

PROBLEMS AND SOLUTIONS FOR A HYPOTHETICAL RIGHT NOT TO EXIST

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Abstract

In this paper I will describe and attempt to resolve one of the main problems of David Benatar's text *Better Never To Have Been: The Harm of Coming Into Existence*: whether it is possible for a right not to exist to be posited without there ever being a person in existence to hold such a right. I will conclude that this is indeed possible given an experience oriented view of personhood that I shall outline, and what other conclusions might be drawn from such a view.

Introduction

In David Benatar's book *Better Never To Have Been: The Harm of Coming Into Existence*, Benatar sets out to show that all lives are fundamentally bad in some way and that there is therefore a moral duty not to procreate¹. This moral duty basically rests on not only proving that bringing persons into existence is a harm to those coming into existence, but that there is also both a right not to come into existence as well as a bearer of such a right, one which only exists when the right is breached — a view which entails several difficulties. Before we address these, let us see what Benatar imagines about such a right:

¹It should be noted that while a lot of references are made to Benatar's *Better Never To Have Been*, I do not necessarily agree with his justifications for the claim that it is a harm to come into existence — or any similarly minded justifications for that matter. All that this essay sets out to do is to inquire into the possibility of a non-contradictory right not to exist, as will be seen below.

”One common basis for denying that procreation violates the rights of the person created is that prior to procreation that person does not exist and thus there can be no bearer of the right not to be created. But this may be an unduly narrow view of rights ascription — one that ignores the special features of procreation. If... one *can* be harmed by being brought into existence, one could argue that the right that protects against this kind of harm is a special kind of right — a right that has a bearer only in the breach. Put another way, we might say that one violates a right by performing some action if, as a result of performing this action, there exists some person who is wrongfully harmed. I acknowledge that this is an unusual kind of right, but coming into existence is an unusual case. If one could make sense of such a right, it would then not be an objection to an argument that a person is wrongfully harmed that there was no right not to be.” (Benatar, 2009)²

While Benatar immediately goes on in a footnote to the cited paragraph that ”obviously much more needs to be said about this” and that ”it is not my aim to prove that there is a right not to come into existence, but rather to show that coming into existence is always a harm.”, it is not difficult to see why it is of the utmost importance to Benatar and similarly minded antinatalists³ that such a right is theoretically possible to assign — for even if they are capable of showing that coming into existence is always a harm⁴ and that we have a duty not to perform this harm, the position would seem to be incoherent on its own: who is it exactly that was harmed by coming into existence, if prior to the person’s coming into existence he was not anything at all and afterwards he already existed? Without any clear means of pointing out a bearer for the right not to come into existence, it would seem that the best that antinatalists can accomplish is to show that while it would have been better if we had not been, our coming into existence was not anything that needed to be prevented, since there was no person at the time that could have had any sorts of rights to protect them from coming into existence⁵⁶.

²*Better Never To Have Been*, page 53.

³Antinatalism is a position where one is against the birth of humans or all life-forms. It can be held for a variety of reasons. The Voluntary Human Extinction Movement would be an example of an antinatalist group.

⁴Or at least, that the potential price of the gamble of allowing another person to come into existence is too high. For a good description of why we consider risky behaviour to be bad and not something to be performed, see David B. Suits’ essay *Why Death Is Not Bad For The One Who Died*, pages 69-84, specifically pages 69-70 and 75-77.

⁵While not addressed specifically here, I will assume in this essay that a person comes into existence gradually during prenatal development. In any case, it is of no importance to this essay when and how this exactly occurs, but stating this assumption will be important for understanding the rest of the essay. Even if we were to adopt a position where early postnatal development is the time where a person gradually comes into existence, the arguments here would not require, I think, much reworking to fit such a position.

⁶Actually, this would also seem to be a problem when discussing why one should not bring certain persons into existence that will suffer from some horrific malady or another: without the right that this essay sets out to provide, it would seem that arguments about how bad or terrible the lives of such persons would be are of no consequence when considering the potential dangers of hereditary diseases or maladies which can be foreseen during early stages of pregnancy; before the person comes into existence, there is no one to have a right not to come into existence with the aforementioned horrors, and once they already exist, we are talking about an already existing person and whether or not to terminate their existence, i.e., a situation in which it is already too late to prevent the harm of their existence.

1 Further Problems

The above outline of the problem does not exhaust the possible difficulties of a hypothetical right not to exist.

Suppose for example that we had come up with such a right, and further suppose that we were to apply it. In such a situation we might imagine a potential mother deliberating upon the termination of her pregnancy: if she does not terminate the pregnancy, then a person will come into existence, something which she as an antinatalist would want to prevent.

A second but slightly different example would be that of a computer programmer of the future, who with the pressing of a key brings an artificial intelligence (AI) into existence.

The difference between these two cases is that the antinatalist mother is seeking to prevent the coming into existence of a person who, if not prevented from doing so, *will* come into existence, while the programmer's AI child will only come into existence *if* the programmer decides to perform the necessary motions to bring this form of existence about. Basically, in the case of the antinatalist mother we are talking about a type of neglect or failure to allow harm to come to pass, much like a cowed civilian bystander that is witnessing a crime taking place. In the case of the future programmer it is much clearer that, if he were to go through with his plans to bring the AI into existence, he would be the perpetrator of the bringing about of the existence of the AI.

While this differentiation is not important to whether or not we can create a right for a person not to come into existence, it is nevertheless important to know of these two different sorts of situations in which a person might come into existence, because depending on the ethical models that the persons capable of preventing or not undertaking the bringing about of the coming into existence of another being might hold, they may have to engage these two situations differently. How such a difference could be handled will not be addressed in this essay and I state the difference merely for the sake of clarity⁷. Yet, this is not the only issue when thinking about the possible prevention of the existence of persons.

Let us say that the antinatalist mother and the future programmer decide not to bring their hypothetical children into existence. Setting the differences of the two situations aside for the moment, we might imagine such a line of reasoning being something like this: "It is bad for X to exist. Therefore I shall not bring X into existence.", where X would be the person whose future existence is in question. Even if we were to grant that we can speak of the X in question, i.e. that in some valid sense we are able to argue as if he existed, it would appear

⁷The only further comment one might make is that, given the easy access to abortion and contraceptives in developed countries, unlike a bystander of a crime who runs the risk of getting harmed if he seeks to prevent the crime in action, the potential parents-to-be of any potential children have easy access to methods with which to prevent the coming into existence of any being that they might produce and thus do not normally run any risk of personal harm when using such methods. Nor is it a great waste of their own resources to prevent the coming into existence of their potential children.

that at the end of the argument a contradiction occurs: the X whose existence was assumed for the argument suddenly dissipates and is no longer something considered to exist.

To be more clear in where the problem lies, let us take our future programmer again and call him Miles, as well as our AI, which we'll give the evocative name AM. Miles, having finished the layout of the entire code necessary to bring AM into existence, thinks about whether or not to run the program that would do so. While AM does not yet exist, Miles is certain that the program will be successful if run. The question now is whether or not AM *should* ever come into existence, not if he *could*: Miles knows that his program will work and is certain of its success. Yet Miles, reflecting back on the famous words of Sophocles that "it is best not to have been born at all", reasons: "If I press this key, AM will come into existence. However, I do not wish for AM to have to suffer this burden; instead, I will delete the program and thus prevent the creation of AM; he will never have been born, which is the best of all." Miles then continues through with his plan, destroys the program, and it was as if AM never had been. But actually, it wasn't just "as if" AM had never been: for the entirety of this scenario, AM was completely absent. But if he was entirely absent, then how could Miles have reasoned about him at all, especially since the considerations were made for AM's sake? Would there not have to be some kind of potential AM that is thought about before his existence was pre-emptively terminated — and does it even make sense to speak of the prevention of an existence which never was or will be? What exactly is it that is being prevented here?

I call this the problem of the never-to-be. It is different from considerations about people which will definitely come into existence, since these do actually, at some point of the equation, exist⁸. Instead, Miles' situation above seems virtually indistinguishable from a solitary individual with no means of procreation — sexual or otherwise — thinking to himself: "I could have a child named Bob. Since it is better never to have been born for Bob, I will make sure never to bring him into existence." and then believing for the rest of his life that he will be doing Bob a constant favour of relentlessly avoiding any possibility of bringing Bob into existence. It is not merely comical, but also contradictory: if I assume, for the sake of argument, the existence of Bob, then I cannot presume his non-existence in the conclusion of my argument. Such an argument might look like this:

There is an X, so that that X is a person and exists in some manner so that we can speak of it. It is best for persons never to exist. Therefore we shall prevent the existence of X, meaning: There is no longer an X in existence; furthermore, there never was an X to begin with.

The last statement of the argument seems to contradict the first statement. Thus, a solution to the problem of the never-to-be must include some way of reasoning about a person that,

⁸I am aware that there are problems with considering the rights and needs of persons which will come into existence at a later point in time, such as the ones pointed out at the end of David B. Suits' essay *Why Death Is Not Bad For The One Who Died*. While I think they are resolvable, it is not my aim in this essay to attempt such a solution.

at the end of the argument, will *never have existed in the first place*. I will go on to argue that this problem can indeed be resolved. For now, let us look into another potential problem that a right not to exist might yield:

Quite often, the arguments of antinatalists will state that it is *better* never to have been, implying a sort of comparison between two states: the non-existent and the existent. This is usually done by a utilitarian calculation that a neutral state of affairs (or indeed a positive one!) such as non-existence is better than a negative state of affairs. The problem, as David B. Suits explains⁹ is not that non-existence — or in this case death — is better or worse than another situation. Instead, while examining a situation of Gracious worse-offness (a purely relational affair between situations), Suits explains:

”But being dead is not like that. Being dead is not a Gracious offness, because being dead is not a situation such that, if a few external details are changed, but keeping the fact of death constant, it could then be classified as bad (derivative or otherwise) for the decedent. Being dead is not the sort of thing which, depending on some further details, might possibly be either intrinsically or derivatively bad for the dead person. Being dead is not risky or dangerous, nor could it, with a few changes in external details, possibly be risky or dangerous. Hence, being dead is not a purely relational worse-offness nor even (to change the sense of comparison) a purely relational not-as-well-offness, nor even a purely relational would-have-been-better-offness. It is precisely no sort of offness at all.” (Suits, 2001)¹⁰

The main thrust of this problem then, is that for there to be a comparison between the dead (or non-existent) and the living, there would have to be some sort of ”offness” in each of the two states to compare to one another. Yet, non-existence is not a state or offness of any kind; in fact, it is the lack of any sort of state or offness for the dead person. Thus it would seem that any comparison between the two is illegitimate — this makes it difficult to provide reasons for a right not to exist. I in fact agree that such comparisons are not legitimate; any right not to exist must, then, be grounded upon a different principle than one of comparisons between better-offness of the non-existent and the existing¹¹.

2 A sketch of an experience-based model of personhood

To resolve some of the issues presented in the prior section, it is first necessary to outline an important aspect of a few models of personhood: that of the importance of experience

⁹ *Why Death Is Not Bad For The One Who Died*, pages 73-77.

¹⁰ *Why Death Is Not Bad For The One Who Died*, page 75.

¹¹It is important to note here that this is different from a comparison between a person that already exists, and no longer wants to, and a state of affairs where such a person no longer existed. In such a case, the only thing sought is a cessation of the harm of existence — not the cessation of a harm so that one might continue to exist without it. David Benatar, in chapter two of his *Better Never To Have Been* provides some useful distinctions between lives not worth starting and lives not worth continuing, which might further ground the notion of this relevant distinction. I will however, later in this essay, return to a specific detail of such considerations.

in forming the person. For our purposes here it will suffice to only look at the aspect of experience, and whether or not it can play an important part in grounding a right not to exist — I will not present a fully fleshed out model of personhood. By doing so, I hope to enable the views presented here to fit any view of personhood which includes experience in the relevant way that I will describe presently.

If a person can be said to be shaped by his experiences, then it would seem safe to say that, at any given point in time, a person will not be the same as the person he once was before experiencing a certain set of experiences, nor will he continue to be the same person when he gains new experiences. We might then say that a person does not — in this sense that we are outlining for the moment — persist through time, but is either replaced by another person or changes slowly into another as new experiences are acquired; in which of these two manners this proceeds is irrelevant for this essay. The only thing that does matter is that at any given point in time, a person exists only for that given point in time, because the combination of experiences is different at each point in time. For the sake of clarity, I will call these types of persons "person-bits". When referring to the procession of a continuum of person-bits, which is to say the series of person-bits which follow one another through time as new experiences are acquired, and which are colloquially identified as being the same person, I will call them a "person-series". This distinction will become especially relevant when discussing objections later in the essay.

A possible objection to this sort of view might be that a person has some constant core which stays the same through time and is only modified or informed by experience. That may be the case, but is not relevant to the kind of personhood I am discussing here; for whether it is this core that persists through time plus the sum of experiences collected until that point in time that make up a person-bit or if there is no core and only the collected experiences need to be considered is irrelevant: in each case the person-bit will be a different one each moment of time in which experiences are gathered and continue to modify or inform the core or merely the sum of all experiences¹².

¹²"This should be the case for all such cores, i.e., any kind of person that can change through time while remaining fundamentally the same or that in some other way persists through time. As long as the total sum of experiences is relevant to what makes up a person, then my description of a person-bit should not bother the reader too much, and the ideas expressed here should still be relevant for their model of personhood (however, see below for one possible objection to this view). Similarly, a view which does not include the concept of selves at all, but instead uses moments of thought, phenomenal experience or some other relevant factor that is reducible to something akin to "moments of experience" will still be able to draw relevant conclusions from this discussion of personhood. All that is required is a compunction against the infliction of harm (see below)."

3 How to Harm Person-Bits

Let us then imagine a case in which harm is done to a person-bit. Henry, an old and shrewd businessman, is perturbed by a potential disturbance in his lucrative business represented by Adam. Fearing that, if Adam is not soon taken care of in some way, his business would crumble, Henry deliberates on the option of killing Adam. However, as Henry is aware of the person-bits model proposed above, this proves to not be as easy as he first thought.

The first problem presented to Henry is that the Adam he last met is no longer the Adam that is currently alive, due to Adam having doubtlessly collected many new experiences since they had last met. This is because while the person-bit Adam ceases to be rather quickly as new experiences are collected, the person-series Adam still exists, but is only a place-holder for whatever current person-bit Adam occupies the point of time in question.

The second problem is that even if it were the case that Adam had somehow not been able to collect more experiences and thus change from the Adam Henry once knew and wants to kill, no matter how quickly Henry is to proceed, the person-bit which he would set out to slay is never the one he will actually end up slaying. For one, there will be at the very least a small modicum of experiences that the person-series Adam collects between the resolution to kill him and his actual killing — thus a different person-bit Adam is left in the wake of the prior one and so on through time, until the person-series Adam comes to an end. Also, having actively influenced Adam's set of experiences through the experience of harming him, Henry has only served to help replace the current person-bit Adam with the next person-bit Adam — one that suffers the experience of dying.

Not wanting to waste more time on fruitless ruminations on the impossibility of harming a person-bit Adam that no longer exists, Henry decides to instead harm the person-series Adam. However, this is also not an option: the person-series is not an actual thing of its own. It is instead a convenient place marker for any person-bit Adams which have come and gone, the one that currently is, as well as those which are yet to come.

It would seem that Henry could not possibly harm and kill the Adam whom he set out to kill, unless some really good timing and time travel were involved, both of which Henry has no access to. Brooding over this, Henry remembers why exactly he wanted to kill Adam — which was to prevent him from ruining his business — and thus realizes that there is a very important way in which the person-series Adam can be slain, even though only person-bit Adams could possibly suffer actual harm: there is a great similarity between past person-bit Adams and future person-bit Adams. Henry knows this not only from observing Adam and himself for the last few decades, but he also realizes that this is due to experiences being cumulative and adding to a pre-existing set of experiences, all of which make it possible to deduce that the person-bit Adam he once knew shares the quality of wanting to destroy Henry's business with whatever person-bit Adam will happen to exist once Henry performs

the act of killing. So while it is not possible for Henry to harm the particular person-bit Adam he once knew, he can still end the highly likely threat to his business by taking out the person-bit Adam to be. And so he sets off to do the deed.

Let us now imagine a slight alteration of the spiel above, one in which Henry has some reason or another *not* to harm Adam, be it due to a personal ethical code, some promise he made to Adam or out of empathy for his suffering should he die — the process of which is usually, if not painful, frightening and undesirable to those that suffer through it.

It might at first seem to Henry that he can kill Adam with no problems whatsoever, as the person-bit Adam he would end up killing is not the Adam he once knew, and the person-series Adam is not any specific kind of person-bit Adam. And this would be true if he only cared about a particular person-bit Adam.

However, this is not the case: if Henry is somehow bound by a promise to a previous person-bit Adam, and if that promise was to last for a given amount of time, then Henry is still bound to it, as part of the promise entails that it applies to future members of the person-series Adam. Similarly, if Henry still cares about any promises his own ancestral person-bits have given Adam, e.g. the Henry-of-three-days-ago, he is still bound to that promise. How he justifies this promise we shall leave open here; possible examples are caring for his own emotional contempt for such acts of betrayal or murder, or his and his own descendant person-bits' public standing or their potential neagative memories of having killed Adam — if such things bother Henry. In any case, there are plenty of ways in which such acts of compassion — or rather non-actions — might be justified.

In the case of a personal ethical code of some sort it is much easier to imagine why Henry would not kill Adam: he merely has to check if he still agrees with said ethical code and that will give him the answer as to whether or not he can kill Adam. Similarly, empathy for the suffering of a dying person-bit Adam, or any being for that matter, would also present Henry with easily found justifications not to slay any sort of person-bit Adam.

The various justifications for why Henry would possibly not kill Adam shall serve us here as examples of why a person-bit might decide not to harm another person-bit, as the infliction of death, and thus the process of dying, upon another can be seen as a specific form of harm. These justifications might arise from any number of ethical, moral, religious, biological, social, legal or other arbitrary source. We will call these justifications compunctions against the infliction of harm.

Notice that in all of these examples, what was actually important in each case was whether or not a person-bit would be harmed. This, however, is not accurate enough. For in each consideration about harming a possible-to-be person-bit Adam, Henry is actually working through the problem of the never-to-be: the person-bits being considered — that is, the

ones which would suffer the harm of dying — never come into existence. Instead, they are postulated as possible person-bits which *we do not want to create*.

4 Solutions to the problems

I propose that our reformed and compassionate Henry in the prior example is not reiterating the same fallacious reasoning which I presented as the problem of the never-to-be. This is because instead of thinking of a persisting thing that should not be harmed, and because of that, never comes into existence, Henry is actually formulating a very different sort of reasoning. The fallacious argument looked like this:

There is an X, so that that X is a person and exists in some manner so that we can speak of it. It is best for persons never to exist. Therefore we shall prevent the existence of X, meaning: There is no longer an X in existence; furthermore, there never was an X to begin with.

However, what I and Henry are proposing is this:

There should not be an X, so that X is a person that suffers. Therefore, X should not be created.

Notice that the difference here is that no evaluation for the sake of X exists. Obviously, the decision to not create X can be of no benefit to X per se, as he never existed and never will. Instead, we evaluate it to be better in a non-beneficial sense for the person-bit: if one does not wish to create harm, then that is a personal desire of the person deliberating on whether or not to perform harmful actions. This might be for empathetic reasons, such as feeling sorry for those that suffer. However, ultimately, it is out of this personal motivation — a compunction against the infliction of harm — that we do not wish to create circumstances that would create a person-bit that suffered. Thus, if it is not alright to bring about a person-bit that suffers by punching someone in the face, then it is not alright to bring about a person-bit that suffers by beginning a new person-series if it is in fact a harm to come into existence. While the person-series can only begin and end (and thus not suffer any harm themselves), it is the suffering of the person-bits that make up the series that actually matter.

Let us again show the similarities between the two cases. When Henry is thinking about not harming Adam, what he is doing is proposing a possible person-bit Adam which would suffer, and then deciding not to bring such a person-bit about. Similarly, when programmer Miles is thinking about not creating the artificial intelligence AM, what he is doing is proposing a possible person-bit AM which would suffer the harm of existence, and then deciding not to bring such a person-bit about. The fact that in the former case a further and different person-bit Adam will come about and in the latter no person-bit AM comes about is completely irrelevant, as that is not what is of importance given the outlined motivation above: a

compunction against the infliction of harm. Fulfilling such a compunction by not going through with an action that causes harm is of no benefit to the proposed person-bits, as they will either never be, having never been brought about, or are the ones potentially left in the place of the never-to-be, thus being different person-bits altogether from the ones never-to-be. However, not creating a harmed person-bit satisfies whatever specific desire represents the deliberating person's — in our cases Henry's and Miles' — compunction against the infliction of harm.

With the problem of the never-to-be resolved, we can turn our attention briefly to whether or not this solution commits an illegitimate comparison between an existing and a not existing person. As we can see, this is not the case because we are no longer considering — as in the fallacious first case — what would be better for a non-existing person based on a comparison to an existing person. Instead, only one possible person-bit is considered, and whether or not it would violate our compunction against the infliction of harm to bring it into existence. If it does, then we simply do not bring about the existence of this suffering person-bit.

5 Objections

There may be a great many objections which might be levelled against both the model of personhood proposed here as well as conclusions drawn from applying it to the problem of the never-to-be, be they motivated out of ethical concerns or possible scepticism towards the validity of some of the arguments' aspects. I will try to work through some possibly important or common ones below:

1. If person-bits are never the person-bits that I have met before, they are strangers to me — why should I care for any responsibilities that I might have had for their ancestor person-bits of their person-series?

While it may be simple to point out that a compunction against the infliction of harm upon any person would be sufficient to resolve this problem, this objection deals more with specific relationships between particular person-series, or rather, whatever person-bits these currently represent. I have tried to address this in my explanation for why Henry, given that a promise to Adam was made in the past, might nevertheless still want to keep that promise despite both the promise-making person-bit and the promised-to person-bit no longer existing. Similarly, I have given reasons for why both the descendant person-bit Henry and the descendant person-bit Adam resemble their ancestor person-bits, and may thus possess similar desires to said ancestral person-bits. However, the main thrust of the objection is that ontologically speaking, these are still different entities to the ones priorly known — in this sense, the current person-bit Henry and the current person-bit Adam are strangers.

The resolution is simple: it isn't just the case that every person-bit is a stranger to every other person-bit in this sense, but that we can also see by this that if it is not the case that we care for strangers in the colloquial sense, that we actually do care for the sort of strangers colloquially known as one's acquaintances, which is to say, the "strangers" postulated by this objection. This is because of a certain continuity of desires which is "passed down" from one person-bit to the next person-bit in line; because of this we also gauge our relationships to other person-series in a similar way: since person-bits usually resemble their ancestors, we can predict their behaviours and desires to some degree, as well as those of our own person-bit descendants¹³. This explanation does not describe why one *should* care for any person-bit at all, but only establishes how it is that we care about other person-bits, which is sufficient in answering the objection: it shows how, given this particular view of personhood, compunctions against the infliction of harm can function, if they do exist. Furthermore, it should be pointed out that if persons that persist through time never have existed, it is clearly not the case that our compunctions against the infliction of harm were ever targeted at them, but instead targeted against person-bits in the relevant way I have described.

2. It is not the case that the argument shows that person-bits are the bearer of rights: instead it has only been shown that this particular view of personhood allows no rights whatsoever, as those require persistent persons.

While the above reply to the previous objection gives us some idea on how to formulate rights in such a way as to apply to person-bits, this objection deals with the fact that if only person-bits are the bearers of rights, and if we can never be quick enough to breach the rights of person-bits when setting out to perform an action that will cause harm, then it is the case that we can never set out to harm anyone, and cannot be held accountable for harming any person-bit; similarly, the person-bit that caused the harm will cease to exist quite quickly after performing his deed of harm, and it would seem that a proper punishment would be inapplicable or unjust. I have tried to suggest that for cases such as the latter, we consider the similarities between the person-bits descendants and their person-bits ancestors with my example of Henry setting out to kill Adam to stop him from ruining his business, despite not being the same person-bit that first set out to ruin Henry's business; we might similarly use similarities between Henry's murderous ancestor person-bits and the current person-bit Henry to punish him for reasons concerning the safety of society or the "reforming of the individual" — i.e. influencing the type of personality the future person-bit Henrys will have — Henry's person-bits descendants or a variety of other applicable reasons for punishment.

¹³I would suggest that this is also why, given enough time, people become estranged or utter such things as "I don't know you anymore" to one another; given enough or important new experiences, resemblances to previous person-bits will become less pronounced and will eventually fade altogether.

The former suggestion however relies on, I think, two things: Firstly, that persisting persons must exist, and that because of this, our views are oriented towards these and not to person-bits — as pointed out in my answer to the prior objection, we can imagine how we might understand our compunctions against the infliction of harm in terms of person-bits rather than persisting persons. Secondly, it forgets that a person-bit that descends from a person-bit with a compunction against the infliction of harm would, generally, inherit said compunction. So while it is the case that the performing person-bit Henry could begin an action which would kill a future Adam person-bit that neither he nor the killing person-bit Henry set out to kill, Henry can foresee that his descendant person-bits would still suffer the consequences of having a compunction against the infliction of harm, and since his currently planning person-bit also has that compunction, he would not wish such a murderous fate upon his own descendant person-bits¹⁴.

Also, the Henry person-bit that initiates the action will be aware that *some* sort of person-bit Adam will be harmed, even if it is not the currently existing one — which means that he does in fact plan to kill a target, even if said target does not yet exist and will be killed by this act after the person-bit that initiates the killing action has already been replaced by another future person-bit. There are two different examples we might give for why we already share with Henry a similar view of harm: a mere delay in an act of harm, or the harming of persons we did not set out to harm, are both things which we consider when contemplating a harmful act; hence, if we set a car-bomb to explode in 24 hours, we still feel responsible for our target and any innocent bystanders being harmed once it explodes — thus distance in time or differences in ontological identity of relevant person-bits are unimportant to our contemplations of actions which might possibly cause harm. What matters is the actual harm being caused, not the time of occurrence of the harm or identity of those suffering the harm¹⁵. A second example would be that if we care for what happens to persons after our death, then we can apply similar compunctions against the infliction of harm to person-bits which come to be after we have been replaced by another person-bit — this would have to rely on an argument for how we could possibly have responsibilities or rational concerns for those that will outlive us and/or come to be after we have passed away, which this essay does not set out to make; however, if such an argument is possible, then it can be applied to this case, as both Henry's current person-bit as well as Adam's current person-bit are not the ones that would potentially have to live through being on one of the two ends

¹⁴Later in this essay, more details on the relationship between current person-bits and their descendant person-bits will be explored.

¹⁵Though there is of course a difference between intentional and unintentional harm, this difference is not relevant for what is being addressed here.

of the contemplated murder, yet are the ones being considered as potential sufferers of harm¹⁶.

3. The solution to the problem of the never-to-be fails to take into account the desires of the possible person to be, and is hence selfish and/or unethical.

Nothing much can be offered to such an objection, except to point out that when we consider the desires of others, we do so out of a desire we ourselves possess — whatever emotions or intellectual positions drive us to be "selfless", these ultimately reside within ourselves, and we fulfill these desires by considering the desires of others. However, this kind of objection also relies on postulating that it is possible to consider the desires of a currently existing person-bit or those of some future person-bit divorced from the fact that no persisting persons exist. In the same way that I might desire to not bring about a person-bit which suffers, I can desire to bring about a person-bit with fulfilled desires — which of course takes into consideration what sort of reaction a future person-bit would have to any action I would perform, which I can gauge by comparing them to their ancestor person-bits and how they have reacted. So while I cannot fulfill the desires of a currently existing person-bit, I can use their desires to gauge the reaction/desires of a future person-bit, and initiate actions that will bring about said reactions. Not taking into account the changes that experience can have on a given person-bit's desires would result in rather careless and naive actions, with possibly unexpected results for both the performing person-bit and the person-bit being acted upon.

4. If I consider any rights of the never-to-be, must I not consider any other rights and desires that they might possess?

At first glance this objection is easily refuted by pointing out that we do not actually consider the desires of the never-to-be, but rather our own compunctions against the infliction of harm. However, this is an objection which basically tries to either argue that it might be good for a possible person to become actual — a pronatalist¹⁷ position — or that it may not be possible to ascertain the badness of existence, and hence a right to not exist could not possibly be grounded properly, as there are too many factors about a life that could make it good to begin the life.

One easy way of replying to this is to again point out the problem of this being an illegitimate comparison between a non-existent entity and an existing one — i.e., there is not anyone for whom it possibly could be good to come into existence, or whose other desires might be considered. However, even if this could be circumvented with a

¹⁶In fact, without such an argument, no person-bit would likely ever care about anything whatsoever, given their transient nature.

¹⁷Pronatalism is a position which in some way promotes the birth of humans or other life forms as not only something good, but something which should be done in higher quantities. The christian Quiverfull movement would be an example of a pronatalist group.

pronatalist version of the solution to the problem of the never-to-be¹⁸, some formulations of this objection seem to imply that it might be the case that it is alright to inflict the harm of existence upon someone — which in our case means to create person-bits that suffer — if one can provide that someone with an abundance of pleasures to weigh against the harm of existence considered by itself — i.e. most of the person-bits which will come into existence due to our act of creation will have a "good" existence of some sort rather than a "bad" one.

Setting aside the ethical problems of sacrificing the well-being or non-suffering of some person-bits for the sake of the pleasurable existences of other person-bits, this is still not legitimate. When making considerations such as this one, we are usually talking about a person-series which is already proceeding: we consider what a prior person-bit liked and disliked, and based upon these considerations we then justify the infliction of a harm to one person-bit if it brings about an overall benefit to the greater amount of person-bits to come, which is to say: it matters what the person-bits receiving the harm and pleasure consider to be acceptable, not what we think is acceptable to inflict upon them on our own terms.

Hence the problem lies with the assumption of knowing the desires of potential persons-to-be: we do not know what their desires are, or what amount of suffering they would find acceptable — if any! — in exchange for whatever pleasures we might grant them. Even if we appeal to the average currently existing person's standards of what is alright for them, we cannot apply these from one arbitrarily chosen person to specific cases such as the potential persons-to-be, because we do not know them specifically, nor their specific desires, which will form and change with whatever experiences they would collect in their lives. It would require some sort of omniscience to consider all of these future experiences, at which point any question about whether or not the potential person-to-be should be brought into existence would be redundant, as omniscience would not really allow for a choice between two alternatives, as all of one's actions are known in advance and already have taken into consideration whatever compunctions and desires one might have. A determination between alternative actions requires a future that isn't completely known — for which epistemological or metaphysical reasons is irrelevant.

Given the above, there is always some risk¹⁹ involved in bringing a person-bit into existence that suffers, since the overall number of person-bits that will come into existence from that point in time may in fact not be ones which would be considered to have a

¹⁸This would largely have to rely on showing that some desire for the multiplication of life is more important than a compunction against the infliction of harm. To do so, one would have to first show why coming into existence is not a harm: this would deal with the refutations of specific claims of whatever pessimistic philosopher may have been used to "prove" the case for the badness of existence. As I do not wish to present any evidence for the goodness or badness of existence in this paper, this fact is merely noted here and not discussed further.

¹⁹See Footnote 3.

"good" rather than a "bad" existence. And if there is a risk involved, and if it should be the case that existence is an overall harm, and given that non-existence cannot possibly be bad for those which never came into existence — no matter how pleasurable said existence may have been for them had they existed²⁰ — a right not to exist would still hold, if justified by a compunction against the infliction of harm.

5. A person series can indeed be harmed, so we should not consider the welfare of person-bits, but only the welfare of the person-series.

As pointed out before, a person-series cannot be itself harmed, as it is merely a placeholder for whatever person-bits happen to exist at the particular moment in time when the series is being considered. However, one might seek to show that a particular person-series was harmed if every person-bit thereafter can remember the harm that its ancestor person-bits had suffered — thus establishing a sort of persistence of a harm from which to work out a harm done to a person-series.

Yet, it does not seem readily apparent to me how the memory of a moment of suffering harm is equivalent to suffering the remembered harm, or how the potential trauma of such a memory is equivalent with the actual experience of the harm being remembered. Furthermore, even if that were the case, the added experiences make the remembering person-bit a different one to the one that used to exist with the experience of harm being remembered. For example, it does not seem to be the case that, if I were implanted with a false memory of having suffered a particularly grueling wound, that I have been harmed by the memory itself if it isn't traumatic. In the case of it being traumatic, then it is the current suffering of experiencing the false memory that is a harm to the current person-bit — there was, after all, never a past ancestor person-bit of myself that suffered the false memory of harm. Given all of this, it must be the case that the particular moment of suffering itself is what should constitute our considerations of what harm is, rather than memories thereof, whose actors do not exist anymore and hence no longer suffer. Thus it cannot be that a person-series can suffer a harm, since all cases of harm are such ones which only affect those person-bits currently suffering them, not those which came before them or after them in the same series, even if they may be causally related, as is the case with traumatic memories, or a series of person-bits suffering from the same wound, etc.. This is similar to Lucretius' argument about our non-existence prior to birth being irrelevant, only expanded to include instances of remembered past harm: when we remember the harm, the one being harmed no longer exists; when the one being harmed exists, the one that will remember it does not yet exist. A similar case for the objection might be made by pointing to the dread of coming suffering: if we, as persons, cease to be from one experiential moment to the next, why do we care as much as we do about what happens to our descendant person-bits, if a person-series can't be harmed?

²⁰As explained by Benatar in *Better Never To Have Been*, pages 30-59.

It may very well be that such dread is irrational, based on not knowing that there is a certain discontinuity in personhood given the views presented here, making it a pointless objection. However, we might still point out why it could be that one can have actual rational reasons for dread in such cases: for one, it seems to be a psychological fact that humans possess a strong drive for self-preservation of their biological body. Also, the continuity of desires created from the similarities between person-bit ancestors and their descendants would ensure that such desires of self-preservation would also be passed down along the person-series. Furthermore, one might have compunctions against the infliction of harm on any person-bit whatsoever, no matter to which person-series it belonged. Even if one did not particularly care about one's own person-series, a strong case can be made for not wanting person-bits of other person-series to be saddened by the harm that person-bits from one's own person-series would suffer in the future.

One might even use this kind of insight to become more immune to dreading the inevitable: if one cannot prevent the harm that will befall some person-bit in the future, then there is nothing that the current person-bits can do about it, and since they are not the ones that will suffer, all is well for the moment. This is not quite unlike Epicurus' pronouncement that "death is nothing to us", only expanded to include all forms of suffering: when the harm to come arrives, we no longer are the person considering it; and before it appears, we are not suffering it, nor will we be able to.

Another simple refutation of why this is not a good example of harming a person-series is that the further away the time of harm is, the less it is dreaded — this might show a discontinuity of desires between present person-bits not yet suffering harm and those that will suffer the harm in the future, or at least, it can be claimed that this objection is irrelevant as it can be used for either of the two positions.

6. Experience is not in any way the important factor in making sense of personhood: instead what counts is some sort of permanent core, a person that can change through time while remaining fundamentally the same or that in some other way persists through time.²¹

To refute this point would require a longer discussion than can be offered here; however, together with what has been pointed out before, we might claim that any model of personhood is in some way parasitical upon experiences: different experiences can result in radically different personalities, desires, etc. — in short, persons. Also, a model of personhood which did not somehow include experiences as one of its shaping factors does not appear to be possible without creating something incapable of any sort of experience or memory of experiences.

However, let us assume that this is possible — I would claim that given such hypothetical permanent-core persons, we can still claim that a compunction against the infliction

²¹See also footnote 12

of harm would prevent us from creating circumstances in which such a permanent-core person exists as one that suffers harm. This is not an illegitimate comparison between modalities which considers that it would be better for the permanent-core person to be one that does not suffer rather than one that suffers, and then concluding that the suffering one ought to never be for its own sake; rather, by not causing harm, we do not bring about the permanent-core person that suffers harm, leaving the one which suffers no harm in their place — or none at all if we are considering the problem of the never-to-be²².

6 Other implications of the views presented here

If the above views were to be adopted by a person, and if it is indeed the case that, as most pessimists argue, coming into existence is a harm, certain other implications seem to follow from such a position.

For one, it does not at all seem initially clear why such a pessimist might choose to continue the procession of person-bits that makes up their own person-series. Killing others might be an infliction of harm, but given the views presented here, it would seem that it follows that all person-bits that descend from the pessimist would also hold this view, and can thus be eliminated with no smear on his own conscience — furthermore, it is never bad for someone to not come into existence, so that would not even be a consideration. And if it is better to not let those descendant person-bits come into existence, then it would seem best if the pessimist ended the whole debacle of his own person-series now. There are some objections that such a particular pessimist might make. He might claim that he would not wish to inflict or experience the harm of dying — however, one person-bit in the person-series to which he (as another mere person-bit) belongs, inevitably will experience dying, so at best this objection becomes a fear of both doing the deed that would prevent a future person-bit of suffering the very same fate in his own place, as well as failing to prevent the existence of all other person-bits which would come about in between the current person-bit's existence and that of the final person-bit of the series.

There may, however, be perfectly justified reasons for why such a pessimist may not choose suicide. These reasons are often deeply intertwined with the particular pessimistic system from which they arise. Arthur Schopenhauer, for example, relied on his conception of a metaphysical will to postulate that the only action open to a pessimist is a denial of any sort of action subservient to the will, including an impassioned suicide, which would only serve to negate the individual manifestation of the will that was oneself²³. Ulrich Horstmann on the

²²For a discussion about why the comparison between possible worlds versions of the "same" person are not legitimate when considering what is relevant to a single one of the possible world versions, see Frederik Kaufman's *Pre-Vital And Post-Mortem Non-Existence*, pages 1-19, specifically pages 10-15.

²³Schopenhauer, Arthur *Die Welt Als Wille Und Vorstellung*.

other hand, when asked about the issue, said: "I respect the deserters and solidarize myself with the forcibly recruited"²⁴ The. Horstmann's view also seems common in arguments against suicide in general: it is the consideration of how one's death, i.e. the ending of the person-series to which one belonged, would affect the person-bits of other person-series that are left behind. An utilitarian pessimist might make a calculation of how much harm the existence of the future person-bits of his own person-series would be vs the amount of harm suffered by future person-bits, whose existence cannot be prevented, that would be negatively affected by his own person-bits series coming to an end. Albert Camus, who is sometimes regarded as a type of pessimist²⁵, suggests that while the absurdity of a life in which no meaning or permanence can be found needs to be accepted, that suicide itself is a rejection of this absurdity, leading to a contradictory position which merely dismisses the problem of the absurdity of life rather than resolving it²⁶

These are only examples; whatever reasons a pessimist with the particular views presented here might have to not commit suicide would rely on their particular reasoning and systems of beliefs, as well as how exactly it is that they have reached the conclusion that it would be better never to have been and/or that it is a harm to come into existence and/or to exist. I only meant to point out that such reasons do and can exist, and that my particular formulation of a right not to exist need not necessarily lead a pessimist to seek to end his person-series via suicide.

A far more horrific conclusion might be that, considering that coming into existence is a harm, and depending on one's ethical model, one might consider that the annihilation of all life on earth would be a worthwhile goal even if the vast majority of the populace would be against dying. David Benatar, when considering a possible phased extinction of the human race, explains the consequences of a later extinction rather than an earlier one:

"Whenever humanity comes to an end, there will be serious costs for the last people. Either they will be killed or they will languish from the consequences of dwindling population and the collapse of social infrastructure. All things being equal, nothing is gained if this happens later. The same suffering occurs. But there is a cost that does not have to be paid if extinction occurs earlier — the cost to the intervening new generations, those that exist between the present generation and final one. The case for earlier extinction is thus strong." (Benatar, 2009)²⁷

²⁴Löchel, Rolf *Wir Bewohnen Einen Hinterhof — Ein Interview Mit Ulrich Horstmann*. quote in german is: "Ich achte die Fahnenflüchtigen und solidarisiere mich mit den Zwangsrekrutierten." The translation is my own.

²⁵Thomas Ligotti puts him as well as a few other figures in the category of "heroic pessimists" — individuals which come upon a way to heroically sublimate their tragic existence. See Ligotti's *The Conspiracy Against The Human Race — A Contrivance of Horror*, pages 47-51.

²⁶Camus, Albert *The Myth Of Sisyphus*.

²⁷*Better Never To Have Been*, page 198.

Others, such as Ulrich Horstmann, have even — sometimes only sarcastically — called for a more active collective suicide via technological means:

"Only a few more decades of research and testing are necessary to deliver weapons into our hands that will be able to bring about the deliverance of all life, the global pasteurization from the summits of the mountains to the night of the depths of the ocean's trenches.

Only one more generation of patience and restraint, and the apocalypse will no longer be just a treacherously private one, but one for all creatures! The judgement day of the organic! The return of unsoiled matter! The dawning of heaven on earth!" (Horstmann, 2010)⁶²⁸

The case we are considering would be a mixture of these two approaches: like Benatar, the consideration of the harm of existence of all future person-bits may be of great concern to the pessimist. Like Horstmann's janus-faced narrator, he might wish for a collective immediate end. Unlike both of these, a pessimist might additionally consider that the suffering of all possible future existing person-bits of the planet is not in any way outweighed by the terror of global genocide for those that would experience it — after all, the latter's number is miniscule when considering the harm of existence of all future person-bits.

As horrifying as this might be, and as much as it runs counter to the compunction against the infliction of harm, some pessimists would probably indeed conclude that this is the best strategy to pursue, but I think their number would be quite small. A strict utilitarian would seem to, for example, have to bring this scenario about as the sheer amount of suffering and harm he would prevent would be inspiration enough. A deontological pessimist on the other hand might merely hope that some accident would bring about such an apocalypse, and feel himself unable to perform such a deed; similarly, a desire-theorist might conclude that his own desire for the prevention of all future suffering and harm does not trump the collective desires of the entire populace to continue to inflict the harm of existence by bringing about more person-bits in the future. Also, it again depends on the idiosyncracies of the pessimist's system of thought — an absurdist and humanist such as Albert Camus would certainly not choose this option.

However, even if a pessimist finds himself concluding that a "global pasteurization" would be the best one could aim for, this might not be an entirely well thought out plan. For one, annihilating human life on earth, let alone all life on earth (if the pessimist is chivalrous enough to include animals in his plans) is a rather difficult affair, and without means which are absolutely certain to work, any such apocalyptic act may be futile: survivors would breed and evolve and continue the cycle of suffering that the pessimist might have wished to stop. But

²⁸Horstmann, Ulrich *Das Untier*, page 126-127. The quote in german is: "Nur noch wenige Jahrzehnte der Forschung und Erprobung sind vonnöten, um uns Waffen in die Hand zu geben, die die Erlösung allen Lebens, die globale Pasteurisierung von den Gipfeln der Berge bis in die Nacht der Tiefseegräben werden bewirken können.

Nur noch eine Generation Geduld und Zurückhaltung, und die Apokalypse wird nicht mehr nur eine verräterische private, sondern die aller Geschöpfe sein! Der Jüngste Tag des Organischen! Die Wiederkunft der unbefleckten Materie! Das Anbrechen des Himmelreichs auf Erden!" The translation is my own.

it gets worse: to most, the findings of astronomy, chemistry and biology suggest that life on other planets may be more than just a possibility. It may be the case then that a responsible pessimist would not seek a much too early earthly apocalypse, which would prevent only a small amount of beings that will be harmed by existence from existing. Such a pessimist might then be better served in popularizing his views and reducing the suffering of the currently existing person-bits on his planet, until such a time when, hopefully, some sort of doomsday device might be invented which would enable the annihilation of all life in the universe as well as preventing the arising of any future life; depending on his metaphysical views, he might wish to go even farther and require the destruction of all material manifestations of this universe, any possible co-existent or subsequent universes and/or existence itself — perhaps the far-off possibility of this universe's heat-death might not be enough for him.

Given such monolithic scales, the risk of having mankind continue research towards a multiversal annihilation that might never be reached could be enough for such a particularly apocalyptic pessimist to not force his hand too soon — the suffering of those that will exist until such a time when the possible means for utter non-existence might come about may very well be outweighed by the gargantuan number of those that will, after such an annihilation event, never be.

7 Breaching the right not to exist

Finally, it might be possible for a pessimist to advocate the sort of right not to exist presented here while still allowing it to be breached for several reasons. These might stem from simple liberal-minded reasons²⁹, advocating the freedom to procreate. Similarly, if the prevention of existence for the greatest number of person-bits that suffer is the only thing that matters, it could be argued that it is ethically sound to bring some new beings into existence for the sake of others that will definitely, or already do, exist. Possible reasons for this might be bringing a child into the world to act as a medical donor, or to bring happiness into a family that would otherwise suffer greatly³⁰. Even the creation of artificial intelligences might be justified if the results of experimentation with them — rather than *on* them — would yield more knowledge that might be of help in advancing neuroscience and medical research.

Any such justified cases of bringing persons into existence would have to contend with whatever pessimistic system is being argued against, as any pro and con arguments for or against existence rely on why exactly existence is bad. However, what most of them will have in

²⁹In *Better Never To Have Been*, pages 108-113, Benatar considers such a case.

³⁰The danger to such a view, however, would be that one might end up in an escalation of new lives coming into existence if every subsequent generation justified its progeny's coming into existence in this manner. Instead, something akin to the phased extinction which Benatar considers in *Better Never To Have Been*, pages 182-200 may be more appropriate for the pessimist to consider.

common is some sort of comparison between the amount of harm of bringing about the existence of new person-bits vs the alleviation of suffering/harm of those person-bits which will definitely come into existence/whose existence cannot be prevented — i.e., the descendants of currently existing person-bits. As I've argued in my reply to objection 4, this might be difficult to do, as one runs the risk of having to guess just how much suffering the person-bits that might come into existence will have to endure for the sake of the pleasures or relief of those that will definitely come into existence. However, given a sufficiently strong case on the side of the progenitors, such as decreasing the suffering of a great many person-bits in comparison to a much smaller amount of person-bits brought into existence for just such a reduction of suffering, it would seem to be theoretically possible to construct a case under most ethical models, with the exception of those that do not allow for these sorts of calculations, such as denothological ethics or legal systems which do not allow for the abuse of a minority for the benefit of the majority.

8 Conclusion

With a right to not come into existence having become thinkable through my proposed solution to the problem of the never-to-be, antinatalists can now assert such a right without being contradictory in their formulations thereof. Of course, the antinatalist must still show if it is truly the case that coming into existence is a harm — I have, again, not set out to provide a justification for such a position, and anyone trying to make use of the arguments in this essay would still have to provide a justification for their antinatalism.

Also, there are still some areas which would require a further investigation, such as the ones briefly touched upon in the last two segments of this essay, in particular how exactly the sort of right presented here could or should possibly be implemented³¹ and what "sorts of existers" would bear such a right, as it most likely would be the case that it would extend beyond merely terrestrial life forms and, depending on other metaphysical and/or panpsychic positions that the antinatalist might hold, perhaps beyond merely life forms as well. Lastly, the partial model of personhood presented here, as well as some of the reasoning used with it, would require a more exhaustive investigation.

³¹For some discussion against the right to procreate, see *Better Never To Have Been*, chapter 4. Overall, the book does not set out to discuss the details of a right not to come into existence, but instead tries to ground the notion that coming into existence is always a harm.

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