

## The Non-Identity Problem

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*Wilma has decided to have a baby. She goes to her doctor for a checkup and the doctor tells her that there is some good news and some bad news. The bad news is that as things now stand, if Wilma conceives, her child will have a disability. . . . [W]hile the disability will be considerably far from trivial, the child's life will nonetheless clearly be worth living. [Furthermore], there will be no way to eliminate it or to mitigate its effects. The good news is that . . . [if] she takes a tiny pill once a day for two months before conceiving, her child will be perfectly healthy. The pill is easy to take, has no side effects, and will be paid for by her health insurance.<sup>1</sup>*

To illustrate this case, Boonin assumes that Pebbles would be blind.

This is a case that David Boonin presents us with to provide us with a challenge. To many people – quite a few people, apparently - Wilma would be acting immorally if she refused to take the pill and, instead, conceived a child right away. The challenge comes from trying to explain why this is wrong.

We are to assume that her decision harms nobody else in the community. Furthermore, Pebbles has no reason to complain since, if Wilma had decided to follow the doctor's prescription, Pebbles would not have existed at all. The child that Wilma would have conceived in two months has no valid moral claim to make against Wilma, since she could freely choose to have no child at all.

Specifically, Boonin gives the argument the following form:h

- P1: Wilma's act does not make Pebbles worse off than she would have otherwise been.*
- P2: If A's act harms B, then it makes B worse off than B would have otherwise been.*

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<sup>1</sup> David Boonin, "Chapter 1: Five Plausible Premises and One Implausible Conclusion", excerpt from *Ethics and the Non-Identity Problem*, (2014), Oxford, Oxford University Press.

- C1: *Wilma's act of conceiving Pebbles does not harm Pebbles (from P1 and P2).*  
P3: *Wilma's act of conceiving Pebbles does not harm anyone else.*  
C2: *Wilma's act of conceiving Pebbles does not harm anyone (from C1 and P3).*  
P4: *If A's act does not wrong anyone, then A's act does not wrong anyone.*  
C3: *Wilma's act of conceiving Pebbles does not wrong anyone (from C2 and P4)*  
P5: *If A's act does not wrong anyone, then A's act is not wrong.*  
C4: *Wilma's act of conceiving Pebbles is not wrong.<sup>2</sup>*

And yet, many are inclined to say that the conclusion is false.

I seem to be one of the few who thinks that her act is not wrong. I wish to argue that the moral intuitions used against her are mistaken. I will do this by using a comparison situation where, for many people at least, we have recognized the need to correct older and mistaken intuitions.

### The Comparison Case

My comparison case concerns Bill.

Bill, who is white, lives in a racist society. In that society, he has two options.

On the first option, Bill could marry a black woman and have a mixed-race child. However, the white citizens in Bill's society would reject and ostracize a mixed-race child. The black community will as well.<sup>3</sup> As a result, the child can be expected to grow up alone and bullied by both communities. Not only will this be unpleasant in itself, we can expect that the child will be at risk of suffering psychological harm. In addition, the child and later adult will suffer from explicit and implicit biases that will adversely affect the quality of life, particularly if the person "looks black". However, in spite of these challenges, the child will still have a life that is worth living.

The other option would be for Bill to marry a white woman and have a white child. This child will be fully accepted into the white community and be able to harvest the benefits of "white privilege". She will get

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<sup>2</sup> Boonin presented this version of the argument in a Centers for Value and Social Policy talk, December 8, 2017.

<sup>3</sup> A relevant account of the type of situation I am describing is depicted in the song "Half Breed" by Cher.

a higher quality education, find it easier to get a job, to get promotions, expect better treatment from others and generally enjoy a higher quality of life.

Bill's choice, like Wilma's, is a choice between having a child with a lower quality of life, or having a different child with a higher quality of life.

I am assuming that there are at least some readers who will hold that it would not be immoral for Bill to marry a black person and have a mixed-race child even if these conditions exist. The fact that we can expect that the mixed-race child will have a lower quality of life may be relevant to our moral judgment of the society, but not to our moral judgment of Bill's choice.

To judge Wilma harshly, but not Bill, we need to discover a morally relevant difference between the two cases.

### Ease of Avoidance

Wilma is described as somebody who can easily avoid having a blind child. She only needs to take a "tiny pill" for two months. Bill, on the other hand, is deciding on who to marry and have a family with.

Preventing him from marrying the person he loves is a much more serious sacrifice.

However, the case does not require Bill to make such a sacrifice. Bill could simply judge it immoral and rule it out at the start, as people did for centuries. It may actually be easier for Bill to marry a white woman and have a white child. In choosing this option, he avoids the burdens of social censure and ostracism himself.

In fact, the situation described is one in which Bill would be taking on a burden in order to have the mixed-race child. We can imagine Wilma being told that she has an illness where any child she conceived this year will likely be healthy, but any child conceived later would be blind. She decides to postpone pregnancy and have a blind child. If one's intuitive moral alarm bells were going off against

Wilma in the original case, they are likely much louder here. Yet, it is this case that more closely matches the intuitively acceptable case of having a mixed-race child, where those alarms do not seem to sound.

If one's intuitive alarm bells go off in the first, case, but not the second, one will need to consider why this is the case.

## Racism

We may think we can find a relevant moral difference in the difference between not wanting a child to be blind versus not wanting a child to be of mixed race. The latter interest seems morally questionable (to say the least).

However, this would be a poor description of the comparison. We are looking at the parent's concern with the quality of life that the child can expect. The two cases combine this concern with the empirical fact that a blind child will have a lower quality of life compared to the child who can see, and the mixed-race child will have a lower quality of life in the situation described than the white child. A person need not be a racist to admit to these facts where they apply.

Still, one can argue that permitting mixed-race children serves a more important moral concern – that of teaching a moral lesson against racism. One permits mixed marriages as a way of standing up for racial justice – as a way of refusing to allow the racists to win.

However, this defense would not provide an argument for the moral permissibility of having a mixed-race child. It would make it a case of moral conflict, where having a mixed-race child is wrong – but a wrong done in the service of a greater good. It would be like the moral permission to break a promise to meet somebody because one needed to help those injured in an accident. The agent still owes an apology to the person she had agreed to meet – a way of acknowledging, “Look, I know that breaking promises is generally wrong, but I had to serve a greater good.” Having a mixed-race child in the

situation described above to serve a greater good would be comparable to saying, “Hey, I know it’s wrong to have a child who will have a lower quality of life, but I needed to in order to take a stand against racism.” This is in contrast with saying that it simply is not wrong to have a mixed-race child.

### External Cause

Still, it is the case that the harms being done to the mixed-race child are being caused by the wrongful actions of other people. Therefore, Bill is not morally responsible for those harms.

However, people can be on the hook for harms that others cause when one can reasonably expect them to happen. If one discovers that a neighbor is disposed to murder children, one is not entirely blameless for having one’s child play around his house. This is particularly true when the victims are children, where a failure to take precautions to protect children from predators is widely regarded as not only morally culpable but deserving of civil or criminal penalties. The parent of the mixed-race child can hardly get away with saying, “I knew that others would abuse my mixed-race child, but that does not matter.”

The point of this argument is that we cannot find the difference between Wilma’s “wrongful” act and Bill’s “permissible” act in the fact that other people inflict the harms on Bill’s child. If Bill knew that a mixed-race child would suffer this abuse, then he is as much on the hook as Wilma is, given Wilma’s knowledge that her child will be born blind.

Yet, this possibility of abuse by others does not give us a reason to morally object to Bill having a mixed race child. Similarly, the difficulties that Pebbles will suffer does not give us a reason to morally object to Wilma having Pebbles. Both Bill and Wilma have an obligation to protect the child they have from abuse and other harms, but this obligation does not imply that they have a moral obligation not to have the child.

## Indifference

The last objection that I want to consider sees the parent's choice as an expression of indifference towards the happiness of others.

We may assume that the joys of parenthood are found, in part, in seeing one's child laugh rather than cry, in seeing one's child obtain what she wants rather than struggle, celebrate successes rather than console failures.

Wilma seems not to care how happy her child is. The way the case is described, she only cares about her own convenience.

*Wilma decides that having to take a pill once a day for two months before conceiving is a bit too inconvenient and so chooses to throw the pills away and conceive at once. As a result of this choice, her child is born with a significant and irreversible disability.*

We are told that Wilma is motivated solely by her own convenience (as if having a blind child will not be inconvenient at times). We are given reason to assume that Wilma is uninterested in Pebble's tears and struggles. She is just going to dismiss them as something much less significant than the inconvenience she would have had to endure by taking a tiny pill for two months. We have reason to ask, if Wilma finds taking the pills to be too inconvenient, would also find it too inconvenient to make sure that her child takes the pills under conditions where the doctor says, "Your child has to take these tiny pills for two months or go blind?" The Wilma being described to us seems to be somebody who would say, "That's too much of a bother," and throw the pills out.

In other words, we are told to imagine that Wilma is callously indifferent to the suffering and struggles of others and cares only about her own convenience.

Wilma's callous indifference gives us reason to ask where else this disposition will show up. If she really does not care about the fact that her child will suffer and struggle, how good of a parent can she be? If she shows this same callous disregard for the suffering of others, how good of a neighbor can she be? How good of a friend? How good of a person?

If it is the case that only a person with such a deeply morally flawed character would choose to have Pebbles rather than Rocks, then there is a way in which we can argue that the decision to have Pebbles is immoral. It is, at the very least, something no person of good moral character would do.

I think that these are the facts that explain the intuitive judgment that Wilma's actions are wrong. People are reading Wilma's moral character from the description and jumping to the conclusion that no person of good moral character – who seems to care only about her own convenience and cares nothing about the well-being of those around her – into her actions. Furthermore, people are rashly assuming that only such a person could choose to have a blind child.

I do not share these intuitions because I see Bill's case and the case of white parents of interracial children generally as providing reasons to question these assumptions.

There is more than one way to express a concern with the happiness of others.

One way is to surround oneself with happy people, and to shun and avoid anybody who is unhappy. One can select friends who tend to be happy, who are unlikely to have any troubles or concerns. Those who are more likely to have or who do have troubles or concerns are placed "out of sight, out of mind."

Another way to express a regard in the well-being of others is to find people as they are and see if one can increase their well-being. This is the person who might volunteer to work in a soup kitchen or at a hospital, travel to an impoverished country to provide food and medical care to the sick and starving, or

show up to provide comfort for a grieving friend. They do not seek to be surrounded by happy people as much as they seek to be surrounded by people whose happiness matters to them.

Are the white parents of interracial children callously indifferent to the happiness of others? These are real people. We can find some, observe them, and report the results. We may know some, or know somebody who does. We get to learn of their character as a matter of fact. I am going to wager that we do not tend to find them to be indifferent to the difficulties and suffering of others.

Wilma is a fictional character. We cannot observe her to determine if she is callously indifferent to the struggles of others. If the story does not give us our answer, we either fill in the missing information (and pass a moral judgment on Wilma based on our assumptions), or we suspend judgment. I opt to give Wilma the benefit of the doubt.

Let me present an alternative scenario that does not alter the decision or the consequences, but suggests different (good, or at least neutral) motives.

Wilma is very close to her father, who is becoming quite sick. After talking it over with Fred, they decide to conceive a child such that it would be due shortly after her father's birthday. The plan is to induce labor on her father's birthday. She goes to the doctor two months before trying to conceive this child and is given a clean bill of health. She goes to the doctor again a couple of weeks before trying to conceive this child and is given the bad news. Sometime since her last visit she became infected with the Fetal Blindness Virus (FBV) and the child she was planning to conceive would be born blind – though she could conceive a normal child if she waited for the disease to take its course.

After some tears and a lot of discussion, as well as doing some research to determine what would be involved in raising a blind child, Fred and Wilma, they decide that they do not wish to abandon this child and replace her with a different child, in spite of the fact that it would be easy and convenient to do so.



They certainly would not seek to abandon her and replace her with a different child if she became blind after being born.

On Wilma's father's birthday, Wilma induces labor and gives birth to a baby girl as planned. She is blind, and nothing Wilma and Fred could do will eliminate the challenges that Pebbles will face as a result of this handicap. However, they have used the previous nine months to make what preparations they can.

## Conclusion

I hold that neither Wilma nor Bill did anything wrong in conceiving a child that will have disadvantages compared to a different child that would not have had those disadvantages. If we presume that Wilma's choice is due to a callous disregard for the happiness of those around her, this may set off judgmental moral intuitions. However, the real-world cases of white parents in mixed-race families tells us that we are not warranted in making that assumption.