a third row that represents an option in which you can now choose to bring none of these three children into the world. Drawing on my discussion of Case 3, I shall assume that d3 is a morally permissible option, on grounds that one is not obliged to bring more people into the world who will have lives worth living. Here Beth's existence is choice-dependent. It follows, therefore, from my Existential-Choice-Tracking Proposal, that her complaint against d2 is now no longer sufficient, as it was in Case 1, to justify the choice of d2 over d1. It is insufficient, since d2 involves a sacrifice in anonymous goodness, as compared with d1.

If you choose d1 in Case 11, I contend that Beth would have much less of a complaint than she would have if you choose d1 in Case 1. Her complaint would be mitigated for the following reasons. In contrast to Case 1, the choice of d1 in Case 11 does not condemn Beth to her worst option. Rather, d1 is much *better* for Beth than an alternative d3 that is a genuine moral option for you. The benefit to Beth of your choice of d1, in comparison with d3, is that of 50 valuable life years. The fact that Beth would already receive such a benefit of 50 years, via your choice of d1 in comparison with d3, weakens her case for a second helping, so to speak, of a further 20 years via your choice of d2 instead of d1.

If you choose d2 in Case 11, then you also choose something that is better for Beth than the alternative open to you of d3 in which Beth doesn't exist. The benefit to Beth of your choice of d2 in comparison with d3 is that of 70 valuable life years. It is noteworthy that analogous claims apply to Ann and Cathy. If you choose d2, in which Cathy lives till 50, then you choose something that is better for her than the alternatives open to you of d1 and d3 in which Cathy doesn't exist. If you choose d1, in which Ann lives till 71, then you choose something that is even better for her than the alternatives open to you of d2 and d3 in which Ann doesn't exist.

In contrast to Case 1, moreover, the situations of Ann, Beth, and Cathy are symmetrical in Case 11 in the following respect: for each of them, there is a morally acceptable alternative open to you in which that person doesn't exist. There is therefore a shared baseline of non-existence against which we can measure the positive benefit of your choices to each of them. Here the absolute levels of well-being that individuals enjoy in a given distribution capture the extents to which they are benefitted, when measured against this shared baseline that represents a condition of non-existence that you could have chosen in each person's case. Assessments of goodness that simply anonymously track the absolute levels of well-being that individuals enjoy in a given distribution will therefore always capture the extent to which they are benefitted, relative to this shared morally acceptable baseline of non-existence. This fact that absolute levels of well-being already capture a significant respect in which such individuals are benefitted provides a rationale for not giving further weight to their complaints, where such weight would be great enough to justify a sacrifice in anonymous goodness.<sup>29</sup>

Having presented my positive case above for the Existential-Choice-Tracking Proposal, in the next three sections I shall consider three objections to this proposal. First I shall examine

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<sup>29</sup> Hence, it provides a justification for clause (ii) of the Existential-Choice-Tracking Proposal.

the complaint that it violates a decision-theoretic principle of contraction consistency. Then I shall turn to the charge that it gives rise to a vicious cycle of intransitive choices. Finally, I shall pose the dilemma that it involves an implausible commitment to lexicality, but that the abandonment of this commitment results in a downward spiral to a clearly inferior outcome.

### **Contraction consistency**

One might question the Existential-Choice-Tracking Proposal on grounds that it appears to violate a decision-theoretic principle of contraction consistency. According to one version of this principle, which Amartya Sen (1993: 500) has dubbed ‘basic contraction consistency’, ‘an alternative that is chosen from a set  $S$  and belongs to a subset  $T$  of  $S$  must be chosen from  $T$  as well’. Here is one example of an apparent violation to which the Existential-Choice-Tracking Proposal gives rise. In Case 11, which we have just been discussing, the proposal directs you to choose  $d_1$  rather than  $d_2$  in the event that you opt to have any children at all (i.e., in the event that you forego  $d_3$ ). In Case 1, by contrast, this proposal directs you to choose  $d_2$ . Moreover, Case 1 appears to be a contraction of Case 11 via the elimination of  $d_3$ . We appear, therefore, to have a violation of contraction consistency.

In reply, I would argue that, on one of two mutually exclusive and exhaustive interpretations of the principle of contraction consistency, the violation is merely apparent. On the second interpretation, there is a genuine violation of the principle, but the principle turns out to be unsound.

On the first interpretation, the appearance of violation is deceptive, for the following reasons. In the three-option Case 11, Beth’s existence is choice-dependent, yet it is choice-independent in the two-option Case 1. Moreover, as I have explained above, it makes a

difference to the strength of someone's complaint, whether or not her existence is choice-dependent. This provides the following grounds for the claim that the violation of contraction consistency is merely apparent. When one individuates alternatives by the morally relevant features that they possess, it turns out that d1 in Case 11 is not the same alternative as d1 in Case 1. Rather, it is a different alternative, since it includes a stronger complaint against it. Hence the alternatives d1 and d2 in Case 1 are not a genuine *subset* of the alternatives d1, d2, and d3 in Case 11, and we do not have a genuine violation of contraction consistency.<sup>30</sup>

On the second of the two interpretations of the principle of contraction consistency, d1 and d2 remain the same alternatives across the two cases, and therefore the set of alternatives in Case 1 is a genuine subset of the set of alternatives in Case 11. Such sameness might be grounded in an individuation of an alternative only by features that are 'intrinsic' to that alternative rather than features that involve a comparison of that alternative with other alternatives.<sup>31</sup> In this case, we have a genuine violation of the principle of contraction consistency. But now the principle turns out to be unsound, since we can still offer the moral

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<sup>30</sup> Compare Broome (1991: Ch. 5), where he deploys such a strategy of fine-grained individuation to dismiss putative counterexamples to the sure thing principle and to the claim that rational preferences are transitive.

<sup>31</sup> Some of my characterizations in this paper of various cases as expansions and contractions of other cases might be read as implicitly assuming that the individuation of distributions depends only on intrinsic, and not also on cross-distributionally comparative, features. These characterizations of cases as expansions or contractions of other cases have been included merely as simplifying heuristics to orient the reader. They are not intended to take a stance in favour of the second and against the first interpretation of the principle of contraction consistency.

rationale offered in the previous paragraph for a reversal of preferences between d1 and d2 when we move from Case 11 to Case 1.<sup>32</sup>

### **Viciously circular intransitivity**

We can draw on the lessons of the previous section to provide a response to a different objection to the Existential-Choice-Tracking Proposal: namely, the charge that it gives rise to a vicious cycle of intransitive choices. To illustrate this challenge, I first ask you to consider the following case:

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d1</b>	70	50	
<b>d2</b>		70	50

**Figure 12.** Case 12.

This case is the same as Case 1, except that Ann would live 70 rather than 71 years in the event that one chooses d1. In both this case and Case 1, one ought to choose d2. Moreover, one has stronger reason to choose d2 here, as compared to Case 1, since in thereby satisfying Beth's complaint against living only 50 rather than 70 years, one does not sacrifice any anonymous goodness. Rather, the two alternatives are equally anonymously good.

Suppose that, having chosen d2, you are now confronted with the following choice:

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<sup>32</sup> See Larry Temkin's (2012: Ch. 12) defence of a cross-distributionally comparative approach to the good that licenses apparent violations of a principle, related to contraction consistency, called the Independence of Irrelevant Alternatives.

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d2</b>		70	50
<b>d3</b>	50		70

**Figure 13.** Case 13.

By parity of reasoning, here, one ought to choose d3 over d2, since once again the two alternatives are anonymously equally good, yet d3 uniquely satisfies a complaint – this time, Cathy’s complaint against living only 50 rather than 70 years.

Suppose that, having chosen d3, you are now confronted with the following choice:

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d3</b>	50		70
<b>d1</b>	70	50	

**Figure 14.** Case 14.

Again, by parity of reasoning, here one should choose d1 over d3, since the two alternatives are anonymously equally good, but d1 uniquely satisfies a complaint: namely, Ann’s complaint against living only 50 rather than 70 years.

The proposal appears to have landed us in a viciously intransitive cycle, where  $d1 < d2 < d3 < d1$ .<sup>33</sup> If, however, we adopt a wider perspective, we will see that the intransitivity is

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<sup>33</sup> Here the notation ‘ $x < y$ ’ signifies that  $y$  is more choiceworthy than  $x$ .

illusory. It arises from an unjustifiably blinkered analysis of one’s choice situation as involving just two options. One’s actual set of choices is more properly represented by the following concatenation of cases 12, 13, and 14:

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>
<b>d1</b>	70	50	
<b>d2</b>		70	50
<b>d3</b>	50		70

**Figure 15.** Case 12+13+14.

This figure represents the full range of alternatives that one actually faces. From this wider perspective, rather than the blinkered sequence of paired subsets of these three options presented in Cases 12, 13, and 14, the three alternatives are revealed to be equally choiceworthy for the following reasons. They are each equally anonymously good. Moreover, each alternative has precisely one, equally large, complaint against it – namely, the complaint that someone will live for 20 fewer years than he could have lived.<sup>34</sup> We can also see that it would be a mistake to maintain that a sound version of the principle of contraction consistency mandates the following: that whichever of the alternatives named ‘d1’, ‘d2’, or ‘d3’ that is choiceworthy in the two-option cases must remain choiceworthy in the three-option case. This would be a mistake, since ‘d1’, ‘d2’, and ‘d3’ in the two-option cases are not the same alternatives as those that bear the same names in the three-option case. They are not the same alternatives since they do not share

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<sup>34</sup> Parfit (2011: 223–227) deploys similar cases to provide an analogous defence, against a similar challenge, of a different proposal involving complaints.

all the same morally relevant features involving complaints. Having been disabused of this mistake, we will not be misled into thinking that the Existential-Choice-Tracking Proposal gives rise to a viciously circular intransitive cycle.

### **Abandoning lexicality without spiralling downward**

I turn now to a consideration of a different line of resistance to the Existential-Choice-Tracking Proposal. On this proposal, promoting anonymous goodness is lexically prior to heeding the complaints of those whose existence is choice-dependent. One might reject a proposal that invokes lexicality on the grounds that such an approach involves an implausible commitment to significant moral differences where there aren't any (Broome 2004: 23–29). When things would be only very slightly anonymously worse, complaints of those whose existence is choice-dependent are trumped, on the Existential-Choice-Tracking Proposal. One might think it morally indefensible to treat cases that are only slightly anonymously worse so differently from those that are anonymously equal. Small sacrifices in anonymous goodness don't seem sufficient to completely trump large complaints, even if these are complaints of those whose existence is choice-dependent. Even if one stresses that such complaints are much less significant than the complaints of those whose existence is independent of your choice, one might wonder whether these complaints are so insignificant that they can be overridden in the face of even the smallest sacrifice in anonymous goodness. Some will, no doubt, insist that they are not. If not, then we must let them prevail at the small cost of anonymous goodness.

I have now set the stage for the following challenge to the moral significance of complaints: If personal complaints are as morally significant as contractualist and other opponents of the No Difference View insist they are, then complaints against failures to receive



*significant* benefits must always be weighty enough to justify at least *very small* sacrifices in anonymous goodness. If such complaints are not to be trivialized, they must retain at least that much weight even if they are the complaints of those whose existence is choice-dependent. These complaints could not be so insubstantial that they could be overridden in the face of even the smallest sacrifice in anonymous goodness. If, however, such complaints of choice-dependent individuals retain even that much weight, heeding them threatens to send us into a downward spiral, in which we eventually arrive at an outcome that involves a clearly unacceptable sacrifice of anonymous goodness.

As an illustration of such a downward spiral, consider the following Case 15:

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>	<b>Dana</b>	<b>Eve</b>	<b>Fran</b>	<b>...</b>	<b>Zusa</b>	<b>Zwerda</b>	<b>Zyta</b>
<b>d1</b>	70	50								
<b>d2</b>		69.99	49.99							
<b>d3</b>			69.98	49.98						
<b>d4</b>				69.97	49.97					
<b>d5</b>					69.96	49.96				
<b>...</b>						69.95	...			
<b>...</b>							...	1.02		
<b>d4900</b>								21.01	1.01	
<b>d4901</b>									21	1

**Figure 16.** Case 15.

Here, every move down a row is at a sacrifice of 1/100th of a year of life for each of the anonymously best-off and anonymously second-best-off individual. That's 3.65 days of life per person, or about a week in total, which is not nothing. But the sacrifice of a mere week across

two lives lived might be regarded as a relatively small price to pay for the satisfaction of a person's serious complaint that his life is nearly twenty years shorter than it could have been. At each point, movement down a row would satisfy one person's complaint of this seriousness. It might appear then, that, for any given row, the satisfaction of a serious complaint provides us with stronger reason to prefer the row below that row than the reasons of greater anonymous goodness that we would have to prefer that row. In other words, taking complaints seriously appears to yield the result that, for any given row  $n$ , we ought to prefer row  $n + 1$  to it. If, moreover, preferences are transitive, then it follows that we ought to prefer row d4901 at the very bottom to the top row d1. That is an absurd result. Hence we have a putative *reductio ad absurdum* of complaints.

In response to this challenge, one can acknowledge the objection that the Existential-Choice-Tracking Proposal trivializes the complaints of individuals whose existence is choice-dependent if it does not permit even large complaints to justify very small sacrifices in anonymous goodness. One can take this point on board by slightly weakening clause (ii) of the proposal, via the insertion of the italicized 'almost' into the following revised clause (ii)\*:

(ii)\* When, by contrast, someone's existence is choice-dependent, her complaints retain moral weight. But this weight is greatly reduced in comparison. Such complaints are *almost* never sufficient to override anonymous considerations that pull in another direction.

On this weakening, the large complaints of individuals whose existence is choice-dependent will now sometimes be sufficient to justify very slight sacrifices of anonymous goodness. Such

complaints would, however, remain powerless to justify the more significant sacrifices of anonymous goodness in Cases 5 and 11 as well as the other cases discussed in the previous sections of this paper.<sup>35</sup> As I shall now demonstrate, such weakening does not compel a downward spiral.

In Case 15, it is clear that one should prefer d1 (70,50) to d4901 (21,1), even though the latter is a distribution which, uniquely, has no complaint against it. One reason why one should prefer d1 to d4901 is that Beth, who has a serious complaint against d1 that her life is nearly twenty years shorter than it could have been, would still be significantly better off, even with such an unsatisfied complaint in d1, than either of the individuals – Zwerda and Zyta – in d4901.

Which distribution should one choose in Case 15? I've just established that d1 should be preferred to d4901. But is d1 also to be preferred to all the other possible distributions? Suppose that, instead of all 4901 rows, Case 15 was reduced to the first three rows, as in the following Case 16:

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<sup>35</sup> In remaining powerless to justify such sacrifices, this revised version of the Existential-Choice-Tracking Proposal remains invulnerable to Parfit's downward-spiral-involving counterexamples to the moral significance of complaints, to which I refer in notes 14 and 20 above. In contrast to Case 15, Parfit's downward spirals require only two steps – from d1 to d2, and then from d2 to d3 – to arrive at a distribution d3 that constitutes too great a sacrifice in anonymous goodness, as compared with the anonymously best distribution d1. In this respect, Parfit's cases are akin to my Case 5 above. As I show in the main text below, it makes a difference whether an unacceptable sacrifice in anonymous goodness is generated so quickly, or only after a greater sequence of steps.

	<b>Ann</b>	<b>Beth</b>	<b>Cathy</b>	<b>Dana</b>
<b>d1</b>	70	50		
<b>d2</b>		69.99	49.99	
<b>d3</b>			69.98	49.98

**Figure 17.** Case 16.

Here, now d3 rather than d4901 has the unique virtue, lacking in the other distributions, that nobody has any complaint against it. Given, moreover, that d3 involves only a marginal sacrifice of anonymous goodness compared to both d1 and d2, it would be reasonable for someone who takes complaints seriously to choose d3 here. Beth’s complaint against d1, and Cathy’s complaint against d2, are each sufficiently large that it would be reasonable to maintain that one could not justify either of those distributions in preference to d3.

When, however, Case 16 is expanded into Case 15 with all 4901 rows, it’s now the case that only the bottom row d4901 has the virtue of no complaints against it. Yet that distribution is anonymously inferior to an unacceptably large degree to the anonymously best distribution d1. Moreover, every other distribution apart from d4901 has just as strong a complaint against it as Beth has against d1, when the strength of a person’s complaint is measured by how much longer he could otherwise have lived and therefore how much better off he could have been. On this measure of complaints, you have no complaint-based reason to prefer any of these distributions to d1. There is therefore now no longer any anonymously inferior distribution that should be

ranked above d1. Hence, all things considered, one has strongest reason to choose d1 in Case 15, and a downward spiral is averted.<sup>36</sup>

## **Conclusion**

In light of the above discussion, this, finally, is how I propose that we weigh the complaints of those whose existence does, and does not, depend on our chosen course of action. As described above, we first set aside those possible courses of action that are so manifestly unreasonable that they do not count as among the proper objects of moral deliberation. Among those remaining options that are within, rather than beyond, the moral pale, we then apply the following version of the Existential-Choice-Tracking Proposal, as revised in the light of difficulties considered in the last section:

**Revised Existential-Choice-Tracking Proposal:** (i) When someone's existence is choice-independent, her complaints are morally weighty. They are sufficiently weighty that they are often capable of overriding anonymous moral considerations that tell in the other direction.

(ii)\* When, by contrast, someone's existence is choice-dependent, her complaints retain moral weight. But this weight is greatly reduced in comparison. Such complaints

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<sup>36</sup> For reasons along the lines of those I offered in the previous section on contraction consistency, the choice of d3 in Case 16, but of d1 in Case 15, does not involve a violation of a sound version of a principle of contraction consistency. The reason here is that d3 in Case 15 is not the same alternative as d3 in Case 16, since the former has a complaint against it, but the latter has no complaint against it.

are *almost* never sufficient to override anonymous considerations that pull in another direction.

I shall bring this paper to a close with some remarks on how this proposal bears on our obligations to others, including future generations. Consider the example of global warming. Suppose that we collectively take those greenhouse-gas-reducing measures that are necessary and sufficient to prevent the world from becoming a very inhospitable place to live a few generations hence. Our taking such measures will make a difference to the identities of the people who will be alive a few generations hence and beyond. This is on account of the highly contingent nature of the union of the particular sperm and ova that fix the identities of persons (Parfit 1987: 351–355). If, therefore, we *collectively refrain* from taking the requisite greenhouse-gas-reducing measures, distant future people will not have any complaints of the stronger form that only those whose existence is choice-independent can press.

The effects of the carbon footprint of a *single individual* might, however, give rise to such stronger complaints from those whose existence is independent of that individual's choices. John Broome has argued that an individual's lifetime greenhouse gas emissions will typically make no difference to the identities of most who will be born in the next few generations. Broome also estimates that the typical lifetime carbon emissions of an individual in a developed country can be expected to shorten human lives by about four months in total.<sup>37</sup> If Broome is right, then the harm that an individual is expected to cause to independently existing people provides grounds for morally significant complaints. It provides such grounds even if, rather than

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<sup>37</sup> Broome (2012: 61–66, 74–76) provides an estimate of six months. He has since revised that figure downward to four months (private correspondence).

befalling a single individual who loses all four months of life, these losses are spread out more thinly among a number of people. Since this figure of four months is an estimate of the average harm caused by an individual's lifetime carbon emissions, there is no certainty that any given individual will harm people to that extent or even that he will harm anyone at all. Even when, however, it is unlikely that a person will do actual harm, the subjection of someone to expected harm can be seriously wrong.<sup>38</sup> In any event, Broome (2012: 76) maintains that it is 'extraordinarily unlikely' that a typical individual's net emission of 800 tons of carbon dioxide will make *nobody* worse off than he would have been. This conclusion remains warranted even if we grant that many who experience the effects of a person's lifetime carbon emissions will not be rendered worse off than they would have been because they will also owe their very existence to such emissions on account of the fragility of conception.

Even if we set aside cases involving the contingency of future people, the following remains undeniable. The roughly seven billion people who are alive today – and therefore whose having been brought into existence is indisputably independent of either the collective or the individual choices we now contemplate – will often be made worse off than they would have been by such choices. They will have morally weighty complaints against harms to, and failures to benefit, them that are a consequence of these choices.<sup>39</sup> Such complaints against our choices

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<sup>38</sup> Consider someone who imposes a one in six chance of death on someone else by playing Russian roulette on him while he is sleeping. For a discussion of the ways in which the imposition of risks of harm gives rise to moral complaints, see Otsuka (2015).

<sup>39</sup> It is, of course, the case that the *continued* existence of already existing people is dependent on our choices that may or may not kill them. But this is not a sense in which existence is choice-dependent that is relevant to my proposal. This is because a person exists in the sense that is relevant to this discussion even if he no longer exists (or

that members of the present generation can press will serve as a moral counterweight to a utilitarian or otherwise consequentialist imperative to maximize the well-being of all people, present and future.

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has yet to exist). It is, moreover, the case that distributions in which someone doesn't exist because the agent has killed them are, barring unusual circumstances, beyond the pale, and not proper objections of deliberation.



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