8 }

Early Death and Later Suffering

Jeff McMahan

1. Introduction

In this chapter I sketch an account of the misfortune of death for which I have previously argued and defend it against objections advanced by John Broome in chapter 7 of this volume. I then consider other objections and suggest the beginnings of responses to them. The general conclusion I draw is that issues about our continuing to exist cannot be separated from issues about our beginning to exist and that we therefore cannot fully understand certain issues raised by death without understanding certain deeply intractable issues in population ethics.

2. Death Very Early in Life

On the assumption that to die is to cease to exist, Epicurus argued that death cannot be bad for one who dies, for when it occurs, there is no one for whom it can be bad. One contemporary response to this argument is that, for death to be bad, there need not be anyone for whom not existing is bad. The badness of death instead consists in the difference in value between the life a person has if he dies at a certain time and the life he would have had if he had not died at that time. If the longer life would have been better, then death is bad for the person because it condemns him to having the less good of two possible lives.

It is a natural corollary of this response to Epicurus that the measure of the extent to which a death would be bad for its victim is the extent to which the longer possible life would be better than the shorter one. This *Life Comparative Account* of the badness of death has plausible implications for the deaths of adults: for example, that death is normally worse for a younger person than for a much older person. But it also implies that the worst death that an individual

can suffer is death immediately after the individual has begun to exist. Suppose that we begin to exist, as I believe, when the fetal brain develops the capacity for consciousness, sometime between 22 and 28 weeks after conception, probably closer to the later end of this period. It is hard to believe that a 28-week-old fetus suffers a greater misfortune in dying than a teenager does, and even harder to believe that, if all other considerations (such as effects on others) are equal, there is a stronger reason to prevent the death of the fetus than there is to save the life of the teenager.[1]

Yet there has been influential work on the distribution of health care resources that has presupposed the Life Comparative Account. The continuing Global Burden of Disease study, for example, has been based on the Life Comparative Account and the assumption that lives begin to count at birth. Together these assumptions imply that the saving of a certain number of highly premature infants has priority over the saving of a greater number of children around the age of 10. That seems to me a terrible mistake. And the assumption that a life begins to count only at birth, while politic as a practical matter, is morally arbitrary. If this study were to count lives from when they begin, its reliance on the Life Comparative Account would lead it to conclude that saving a certain number of fetuses at around 28 weeks has priority over saving a greater number of 10-year-olds.

I have sought to develop an account of the misfortune of death that explains and justifies the common intuition that the death of a fetus is a substantially lesser misfortune for that fetus than the death of a person normally is for that person. It is based, as John Broome notes, on Derek Parfit's argument that the fact that an individual at an earlier time and an individual at a later time are the same individual (that is, that they are *identical*) is *not* what makes it rational for the former to care in an egoistic way about what may happen to the latter. The basis of such rational egoistic concern is instead the *relations* that are constitutive of our identity over time. For the sake of argument, assume that these relations are, as I believe, psychological relations grounded in physical, functional, and organizational continuities in the brain, such as continuities of memory, character, desire, belief, and intention. Whereas identity is all-or-nothing, the relevant relations are matters of degree. The stronger these relations are between an individual earlier and an individual later, the stronger is the basis of egoistic concern by the former for the latter.

According to the account I have defended, the extent to which death is a misfortune at time *t* is a function primarily of two variables: (1) the amount of good life lost (which is the sole factor recognized by the Life Comparative

[1] John Broome (chapter 7, this volume) argues for a version of the Life Comparative Account that does not have this implication. I suspect that this version has other implications that are no less implausible. While there is insufficient space to try to show that here, I hope to do so in a longer version of this essay in McMahan (forthcoming).

Account) and (2) the strength of the relevant relations that would have held between the individual at *t* and himself at those later times at which the good things in his life would have occurred. Moreover, the extent to which the individual at times prior to *t* has reason to care in an egoistic way about the possibility of death at *t* also varies with the strength of the relevant relations between himself at those earlier times and himself both at *t* and as he might be after *t*. Because there would be virtually no psychological relations between a barely conscious 28-week-old fetus and itself as a child or adult, the misfortune it suffers in dying at 28 weeks may be negligible even though the amount of good life it loses is great. As Parfit might say, the good life it loses would be relevantly like someone else's life. The fetus would be related to that life by being identical to its subject, yet the relevant psychological relations, not identity, are the basis of egoistic concern. Even though the fetus would have a much better life if it were not to die, its interest at the time (or "time-relative interest") in avoiding death is very weak. (By "interest in" I mean "stake in," not "concern about.") I have labeled this account of the misfortune of death the *Time-Relative Interest Account*.

Both the Life Comparative Account and the Time-Relative Interest Account are versions of the familiar *Deprivation Account* of the badness or misfortune of death, according to which death is bad for an individual because of what it deprives him of. It is just that the Time-Relative Interest Account is concerned with the interests that are frustrated when an individual is deprived of good life by death. Although I think that death is bad mainly because of what it deprives us of, I do not think the Deprivation Account—or, therefore, the Time-Relative Interest Account—is exhaustive, as there are other ways in which death can be bad—for example, by affecting the meaning and value of the life that precedes it (McMahan 2002; also see Kamm, chapter 10, this volume).

I have elsewhere argued that the claim that death is not a grave misfortune for a fetus, even when the fetus would otherwise be identical with a later person, supports a permissive view of abortion (McMahan 2002). Unless the fetus has properties that make it wrong to kill it even though killing it would not seriously harm it (and I argued that it does not), abortion cannot be significantly objectionable because of its effect on the fetus. I also argued, however, that the infliction of a nonlethal injury on a fetus *could* be seriously wrong. I sought to reconcile these claims by observing that, whereas killing the fetus would frustrate only its weak present interest in continuing to live (since killing it would prevent it from having other interests), the infliction of prenatal injury would frustrate interests that this same individual would later have independently of whether the injury is inflicted. These would, moreover, be the potentially strong interests of a *person* over much of a lifetime.

There are, however, objections to this view. I will state them presently. First I will consider the objections to my view that John Broome has advanced in chapter 7.

3. John Broome's Objections

Broome distinguishes two interpretations of the account of the misfortune of death just described (the Time-Relative Interest Account). According to the first, an individual's interest at time t_1 in some event that may occur at time t_3 may differ in strength from the interest in that same event that she will have at t_3—or at an intermediate time t_2. His objection to this is that it "can lead to incoherence in how she ought to act in promoting her interest" (Broome, chapter 7). He cites an example in which a person at age 30 would be well psychologically connected to herself in her 90s (for which I will substitute "at 95") but at 90 would not be well connected to herself at 95. At 95, she would be able to remember many of her experiences at 30 but, because of short-term memory loss, unable to remember most of her experiences at 90. At 90, she will have a disease that will kill her painlessly unless she undergoes a painful treatment that will enable her to live to 95. According to Broome, the Time-Relative Interest Account implies that it is against her interest at 90 to have the treatment but that it was in her interest at 30 to have it and, moreover, that she had reason at 30 to prevent herself from being able to refuse the treatment at 90. But, he says, it cannot be right that what a person "ought to do at one time is to frustrate what she ought to do at another time" (Broome, chapter 7).

The relevant facts in this example seem, however, to be impossible. All the memory connections that would be present between the person at 95 and herself at 30 must also be present between herself at 95 and herself at 90; for the memories of experiences at 30 must be present when the person is 90 if they will exist when she is 95. So the memory connections between 95 and 30 cannot be stronger than those between 95 and 90.

One might point out that very elderly people sometimes remember events from their earlier life that they have previously been unable to remember. But those memories have all along been present in the brain though inaccessible to consciousness through introspection, just as one's memories constitute psychological connections with past experiences while one is asleep or under anesthesia.

One could, however, coherently illustrate Broome's objection with an example involving a different type of psychological connection. Suppose a person who is an atheist at 30 can somehow predict that he will convert to Christianity when he is 90 but revert to atheism by age 95. At 90 it might be rational for him to refuse the painful treatment for his otherwise fatal disease because of the psychological discontinuity involved in his reversion to atheism. But at 30 it seems rational for him to try to prevent himself from refusing the treatment at 90.

This example might be challenged in two ways. First, one might claim that the belief that there is no god that he has at 30 ceases to exist when he converts at 90, so that the belief with the same content that he acquires between 90 and

95 is a *different belief* and thus does not form a psychological connection with the belief he had at 30. This point would seem especially forceful if, when he became an atheist again between 90 and 95, he had no memory of having been an atheist at 30.

Second, one might argue that neither conversion to Christianity nor reversion to atheism constitutes a significant psychological discontinuity. They involve changes in the person's sense of identity but only marginally weaken the basis of rational egoistic concern about the future. Thus, while the person at 90 might be averse to surviving to become an atheist, the justification for the aversion would not be the weakening of the basis of egoistic concern but would instead *presuppose* a strong basis for egoistic concern. For what is particularly disturbing to the person at 90 is not that there may be *someone* who in a few years will be an atheist but that there may be someone who will be an atheist who will be strongly related to himself now in the ways that matter.

Even if there is an example that well illustrates Broome's objection, I think the implication of the Time-Relative Interest Account that he says is implausible is, in fact, plausible. Philosophers have presented various cases in which it seems that it can be rational for a person to frustrate an interest he will have later.

Parfit's 19th-century Russian socialist, for example, anticipates that his youthful idealism may fade and therefore signs a legal document that will give away estates that he is due to inherit in some years. He makes the document revocable only with the consent of his wife, whom he asks to promise never to revoke it. His assumption is that if his values do change, it will then be in his interest to retain the estates. But because he judges that the change of values would be a corruption, he seeks now to prevent himself from later serving the interests he will then have (Parfit 1986, 326–328). To many of Parfit's readers, this has not seemed irrational.

Similarly, Ronald Dworkin discusses an example in which an intellectual signs an advance directive refusing treatment if she develops a life-threatening disease after becoming demented. He argues that although this individual will have an "experiential interest" in surviving in a contented state after becoming demented, her earlier judgment that it would be better for her to die established a "critical interest" in not surviving that she retains even when demented. The critical interest, he argues, outweighs the experiential one (Dworkin 1993, 229–232). It is, however, equally plausible to claim that, although it will be in her interest to survive in a contented condition once she becomes demented, her earlier interest was not to exist in that condition. It does not seem irrational for her, when competent, to act to frustrate her later interest when it will conflict with her present interest.

Having presented his first objection, Broome suggests that it may apply only to a mistaken interpretation of my view. He says this, I suspect, because we agreed during a discussion in Oxford in 2013 that the objection to my view

he advanced in *Weighing Lives* was based on a misinterpretation. Yet while the earlier objection did presuppose a mistaken interpretation, the objection I have just considered does not. It is unsurprising, therefore, that I do not accept his second interpretation, according to which the strength of an individual's interest in avoiding death at *t* does not vary in strength at times other than *t*. My earlier statements of the view do, however, invite this interpretation, and I am grateful to Broome for prompting me to state the view more clearly, as I hope I have done in section 2.

It may nevertheless be worth explaining why I think Broome's objection to this second interpretation involves an equivocation between the strengths of interests at times and the comparative goodness of lives. He contends that my view, interpreted in the second way, implies that "(1, –1, 4) is better for you than (1, 1, 1), which is better for you than (1), which is better for you than (1, –1, 4)" (Broome, chapter 7). But this intransitivity arises only because the first two evaluations concern the goodness of lives, whereas the third, though it is expressed as a claim about the goodness of lives, is true according to the Time-Relative Interest Account only if it is a claim about an individual's interest at a time. Because claims about interests at times are not even implicitly claims about the goodness of lives, the third claim is not contradicted by the combination of the first two and thus there is no intransitivity.

Broome goes on to say that an account of the badness of death should be a corollary of an account of the goodness of lives. The Life Comparative Account is indeed that. But the Time-Relative Interest Account is instead an account of what it is rational for individuals (and others who care about them) to care about for their own sake at particular times. It is only by virtue of being *this* rather than a corollary of an account of the goodness of lives that the Time-Relative Interest Account can offer what seems a plausible explanation of why fetal death is a lesser misfortune. (I use the phrase "lesser misfortune" rather than saying that fetal death is "less bad," because "badness" can refer to the negative value of an event or state of affairs itself. But the Time-Relative Interest Account is not concerned with the extent to which death makes the outcome worse but rather with the strength of the interests at certain times that would be frustrated by death at those or other times. In saying that fetal death is a "lesser misfortune," I mean that the only interests a fetus ever has in avoiding death are weaker than those that would be frustrated by a later death.)

Although Broome rejects the Time-Relative Interest Account however it is interpreted, he rightly prefers the first interpretation. But he says that if he were to accept the view, so interpreted, he would take account of retrospective interests in events that occurred or might have occurred in the past. Thus, while he is willing to concede that the interest he had in continuing to live when he was an infant was weak, he says that from his "present perspective, dying as an infant would have been a great loss" to him, as it would have prevented him from having all the good life he has had between infancy and the

present. And he is now strongly psychologically related to himself throughout much or even most of this past life (Broome, chapter 7).

Retrospective interests raise several problems. First, one can affect whether an individual will die in infancy only while, or before, the individual is an infant. During this period, retrospective interests of the adult self are merely *possible*. The infant has at most an extremely weak interest in whether its adult self will have retrospective interests that will have been satisfied. If the infant dies, there will be no retrospective interest in the avoidance of death in infancy that will have been frustrated. A retrospective interest in not having died earlier necessarily cannot be frustrated.

Second, suppose that one can have a retrospective interest in not having died in infancy and that that interest can have moral significance—for example, in grounding an objection to infanticide. If the first assumption is correct, one can also have a retrospective interest in not having died immediately after beginning to exist, and indeed in not having been prevented from coming into existence. If the second assumption is correct, these other possible retrospective interests should ground moral reasons not to have or to permit abortions, and not to use or to permit contraception.

Finally, a significant limitation to the prudential and moral significance of retrospective interests is that one can have a retrospective interest in past action that was against one's interest when it was done. Suppose that if a person who is now 60 had attended a different university, her subsequent life would have been better, in objective terms, than it has been. She would, for example, have achieved more and enjoyed more satisfying personal relations. Yet much of what she actually cares about—for example, the people to whom she is closely related—would have been absent from that alternative life. It therefore seems that she has a retrospective interest in having attended the university she actually attended, even though prior to going to university it was in her interest to attend a different one. Because it is not irrational to become attached to the particulars of our lives that are good, we tend to have retrospective interests in whatever happened in the past that was necessary for us to have them. Admittedly, this does not apply to retrospective interests in the avoidance of death at earlier times, for the frustration of those interests would not have given one a different future that would have been better impartially though less good relative to what one actually, and not irrationally, cares about. Yet, as I noted, such interests necessarily cannot be frustrated. This third problem is, nevertheless, relevant to certain other issues, as we will see.

These three problems suggest that the implications of accepting that retrospective interests have normative significance may be intuitively problematic. The problems are especially acute for Broome's example of a retrospective interest in not having died at an earlier time *t*. It is only at or before *t* that it is possible to act to determine whether an individual will either not die at *t* or die at *t*, and thus whether a retrospective interest in not having died at *t* will

exist and be satisfied or never exist at all. The retrospective interest is therefore a merely possible interest relative to any act that can affect whether it will be satisfied. That is, the existence of the interest will depend on any act that causes it to be satisfied. More generally, an interest that will exist only if a particular act is done, or if a particular act is not done, is what I will call a *dependent interest* relative to the choice of whether to do that act. Suppose, for example, that if I were to cause an individual to exist, this individual would later have an interest in avoiding great suffering that would inevitably be frustrated. That interest is a dependent interest relative to my choice of whether to cause the individual to exist. By contrast, an interest that does not exist but may exist in the future, but does not depend for its existence on whether a particular act is done, is an *independent interest* relative to the choice of whether to do that act. If, for example, I set a time bomb that injures a child a hundred years later, that child's interest in avoiding injury is an independent interest relative to my act of setting the bomb.

4. Dependent Interests

Most of us believe that independent interests are relatively unproblematic. If the existence of some interest in the future is independent of whether one does some act, and if one's choice of whether to do the act would affect whether the interest will be satisfied or frustrated if it exists, it seems that the permissibility of one's choice is constrained by the effect that it may have on that interest, taking into account the probability that the interest will exist.

Dependent interests also seem to pose no problem if the individual whose interests they would be has an interest in their later existence and satisfaction. I, for example, have an interest now in developing and satisfying certain new interests. This grounds a reason to ensure that I will have such interests and that they will be satisfied. But problems arise when interests that would be satisfied, particularly interests in having benefits, could be caused to exist but no one has an interest, or more than a negligible interest, in their existence and satisfaction. Similar but intuitively contrasting problems arise when interests that would be frustrated, particularly interests in avoiding harm, could be prevented from existing but no one has an interest, or more than a negligible interest, in their being prevented from existing and being frustrated.

There are two ways in which such interests might arise. One is through an individual's coming into existence. The interests that this individual might have are dependent interests relative, for example, to a choice of whether to use contraception, or to have an early abortion, before one of us has begun to exist—assuming, as I believe, that we do not begin to exist at conception (McMahan 2002, chap. 1). The other way is through an individual's continuing to exist when he would be psychologically unconnected, or only negligibly

connected, to himself when the interests would arise and thus has no present interests in the objects of the possible later interests. The interests that this individual might have are dependent interests relative, for example, to a choice of whether to have an abortion shortly after this individual has begun to exist.

These cases are problematic if we assume that dependent interests can be sources of moral reasons. On that assumption, that an individual that has just begun to exist as a fetus would later acquire and satisfy interests in having certain benefits grounds a reason not to prevent this individual from acquiring those interests. The interests would be dependent relative to the choice of whether to have an abortion and would provide a moral reason not to have it. Similarly, that an individual could later develop and satisfy interests in having benefits would provide a reason not to use contraception. It would, indeed, provide a moral reason to have children that would be of the same strength as the reason not to have an abortion—unless, of course, the dependent interests of existing individuals matter in a way that other dependent interests do not (and I will presently suggest one reason for doubting that they do). Yet it is counterintuitive to suppose that, in these cases, there is a significant moral reason to ensure that the interests will exist and be satisfied. It seems that most people do not accept that it is a moral reason to cause an individual to exist that he would later develop and satisfy interests in having benefits.

Some dependent interests, however, are sources of moral reasons. Relevant cases again include ones in which an individual might continue to exist when she would be psychologically unconnected to herself in the future as well as ones in which an individual might be caused to exist. Suppose that in the following two cases, which I have discussed at greater length elsewhere, someone has just begun to exist. This individual is now a fetus. It has a condition that will kill it painlessly unless it is treated immediately (McMahan 2015, though with parallel cases involving an animal rather than a fetus). If treated, the fetus will be identical to the person into whom it will develop.

> *Suffering Now.* One can save the fetus but only in a way that will cause it moderate suffering beginning immediately and continuing for a few weeks. It will then live for some years in a continuously neutral state of well-being, followed by many years of happiness.
>
> *Suffering Later.* One can save the fetus only in a way that will enable it to experience mild pleasure beginning immediately and continuing for a few weeks, after which it will live some years in a neutral state of well-being, followed by months of intense suffering before dying. If one saves it now, there will be no opportunity to prevent it from suffering later.

According to the Time-Relative Interest Account, the fetus in Suffering Now has no present interest, or only a negligible interest, in experiencing great happiness some years hence; for there would be no connections or continuities

of the contents of consciousness between itself now and itself when it would experience the happiness. For the same reason, the fetus in Suffering Later has no present interest, or only a negligible interest, in avoiding great suffering in the distant future. Yet I suspect that most people would think that one ought to treat the fetus in Suffering Now and I believe that one ought not to treat it in Suffering Later—certainly it would be wrong to administer the treatment in Suffering Later if the individual with the condition were an animal rather than a fetus. This suggests that the interest the individual would later have in experiencing happiness provides a reason to save the fetus in Suffering Now, and that the interest the individual would later have in avoiding suffering provides a reason not to save the fetus in Suffering Later. Yet these interests are dependent interests relative to the choice between saving the fetus and not saving it. In these cases, therefore, the dependent interests the individual might have much later in life seem intuitively to be sources of present moral reasons. (It would make no difference to my intuitive judgment if the choice in Suffering Later were not between saving an individual and allowing that individual to die but were instead between allowing or causing an individual to exist and preventing or not causing that individual's existence. I believe the reason to prevent the individual who would suffer later from existing would be just as strong as the reason not to treat the fetus in Suffering Later. If this is right, it suggests, contrary to the view I indicated earlier, that the dependent interests of existing individuals do not matter more than other dependent interests.)

The same may be true, contrary to my earlier claim, in cases of prenatal injury. In previous discussions, I have considered cases in which the bad effects of prenatal injury would be of late onset and would thus affect the interests that the fetus would have as an adult. And I have assumed that in the choice between injuring the fetus and not injuring it, the fetus would continue to exist in either outcome. According to these assumptions, the interests at stake, relative to this choice, are the strong, *independent* interests of a *person* in the future. But many cases involving the possibility of prenatal injury can be understood differently.

> *Pregnancy Options*. If she takes no action, a pregnant woman will suffer frequent episodes of mild pain for the remainder of her life. She can prevent this in either of two ways. She can have an abortion or she can take a pill that will, as a side effect, injure her fetus in a way that will cause it to suffer similar episodes of mild pain throughout the whole of its adult life.

This case may challenge the distinction between dependent and independent interests. Relative to the choice between doing nothing and taking the pill, the later interests the individual that is now a fetus might have are *independent*; but relative to the choice between taking the pill and having an abortion, they are *dependent*. Given that all three options are available simultaneously and that in the outcome of one option the fetus would have no interests in

the future, it seems that the interests the fetus might have as an adult ought to be regarded as dependent interests relative to the choice among all three options. If so, they too are dependent interests that seem to be the source of a significant moral reason—in this case, a reason not to take the pill, so that the woman ought either to have an abortion or to allow herself to suffer the episodes of pain. Indeed, given that the pain caused by the injury would not begin until adulthood, the infliction of prenatal injury seems relevantly similar to treating the fetus in Suffering Later.

There are, however, important differences. One is that the interests that are dependent on and would be frustrated by the prenatal injury would be less strong than those that are dependent on and would be frustrated by the treatment in Suffering Later. This is because the suffering in Suffering Later would be more intense and also continuous.

A more important difference is that, whereas in Suffering Later the frustration of the fetus's later dependent interests is avoiding suffering would at most be only very partially offset by the immediate but brief experience of pleasure, the frustration of the fetus's dependent interests in avoiding pain in Pregnancy Options would be more than fully offset and compensated for. Not only would the frustration of the injured child's dependent interests in avoiding pain be greatly outweighed by the satisfaction of other dependent interests in having benefits, but many of these latter dependent interests would never have existed if the pregnant woman had not caused the prenatal injury—even if she had avoided causing it by allowing the fetus to develop normally. As I noted earlier in discussing retrospective interests, if some significant event in one's distant past had not occurred, much of what one now rationally cares about would almost certainly be absent from one's life. Thus, if the pregnant woman in Pregnancy Options takes the pill, many of the most important dependent interests her injured child will develop will be different from those that this same child would have developed if she had not taken the pill (and not had an abortion). The injured child's actual interests will include many concerned with his friends, partner, children, career, and so on. Many of these interests will be satisfied but would not have been satisfied if his mother, when pregnant, had allowed him to develop normally; for in that case his life would have gone very differently and these particular interests would never have existed.

This means that if the pregnant woman in Pregnancy Options takes the pill and causes prenatal injury, she will be doing what will best satisfy the dependent interests that her child will actually have. The child will be unable to complain later that the interests he actually has would have been better satisfied if his mother had not caused the prenatal injury. This is, of course, an analogue of the Non-Identity Problem (Parfit 1986, chap. 16).

If we are to explain why prenatal injury is morally objectionable by reference to the interests of the victim, we must, it seems, give substantial weight to dependent interests. Furthermore, it seems that we must have moral reasons to

ensure that any dependent interests that we cause or allow to exist will not only have a good prospect of being satisfied but would also, if satisfied, give their bearer a better life than other possible dependent interests would provide. The problem with this is, of course, that it may imply that, just as there is a strong reason grounded in dependent interests not to inflict prenatal injury, so there is an even stronger reason grounded in the same considerations not to have an abortion.

Dependent interests also, as I earlier indicated parenthetically, seem to ground moral reasons in cases in which an individual might be caused to exist. Suppose that if an individual were caused to exist, all that individual's strongest interests, particularly the continuing interest in avoiding suffering, would be frustrated—for example, the life might be filled with suffering to the exclusion of all else. The interest this individual would have in not suffering (as well as the retrospective interest in not having come into existence, which, according to Broome, might be relevant) is dependent relative to the choice of whether to cause or allow the individual to exist. Yet this interest clearly grounds a strong moral reason not to cause this individual to exist.

5. The Asymmetric Interest Account

Views about the moral significance of *interests* that do not but may exist tend to mirror views about the moral significance of *individuals* who do not but may exist. Some have argued, for example, that the only individuals whose interests ground moral reasons are those who are at some time actual. One might make a parallel claim about interests—indeed, it has been suggested that my own view about interests is "actualist" in this sense (Holtug 2011, 169–186; Greaves, chapter 13, this volume). Yet actualism about both individuals and interests is untenable. It cannot, for example, guide action that will determine whether some individual will be among those who are at some time actual, and it also tends to justify whatever act one happens to choose to do among acts that would affect who will exist.[2]

Others have argued for what might be called *independentism* about individuals, which is the view that only the interests of individuals whose existence is independent of whether an act is done can provide reasons for doing or not doing the act.[3] Again, one might have a parallel view about interests themselves. But independentism is also unacceptable, as it implies that it is irrelevant to the

[2] I explicitly rejected actualism in McMahan (1994, 1995), though those who have thought that my view is actualist could not be expected to know this.

[3] Although he subsequently rejected it, Peter Singer once defended the view that the only people who count in deliberations about a particular decision are those "who already exist or at least will exist independently of that decision" (1993, 103–104).

permissibility of causing an individual to exist that the individual would have interests in the avoidance of suffering that would be frustrated.

Distinctions among individuals and interests as actual, possible, future, dependent, or independent are unlikely to be important by themselves in resolving either the problems of population ethics or the problems of killing and injuring fetuses and infants. A more important distinction seems to be that between dependent interests in avoiding suffering (or other intrinsically bad states) that would be frustrated, and dependent interests in having benefits that would be satisfied. Again, there are two ways in which there could be a dependent interest in which no one has a present interest. There could be the dependent interest of an existing individual at a later time at which the individual now would be psychologically unrelated to himself, and there could be an interest that an individual would have if the individual were caused to exist. In both cases, if the interest would be in avoiding suffering and would be frustrated, there is a moral reason to prevent it from arising, perhaps even by preventing the potential sufferer from existing or continuing to exist. This is true, for example, in Suffering Later, in some instances of prenatal injury (putting aside the complication that our interests tend to be determined by how our lives have actually gone), and in instances in which we might cause an individual to exist whose life would be intrinsically bad. If, by contrast, a dependent interest is in having a benefit, there seems to be less reason, or no reason, to cause or allow it to exist, even if it would be satisfied, if no one has a present interest in its existence. This is the common view about causing individuals to exist whose lives would be intrinsically good and helps to explain why abortion seems less objectionable than the infliction of significant prenatal injury. It may however, be challenged by the intuition that might be elicited by Suffering Now—namely, that one ought to treat the fetus that would then later have many years of happy life—or by the apparent fact that an acceptable response to the problem of prenatal injury requires us to accept that we have reasons to create and satisfy dependent interests in having greater benefits rather than different dependent interests in having lesser benefits.

Many people believe that while there is a moral reason to prevent or not to cause the existence of an individual whose life would be intrinsically bad, there is no reason to cause or allow the existence of an individual just because the individual's life would be intrinsically good. This is sometimes called *the Procreation Asymmetry* or, for brevity, *the Asymmetry*. According to what I believe to be the most plausible version of the Asymmetry, the reason to prevent a dependent person from suffering is as strong as the reason to prevent an existing person from experiencing equivalent suffering. A more general version of the Asymmetry could cover all dependent interests in the existence or nonexistence of which no one has a present interest. According to this view, there is a reason to prevent the existence of interests in the avoidance of

suffering that would be frustrated but no reason to create interests, including retrospective interests, in having benefits when these interests would be satisfied, provided that no one has an interest in the existence or nonexistence of these interests.

This general Asymmetry could be combined with the Time-Relative Interest Account to form what might be called the *Asymmetric Interest Account*. Because a being (whether human or animal) that has just begun to exist is almost wholly psychologically unrelated to itself in the future (on the assumption that we begin to exist as fetuses), this being has virtually no interest in forming and satisfying interests in having benefits in the future or in not developing interests in the avoidance of suffering that would be frustrated. According to the Asymmetric Interest Account, this individual's possible dependent interests in avoiding suffering ground reasons to prevent the individual from suffering in the future, though this same individual's later dependent interests in having benefits do not ground reasons to ensure that it will now continue to exist to enjoy those benefits. This fetus's dependent interests seem to ground a reason not to injure it in a way that would cause it to suffer as an adult, or in a way that would limit the benefits it would have an adult, but do not seem to ground a reason not to kill it by means of abortion. This reflects the implication of the Time-Relative Interest Account that whether an individual that has just begun to exist continues to exist is not relevantly different from whether that same individual comes into existence in the first place—which is the corollary of the view that there is no relevant difference between an individual's ceasing to exist immediately after beginning to exist and its never existing at all.

According to the general Asymmetry about dependent interests, the strength of the moral reason to prevent the future suffering of existing individuals does not vary with the degree to which they now would be psychologically related to themselves at the time the suffering would occur. The strength of the reason derives instead from the strength of the dependent interest they would have at this later time in not suffering. But the strength of the reason to provide them with later benefits is correlative with the strength of their present time-relative interest in having the benefit, not with the strength of the dependent interest they would have at the time the benefit would occur.

This Asymmetric Interest Account may seem obviously implausible. Because it implies that there is a reason to prevent a newly existing fetus from suffering in the future but no reason to enable or allow it to enjoy benefits in the future, it appears to imply that there is a reason to prevent such a fetus from continuing to live.

But this is not so. There are two ways in which a benefit can matter morally. The prospect of a benefit can provide a reason for bestowing it—that is, the benefit can have "reason-giving weight." But a benefit can lack reason-giving weight and yet have "offsetting weight," in that it can offset or compensate for

a harm, such as an experience of suffering (McMahan 2013). In the case of an individual that has just begun to exist as a fetus, there is reason to prevent its future suffering but there may be little or no reason to ensure that it continues to live to enjoy future benefits. But if it does continue to live, its future life will very likely contain frequently alternating experiences of happiness and suffering, with a predominance of happiness. Each experience of suffering will normally be immediately preceded and followed by experiences of greater happiness that will compensate the individual for the suffering. In these cases, there is no reason to prevent a fetus from continuing to exist, even if there is reason to prevent it from later suffering and no reason to enable it to have later benefits. A parallel claim is true about causing individuals to exist. Hence the Asymmetry does not imply, as some have thought, that there is a presumption against causing people to exist.

This does not, however, wholly vindicate the Asymmetric Interest Account, for it may seem to have the implausible implication just indicated in certain rare instances. Let us use the label *unconnected individual* for any individual that, throughout the whole of its life, is at most only marginally psychologically connected to itself even from moment to moment and thus is psychologically wholly unconnected with itself over any substantial period in its life. A normal human fetus is not an unconnected individual because, although it is now almost completely unconnected to itself at any later time, it will later become closely connected with itself at other times, including quite distant ones. But some animals, and arguably some severely cognitively impaired human beings, are unconnected individuals.

Suppose there were a fetus congenitally formed to be incapable at any time in its future of being more than very weakly psychologically connected to itself at any other time. And suppose further that this fetus's future life would consist of substantial periods of mild suffering alternating with even longer periods of pleasure and contentment. In this case, the pleasure during one period may seem to lack offsetting weight against the suffering in another. This is because the psychological connections between the individual during a pleasurable period and that same individual during a preceding (or succeeding) period of suffering are too weak for the pleasure of the contented self to compensate the miserable self for the suffering. For the miserable self, the earlier or later pleasure is relevantly like *someone else's* pleasure.

Indeed, according to the Time-Relative Interest Account, there is little or no relevant difference between the life of a single unconnected individual and an equally lengthy sequence of shorter lives of different unconnected individuals. Just as the pleasure of one unconnected individual cannot compensate a different unconnected individual for its suffering, so the pleasure during most of one period in the life of a single unconnected individual cannot compensate that same individual for the suffering it experiences during a different period.

If this is right, it seems to be an implication of the Asymmetric Interest Account that it is difficult to justify enabling or even allowing an unconnected individual to continue to exist when its future suffering and its future pleasure would be concentrated in different periods. For the prospect of the suffering provides a reason to prevent it from continuing to exist, yet longer periods of greater pleasure provide no reason to enable it to continue to exist and also do not offset or compensate the individual for the periods of suffering. Moreover, because the Time-Relative Interest Account implies that an unconnected individual's continuing to exist is not relevantly different from an unconnected individual's coming into existence, the Asymmetric Interest Account seems also to imply that it is difficult to justify causing or allowing an unconnected individual to exist.[4]

I think, however, that the Asymmetric Interest Account need not have these implications. In the case of unconnected individuals, benefits can offset suffering without being either reason-giving *or compensating*. It has been a common criticism of utilitarianism that it treats persons as mere containers for utility. But one can rightly deny that this is true of *persons* while accepting that unconnected individuals really *are* just containers for pleasure and suffering. They are, as Singer expresses it, "replaceable." This is why the suffering of one can be offset by the pleasure of another, or the suffering of one can be offset by its own pleasure at a different time, without the sufferer being *compensated* by the pleasure.

One might argue further, however, that the suffering of one individual can be offset only by a *substantially* greater benefit to a *different* individual. And one might claim that the same is true of the different selves at different times within the life of an unconnected individual, given that those selves are relevantly like different individuals. But while deontological considerations and considerations of distributive justice do apply to trade offs between the suffering and happiness of different *persons*, they do not seem to apply to such trade offs between unconnected individuals, or to the offsetting of suffering by pleasure within the life of a single unconnected individual. Thus, the existence and suffering of one unconnected individual *can* be offset by the existence of a different unconnected individual whose pleasure is good by more than the other's suffering is bad. This can be true even if the prospect of the latter's pleasure provides no reason to cause it to exist. And, in the same way, the suffering of an unconnected individual at one time can be offset by its pleasure at another time, thus making it permissible to cause or allow the existence or the continued existence of such an individual, even if there is no positive moral reason to do either.

[4] I am greatly indebted here to Daniel Wawrzyniak for helping me to see and appreciate the significance of some of the implications of the view I am defending.

6. Conclusion

There is more to be said about the Asymmetric Interest Account. I have here been concerned primarily to elucidate its structure. I actually think that there is a better version that replaces the Asymmetry with a *Weak Asymmetry*, which accepts that dependent interests in having benefits ground reasons to provide those benefits even in the absence of any present interest, though these reasons are weaker than corresponding reasons to provide equivalent benefits when that would satisfy a present interest (as well as weaker reasons to prevent the existence or frustration of comparably strong dependent interests in avoiding suffering) (McMahan 2013; McMahan 2015). There is also an issue about how to understand cases involving individuals who are intermediate between unconnected individuals and persons. In these cases, it may be that suffering at one time can be partially but not fully compensated for by happiness at another, and that deontological considerations apply to the distribution of benefits and harms among such individuals, though less fully than in the case of persons. I hope to discuss these matters elsewhere.[5]

Acknowledgments

I am extremely grateful to Espen Gamlund, Derek Parfit, and Carl Tollef Solberg for comments on an earlier draft of this chapter.

References

Broome, John. 2019. "The Badness of Dying Early." In *Saving People from the Harm of Death*, edited by Espen Gamlund and Carl Tollef Solberg, Chapter 7. New York: Oxford University Press.

Dworkin, Ronald. 1993. *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom*. New York: Knopf.

Greaves, Hilary. 2019. "Against 'the Badness of Death.'" In *Saving People from the Harm of Death*, edited by Espen Gamlund and Carl Tollef Solberg, Chapter 13. New York: Oxford University Press.

Holtug, Nils. 2011. "Killing and the Time-Relative Interest Account." *Journal of Ethics* 15, 3: 169–189.

Kamm, F. M. 2019. "The Badness of Death and What to Do About It (If Anything)." In *Saving People from the Harm of Death*, edited by Espen Gamlund and Carl Tollef Solberg, Chapter 10. New York: Oxford University Press.

[5] In the longer version of this essay in McMahan (forthcoming) as well as in the Rutgers Philosophy Lectures I will give in 2019 and then develop into a book to be published by Oxford University Press.

McMahan, Jeff. 1994. Review of David Heyd, *Genetics: Moral Issues in the Creation of New People*. *Philosophical Review* 103: 557–559.

McMahan, Jeff. 1995. "La Moralita del causare l'esistenza di persone." *Bioetica* 2: 182–200.

McMahan, Jeff. 2002. *The Ethics of Killing: Problems at the Margins of Life*. New York: Oxford University Press.

McMahan, Jeff. 2013. "Causing People to Exist and Saving People's Lives." *Journal of Ethics* 17, 1–2: 5–35.

McMahan, Jeff. 2015. "The Comparative Badness for Animals of Suffering and Death." In *The Ethics of Killing Animals*, edited by Tatjana Višak and Robert Garner, 65–85. New York: Oxford University Press.

McMahan, Jeff. Forthcoming. *The Values of Lives.* New York: Oxford University Press.

Parfit, Derek. 1986. *Reasons and Persons*. Oxford: Oxford University Press.

Singer, Peter. 1993. *Practical Ethics*, 2nd ed. Cambridge: Cambridge University Press.