CAMBRIDGE
UNIVERSITY PRESS

ARTICLES

A Less Bad Theory of the Procreation Asymmetry and the Non-Identity Problem

Jonas H. Aaron (iD)

University of Oxford, Oxford, UK
Email: jonas.aaron@tutanota.com

Abstract
This paper offers a unified explanation for the procreation asymmetry and the non-identity thesis – two of the most intractable puzzles in population ethics. According to the procreation asymmetry, there are moral reasons not to create lives that are not worth living but no moral reasons to create lives that are worth living. I explain the procreation asymmetry by arguing that there are moral reasons to prevent the bad, but no moral reasons to promote the good. Various explanations for the procreation asymmetry have failed to explain the non-identity thesis: if one could create a person with a good life or a different person with a better life, one has a moral reason to create the better life. I argue that reflections on the misfortune of unfulfilled potential allow us to circumvent the non-identity problem.

Keywords: population ethics; procreation asymmetry; non-identity problem

The goal of this paper is to overcome two problems in population ethics. Developing a theory that solves both has proven difficult: theories that solve one problem usually fail to solve the other. The first problem consists in explaining an asymmetry in our moral reasons to procreate that many find highly intuitive (Narveson 1967; see Roberts 2011 for a review).

The procreation asymmetry

- The fact that a life would be not worth living *does*, by itself, give one a moral reason not to create it.
- The fact that a life would be worth living *does not*, by itself, give one a moral reason to create it.

In this formulation of the asymmetry, the specification "by itself" indicates that we abstract from effects on other people, such as the well-being of the parents to whom the child is born. We consider only the well-being of the person one could create. "Moral reason", hereafter sometimes simply "reason", is used to refer to a *pro tanto* moral reason (see Bader 2022: 16). That a life is "not worth living" means that its overall balance of well-being is negative – not that the individual living that life has less dignity or is less worthy of respect (see Parfit 1984: 357–358).

As Derek Parfit (1984: 526) has pointed out, the procreation asymmetry can be explained by broadly complaint-based theories of morality and moral motivation which assume that our basic moral aim is to avoid reasonable complaints. These theories trace the procreation asymmetry back to a more fundamental asymmetry between complaints on the one hand and gratefulness on the other.

The complaint–gratefulness asymmetry

- There is a moral reason to avoid complaints.
- There is no moral reason to promote gratefulness.

Accordingly, there is a reason not to create a life that is not worth living because this would give someone a complaint. By contrast, if you do not create a person with a life worth living, that person would not exist and hence would not have a complaint. There are, as Abelard Podgorski (2023: 5) puts it, "no ghostly complaints".

While the complaint-based approach explains the procreation asymmetry, it runs into a problem with some choices affecting the identity of the people who come into existence.

The non-identity problem

Suppose that you could either

(a) create a person with positive lifetime well-being, for example, of thirty happy years, or
(b) create a *non-identical* person with much higher lifetime well-being, for example, of similar first thirty years followed by many more happy years until death at seventy.

Intuitively, it is morally preferable to create the person with higher well-being (Parfit 1984: 351–379). Call this the non-identity thesis. The non-identity problem consists in explaining this thesis.

Parfit (1984: 526) has argued that the complaint-based approach fails to explain the non-identity thesis. For there to be a reason to create the happier life, the person living thirty happy years would have to have a complaint if one created her. But there is no ground for such a complaint. If brought into existence, the person could not complain that her life as a whole is not worth living, nor could the person complain that she would have been better off if the decision-maker had chosen the alternative option. If the alternative option had been chosen, the person would not have existed at all; a different person would have existed instead. Thus, the person who would live thirty years would not have a complaint if brought into existence; if anything, she would have a reason to be grateful.

Consequently, several authors advocating a complaint-based approach to population ethics have acknowledged that their theories cannot account for the non-identity thesis (Horton 2021: 487–489; McDermott 2019: 437–438). Other attempts to explain the non-identity thesis while holding on to the procreation asymmetry have also run into problems.[1]

---

[1]See, for example, Mark Greene's (2016) criticism that the harms considered in Melinda Roberts' (2007) solution to the non-identity problem are too small to generate reasons that are sufficiently strong. On the limits of Roberts' solution, see also Abelard Podgorski (2021: 54).

Total utilitarianism, by contrast, can explain the non-identity thesis: there is a moral reason to create the better life because this increases total well-being. Yet by the same rationale, total utilitarianism also implies that there is a moral reason to bring more and more happy lives into the world. Accordingly, it is incompatible with the procreation asymmetry. The *conjunction* of the non-identity thesis and the procreation asymmetry, then, is difficult to explain.[2]

In this article, I present a theory that meets this challenge. I begin by outlining the basic assumptions of the theory (Section 1) and then turn to how it explains both the procreation asymmetry and the non-identity thesis (Section 2). Afterwards, I provide a further argument for the theory by showing that it has plausible implications for decisions about whether to create humans or non-human animals (Section 3). Finally, I defend the theory against various objections (Section 4).

1. The Less Bad Theory

The theory of population ethics I advance can be summed up in the following formula:

The Less Bad Theory

- There is no moral reason to promote the good.
- There is a moral reason to prevent the bad, including the misfortune of unfulfilled lifetime potential.

I shall now unpack this formula step by step, beginning with some brief terminological remarks about my use of "good" and "bad". "Good" refers to what is good *for* individuals. This includes all the positive constituents of well-being. According to hedonism, pleasure is the only positive constituent of well-being. "Bad" refers to what is bad *for* individuals.[3] This includes all the negative constituents of well-being. The positive and negative constituents of well-being are weighed against each other in the balance of well-being. When the negative constituents of well-being outweigh the positive ones, an individual has overall negative well-being. According to hedonism, for example, this is the case when the pains in a person's life outweigh the pleasures.

The concept of bad I employ includes what, drawing on Jeff McMahan (2002: 145–165), we can call a *being's lifetime misfortune* or *misfortune* for short. Individuals suffer a misfortune to the extent that their life falls short of its potential, that is, short of what the life as a whole could have been – be it because the life would have been of a higher quality for the time it actually lasted or because it would have lasted longer and contained additional goods.

We can illustrate the concept of misfortune by considering a person who suffers an incurable cognitive impairment after a car accident at the age of five (see McMahan

---

[2]For attempts to address both problems within a complaint-based framework, see the risk-based approaches of Tim Henning (2022) and Michael Tze-Sung Longenecker (2022). Both approaches, however, are restricted to cases in which certain empirical assumptions are in place. For different frameworks, see Johann Frick (2020) and Ralf Bader (2022).

[3]By considering what is bad *for* individuals one can circumvent important objections to impersonal approaches (see, e.g., Parfit 1984: 393–394). However, for the purposes of this paper, the distinction between *bad for* and *bad full stop* is not crucial. Someone who rejects the concept of *bad for* and thinks that there is only the *bad full stop* might redescribe what I say in terms of the bad occurring in, or in relation to, an individual's life. See Donald H. Regan (2004).

2002: 325). Assume that this impairment greatly reduces the person's well-being by limiting the range of activities she can engage in and the pleasures she can enjoy to those of a contented dog.[4] Given the life she could have led, this would amount to a great misfortune for that person: her well-being will fall far short of what it could have been. For a dog, on the other hand, living with the cognitive limitations of a dog is not a great misfortune, given that the dog's well-being potential is much lower.

As McMahan highlights, the notion of misfortune concerns how a life is going *for* an individual – whether or not the individual experiences the misfortune. For example, the severe brain damage "may not be dreadful experientially – that is, it may not be dreadful because of the subjective character of the individual's experiences – but it is dreadful nonetheless for this individual" (McMahan 2002: 325).

1.1 Misfortune and well-being

The Less Bad Theory states that misfortune is *morally* significant in the sense that we have a pro tanto moral reason to prevent it. At the same time, the Less Bad Theory remains neutral on whether unfulfilled lifetime potential is a negative constituent of well-being or not.

On the one hand, one could claim that misfortune is *morally* relevant while denying that it is a constituent of well-being. McMahan (1996), for example, presents a view according to which unfulfilled potential is relevant to questions of non-comparative justice.[5] Consider again the person who after a severe accident is left at the well-being level of a dog. Let us assume that it would be feasible to raise the human's well-being back to a normal level or to raise a dog's well-being to the same level, while preserving psychological continuity. McMahan suggests that the fact that the human's life would fall very short of its potential generates a pro tanto moral reason to improve the human's condition rather than the dog's. At the same time, McMahan assumes that a person's misfortune is *not* a constituent of well-being. Abstracting from holistic considerations, such as the significance of a life's shape, the human after the accident has the same episodic well-being as the dog, even though the human suffers the greater misfortune.

On the other hand, one might claim that unfulfilled potential is a negative constituent of well-being and directly reduces our well-being just like pain reduces our well-being according to hedonism. Recently, Michal Masny (2023) has defended this view.[6]

It is central to the Less Bad Theory *that* unfulfilled potential matters. Whether it matters as a negative constituent of well-being or as an independent moral consideration is, at least for the purposes of this article, a question of bookkeeping. In bookkeeping, it is of course important to avoid double counting. If one assumes that unfulfilled potential is not a negative constituent of well-being, one needs to claim that it is of moral importance regardless. If one assumes that unfulfilled potential is

---

[4]The assumption is merely concerned with one hypothetical impairment. It is compatible with the thesis, defended by Matthew J. Barker and Robert A. Wilson (2019: 311–320), that we should not believe that most recognized disabilities substantially reduce well-being.

[5]To be sure, the central endeavour of McMahan's (1996) article is a critical one. Yet his criticism is targeted not at the view that there is a reason to favour the more unfortunate individuals, but at certain views about which individuals are the more unfortunate.

[6]My notion of well-being corresponds to Masny's notion of the prudential value of a life. Hilary Greaves (2019) has argued that death's deprivations are merely comparatively bad. Similarly, one might argue that the badness of unfulfilled potential is merely comparative. I develop and discuss this criticism in Aaron (2023).

already a negative constituent of well-being, one needs to assume that it is morally significant for that very reason. It might be implausible to claim that, over and above this derivative moral significance, it matters a second time independently of its impact on well-being.

1.2 Whose potential?

Next, let me clarify my notion of potential. For this purpose, I shall introduce a new term. Just as *gross income* refers to the income before tax deduction, so *gross well-being* refers to the balance of well-being that excludes the negative constituent of unfulfilled lifetime potential – if unfulfilled lifetime potential is such a constituent. If it is not a constituent of well-being, the gross well-being equals the net well-being, just like gross income equals net income in a country without taxes.

With this terminology in place, I shall now argue that what is of ethical significance is the potential for higher gross well-being levels that could have been reached. More specifically, what is of ethical significance is the potential for well-being of the *kind* to which a welfare subject belongs, not the potential that a *particular* individual possesses given its individual genome and its specific circumstances.[7]

As McMahan (1996: 10) notes, many common-sense evaluations of how unfortunate individuals are seem to rely on the well-being potential of the kind to which they belong. At the same time, McMahan has raised strong objections to such assessments (13–14). I cannot address these criticisms in detail here. I can, however, sketch a partial defence. Suppose a boy suffers from a congenital disease that limits his life expectancy to fifteen years and entails a severe and permanent cognitive impairment that restricts his gross well-being to the same level as that of a contented dog. His innate potential for well-being, however, is likewise restricted to this very level, and so the boy exhausts his innate potential just as well as the dog. As the biological mechanisms of the disease are extremely complex, the possibility of curing it and raising the boy's gross well-being level is no more robust than the possibility of raising a dog's gross well-being to that of a healthy happy human.

If we considered the boy's individual potential, we would arrive at the view that he is no more unfortunate than the dog, as both exhaust their rather limited individual potential for well-being. This, however, contradicts the common-sense intuition according to which the boy but not the dog suffers a tragic misfortune.[8] If one takes the potential of the *kind* as reference, one avoids this problem. Even if the child fulfils his particular innate potential, he falls far short of the human potential for well-being.

1.3 No reasons to benefit?

According to the Less Bad Theory, there are no pro tanto reasons to promote the good. At the same time, the Less Bad Theory *recommends* benefitting people to the extent that this reduces their unfulfilled lifetime potential. (Another way to express the same point would be to say that while there are no *direct* reasons to benefit people, there are *indirect*

---

[7]Drawing on S. Matthew Liao (2010), one might suggest that the relevant potential is the potential for which the welfare subject shares the *genetic basis*. However, one need not explicate membership of a kind in genetic terms (see Grau 2015: 218–220).

[8]McMahan (1996: 23) is aware of such implications and willing to accept them, but he grants that common sense disagrees.

reasons to do so.) In this way, the Less Bad Theory can account for the morality of ben-eficence towards already existing people.

One might object that this has an implausible implication: there are no moral rea-sons to add more happy years to a person's life if the human potential for well-being would already be fully realized. Intuitively, however, there are such reasons.

In reply, let me emphasize first that the assumption that there are reasons to promote the good does not necessarily imply that there are reasons to add further happy years to a person's life. For one might hold that well-being has a limit: some lives simply do not get better by being good longer. Therefore, even if there were a moral reason to promote the good, this would not generate a reason to extend such lives. While I do not sub-scribe to the view that human well-being has a limit, I do not think it is indefensible either. Suppose there is a person who has lived one hundred and fifty happy and vir-tuous years and who does not care whether she dies or lives on, embracing whatever would happen to her. In this case, extending life by another five happy and virtuous years does not, perhaps, make that person's life any better. In fact, many philosophers found such a view appealing. The Epicureans, the Stoics, and Plotinus all held that well-being has a limit; a flourishing life does not become better by staying good longer, any more than a cup becomes whiter by staying white longer (Emilsson 2015: 229–239). If this is true, the objection against the Less Bad Theory might be dismissed.[9]

However, the Less Bad Theory need not assume that there is some threshold at which a person's potential for higher well-being levels is fully exhausted. Instead, it can assume that no matter how good a life is, some potential always remains unfulfilled. According to the resulting view, the Less Bad Theory *always* generates pro tanto moral reasons to improve lives: there is always some, if only slight, misfortune that can be reduced.

It could be objected that if there is no limit to how much better any life could be, two human lives would be equally unfortunate whether they consisted of one hundred and fifty years of love and virtue or fifteen years of pain and hatred. After all, each life could be infinitely better, as it were.

This objection can be answered. Taking probabilities into account allows us to ensure that the agonizing life involves a greater misfortune of unfulfilled potential than the joyous life.[10] One can evaluate an individual's misfortune by comparing the individual's gross lifetime well-being level with all the better levels that members of its kind could have reached – without setting any threshold. One has reached a level if and only if one is at that level or at some higher level. Not reaching a higher level of gross lifetime well-being is a greater misfortune *the more likely* it was for members of the relevant kind to reach that level. This has a strong intuitive pull: not achieving a certain level of pleasure seems worse the more likely it was that it would be achieved, and not escaping suffering seems worse the easier it would have been to avoid it.

Conversely, the less likely it was for members of a kind to reach a certain higher gross well-being level, the more we can discount the contribution that the failure to

---

[9]There can be independent moral reasons to save or not to kill a person, even if this would not reduce that person's unfulfilled potential. Similarly, in a moral theory that assumes that there are moral reasons to promote the good, there may be independent reasons to save or not to kill a person, even if one would not thereby increase the person's well-being. Otherwise, such a theory would not be able to explain why, for example, it is impermissible to kill a person against her will, even if continuing to live would neither increase nor decrease her lifetime well-being.

[10]Alternatively, one might consider modal proximity.

reach the higher level makes to the lifetime misfortune. By taking probabilities into account, one can argue that it is unfortunate for a human being not to live a life of a million happy years or longer without assuming that this misfortune renders all other differences moot.[11] Given the extremely small probability that members of their kind could have lived a happier life, the misfortune, for example, that the happy and virtuous one-hundred-and-fifty-year-old suffers can be discounted to such an extent that it is significantly smaller than the misfortune of the person dying at age fifteen who never reached a decent gross well-being level. For the range of higher well-being levels up to the decent level were comparatively easily accessible for humans and have correspondingly greater weight.

In the same way, a probabilistic approach can explain why a contented dog suffers a smaller misfortune of unfulfilled potential than a human with the same gross well-being level – even on the assumption that the dog might, if its life continued long enough, reach the well-being level of a good human life. Certain higher levels of well-being are much easier to achieve for humans than for dogs; not reaching them is a significant misfortune for one but not for the other.[12]

This concludes my sketch of the Less Bad Theory. I have clarified one of its central assumptions: there are moral reasons to prevent individuals from remaining below better gross well-being levels that members of their kind can achieve in their lifetime. At the same time, I have shown that the theoretical framework can be spelt out in several ways. It leaves open whether unfulfilled potential is a negative constituent of well-being and whether there is a threshold at which an individual's potential is fully realized. Of course, it is possible that independent arguments make one or another variant of the Less Bad Theory superior. For the problems in population ethics to which I shall now turn, the general framework will suffice.

2. Explaining the procreation asymmetry and the non-identity problem

Here is how the Less Bad Theory explains the procreation asymmetry. There are moral reasons not to create lives that are not worth living because there are moral reasons to prevent the bad. By contrast, there are no moral reasons to create lives worth living because there are no moral reasons to promote the good.

This explanation is similar to the complaint-based approach in that both agree that morality does not aim at promoting the good, but at avoiding something negative. In the case of the Less Bad Theory, however, this negative thing does not consist in complaints, but in all that is bad for individuals, including the misfortune of unrealized potential.

This difference allows the Less Bad Theory to solve the non-identity problem as follows. Suppose that you could either create a person who lives a good life but dies at the

---

[11]Compare the area between the x-axis and a graph representing a strictly decreasing function for two intervals on the x-axis, [0; 150] and [150;∞). The area of the second interval can be finite even if the graph never touches the x-axis but just keeps approaching it. Moreover, the area of the second interval can be smaller than the area under the first if the graph falls fast enough in the second interval. Similarly, the bad of not reaching gross well-being levels 1–150 can be greater than the bad of not reaching well-being levels beyond level 150.

[12]These considerations seem to work well for known actual kinds. In Aaron (2023), I consider whether thought experiments about possible kinds force us to introduce a normative element into the characterization of the morally relevant potential. According to the resulting views, unfulfilled potential is bad to the extent that it is in tension with an individual's dignity or telos.

age of thirty, or a person who lives a much better life and dies at the age of seventy. Let us assume, for simplicity, that neither life contains any pain or other bad things. The gross lifetime well-being is made up of purely positive constituents. Nevertheless, it is clear that the life of thirty years is *more unfortunate* than the better life of seventy years: the life of thirty years fulfils the human potential for gross well-being to a lesser extent. Therefore, the Less Bad Theory recommends creating the better life.

This solution to the non-identity problem avoids the pitfalls of the complaint-based approach. The complaint-based approach relied on comparing how a person would fare in one choice option to how she would have fared in the alternative choice option. Hence, it arrives at the conclusion that the thirty-year-old would have no complaint if one created her. In contrast, the misfortune of unfulfilled potential is evaluated relative to the potential of the kind to which the individual belongs.[13] There is a reason not to create the worse-off human because she will be burdened with more unfulfilled potential, relative to some norm potential that equally applies to all human welfare subjects. In other words, there is a reason not to create the life of thirty years because this life would be worse *relative to how good a human life could be.*

It might be helpful to compare the Less Bad Theory with two related accounts of the non-identity problem: Elizabeth Harman's (2004, 2009) and Molly Gardner's (2015) harm-based approaches. Roughly speaking, Harman argues that it is prima facie wrong to cause harm. One causes harm if one causes a person to be in a bad state. Bad states are states that are "worse in some way than the normal healthy state for a member of one's species" (2009: 139).[14]

An example helps to show that there are important structural differences between Harman's approach and the Less Bad Theory. Suppose you are faced with the choice of creating one of two people. Both would live for fifty years in a normal, healthy state, and not in a bad state. However, one of them will enjoy a much higher level of well-being than the other. Harman's harm-based considerations do not imply that there is a reason to create the better life.

In contrast, the Less Bad Theory implies that there are reasons not to create the worse life because of some additional misfortune. An individual's misfortune is evaluated not in comparison to the baseline of a normal, healthy state, but in comparison to all possible better gross lifetime well-being levels that members of a kind could reach. The reason not to create the worse life would therefore be that it is burdened with the additional, if only minor, misfortune of not fulfilling its potential to the extent that the better life does.

Gardner (2015) has proposed a related harm-based account of the non-identity problem. Very roughly, there are moral reasons not to cause harm, and a state of affairs is a harm for an individual if and only if the individual is worse off in some respect than it would have been had the individual existed but the state of affairs had not obtained. Similar to the considerations of probability presented above, Gardner argues that the more inevitable the harm, the less weighty are our reasons not to cause it.

However, Gardner considers how inevitable a harm is for a particular individual (441). Therefore, her account runs into a problem that the Less Bad Theory avoids. Suppose you are faced with the choice of creating a severely impaired child with

---

[13]The Less Bad Theory is consistent with the view that complaints about being worse off than in the alternative option function as tiebreakers.

[14]As Gardner (2015: 430) notes, it is not clear why Harman includes death as a bad state. Perhaps Harman assumes that our well-being after death is zero rather than undefined (see Bradley 2009: 98–111).

extremely limited well-being but also very limited individual potential for well-being, or a child with a very good life but with a potential for well-being far surpassing that high well-being level. Let us assume that the possibility of curing the impairment is extremely remote. Moreover, the possibility of creating the same child without the impairment is likewise extremely remote. Had one modified the genome to avoid the impairment, for example, a different child would have come into existence instead. For the impaired individual, then, the harm is almost inevitable. Therefore, on Gardner's view, the harm has correspondingly little moral weight. Conversely, if the probability that the better life could have been even better is very high because of an enormous individual potential, the better life involves a harm that has greater moral weight. Gardner's approach would conclude that, as far as harm is concerned, it is preferable to create the human who is worse off. As the Less Bad Theory measures the potential by reference to the individual's kind, it avoids problems of this sort.

Gardner might, however, reply that one has an overall moral reason to create the better-off child because one also has a reason to benefit people in the sense of causing them to exist and have good lives. Even if this reply goes through, however, it commits Gardner to denying the procreation asymmetry.

Indeed, both Harman (2004: 97–98) and Gardner (2016: 327–332) endorse the view that there are reasons to benefit people by causing them to exist and have happy lives. Accordingly, Harman also has a way to argue that there is a pro tanto moral reason to create the person with higher well-being even if neither person is more greatly harmed relative to the baseline of a normal, healthy state. While this might allow Harman to offer a more comprehensive treatment of non-identity cases, the emerging theory fails to account for the procreation asymmetry.

The Less Bad Theory, by contrast, denies that there are *any* reasons to promote the good or benefit people. Instead, there are only reasons to prevent the bad, including the misfortune of unfulfilled potential. If the Less Bad Theory recommends benefitting people, that is only because benefitting people reduces the bad. In this way, the Less Bad Theory can account for both the procreation asymmetry and the non-identity problem.

3. Crabs and humans

In addition, the Less Bad Theory allows us to deal with non-identity cases involving both human and non-human animals. Suppose you could create a thousand ordinary crabs. They live for about four years; their lives consist of mild bodily pleasure. Alternatively, one could create a thousand human beings who live crab lives. Same length, same content. They experience neither friendship nor love, explore neither the world nor their innermost selves; they are left with nothing but the occasional pleasure of crabs. It is plausible to suppose that we have a moral reason not to create the humans who are confined to the state of crabs. Yet textbook utilitarianism, for example, cannot accommodate this view, for it claims that the only thing that matters is increasing the total balance of pleasure over pain in the world. This balance is the same in either case.

Under the assumption that there is a moral reason to avoid unfulfilled potential, a simple and intuitive explanation emerges. The crabs almost completely fulfil their potential as crabs. Humans living crab lives, on the other hand, fall very short of what is possible for humans. This misfortune is a morally significant difference between creating a crab living a crab life and a human living a crab life. The Less Bad Theory takes that difference into account.

Next, consider the choice between creating a flourishing human being and a flourishing cat. There does not seem to be any moral reason to create the human rather than the cat (Boonin 2014: 205–206). Textbook utilitarianism fails to account for this intuition. It recommends creating the human life since it contains more well-being, due to being longer and richer. The Less Bad Theory, by contrast, can explain why nothing speaks against creating the cat: the great surplus of goodness of the human life with respect to the cat life generates no moral reason to create the human because there is no moral reason to promote the good or to benefit individuals.

Moreover, the Less Bad Theory is slightly better equipped to solve this problem than the accounts of Gardner and Harman.[15] Both hold that there are moral reasons to benefit people in the sense of causing them to exist and to have good lives. On such views, there would be at least *some* moral reason to create the human rather than the cat. However, there seems to be no such reason at all. The Less Bad Theory explains why.

4. Objections

One might object that the Less Bad Theory has antinatalist implications. If there is a pro tanto moral reason to prevent the bad, then there is a pro tanto moral reason not to create a normal good life burdened by some bad things. This reason, it seems, lacks a counterweight, given the assumption that there are no reasons to promote the good. As long as we abstract from any positive effects on other people, the Less Bad Theory seems to imply that the balance of moral reasons is against creating an ordinary good life (see Frick 2014: 130–131).

This objection is based on the additive fallacy (Kagan 1988). According to the underlying picture, the good can justify the bad only if it exerts a normative force in the opposite direction, towards bringing about an outcome – as if the only means to prevent a frightened dog from running away were to tie it to an enthusiastic dog running in the opposite direction. We can reject this limited picture of moral factors. Goodness need not act as an attractive force that pulls us towards bringing something about. As McMahan (2009) has noted, one can avoid antinatalism by assuming that the good has a *justifying* function without having a *reason-giving* function: it can justify the bad without exerting an attractive force.[16] A lamppost can keep a dog from running away without having to move in the opposite direction.

According to McMahan (2009: 54), it would be "strikingly ad hoc" to claim that the good has merely a justifying function with respect to procreative decisions, while maintaining that it has a reason-giving function in other cases, for example when only already existing people are involved. The Less Bad Theory circumvents this problem. Rather than claiming that the good *sometimes* has a moral reason-giving function, the theory says that the good only ever has a justifying function.[17]

---

[15]Gardner (2015: 441) briefly discusses non-identity cases involving different species, offering a similar explanation.

[16]McMahan speaks of "canceling" rather than "justifying". See also Frick (2014: 133) and Joshua Gert (2007). The distinction between a justifying and a reason-giving function seems to go back to Bernard Gert (2005: 56–57), whose work I became aware of only after developing the Less Bad Theory. Based on different premises, Gert argues that morality aims merely at the lessening of harm (17). Gert does not, however, apply his view to population ethics, and the conception of harm he endorses differs from my conception of the bad.

[17]The distinction presupposes a metaphysical difference between the good and the bad. The difference need not be in tension with the view that for the purposes of measurement theory, goodness

One might object that instead of the Less Bad Theory, one should adopt a view according to which there is a very weak reason to create happy people. Just like the Less Bad Theory, this view avoids the untenable implication of total utilitarianism that there are strong moral reasons to create happy people. But it also avoids the gap between the justifying and the reason-giving functions of the good.

In fact, however, the most plausible variants of this view likewise imply such a gap. The gap can only be closed if one assumes that the reason-giving function of the good is equally strong as its justifying function. Total utilitarianism closes the gap at the cost of the implication that there is a strong reason to create happy people. On the premise that there is only a very weak reason to create happy people, one can only close the gap by assuming that the justifying function of the good is also very weak. But this has untenable implications, too. There would be a counterintuitive reason not to create certain very good lives in which there is considerably more good than bad. Due to its weak justifying function, the good could not justify the bad. The most plausible variants of the view that there is a weak reason to create happy people, then, will hold that the justifying function is stronger than the weak reason-giving function. There is a gap either way.

One further objection might be that the Less Bad Theory violates the principle of choice-set independence (see Greaves 2017: 11). According to this principle, the relative preference ranking of two choice options A and B cannot depend on which alternative options are available. To illustrate, consider a case in which there is a choice between creating an overall good life of thirty happy years and creating no life. Assume, for simplicity, that the created person's gross well-being would not have any negative constituents. This gross well-being is so considerable that it would not be outweighed by the badness of unfulfilled potential. In this case, no option – neither (A) creating the life, nor (B) creating none – seems morally preferable to the other.

But now suppose that you could, as a third option, create an even better life of seventy years. This person's gross well-being, which would likewise have no negative constituents, would be much larger; the misfortune of unfulfilled potential would be correspondingly smaller. In this three-option choice, it seems that while there is no moral reason to create the life of seventy years rather than none, there is a strong reason not to create the life of only thirty years. Thus, (A) creating the life of thirty happy years now seems morally *inferior* to (B) not creating any life at all.

In reply, one can argue, following Parfit (1981: 131–133), that other common-sense judgments likewise violate choice-set independence. For instance, assume that you could, at a high cost to yourself, prevent a miserable life full of terrible and uncompensated suffering from being created. Even if the cost to you is smaller than the suffering you would prevent, it justifies not preventing the life from coming into existence. Consequently, both options are permissible. But now consider a choice between doing nothing, preventing one miserable life from coming into existence at a high cost, or preventing the existence of the same child *and* that of the second child at the same high cost. Again, given the high cost to yourself, not preventing the existence of either child is justifiable. Paying the cost but preventing only one child from suffering, however, would not be justified; it would be morally perverse.[18]

---

is reducible to betterness, if one grants a corresponding distinction between metaphysics and measurement theory.

[18]The case is an adaptation of those presented by Parfit (1981: 131) and Horton (2017: 94).

Violations of choice-set independence can be explained by appealing to the moral relevance of choice-set dependent properties (Dietrich and List 2017: 447–449). Choice-set dependent properties are properties that are not intrinsic to the options but instead depend on which other options are available. In the case of the children, for example, one might argue that an option is *unjustified* with respect to another if the other option contains the same sacrifice but less badness. Using a sacrifice to prevent some limited bad is unjustified if the same sacrifice could be put to a greater protective use. Therefore, making the sacrifice but only saving one child is unjustified with respect to the alternative of saving both. As a consequence, it is unjustified full stop.[19] By contrast, because the option of not saving any child does not contain *any* sacrifice, it is not unjustified with respect to the alternative of saving both children.

Likewise, the violation of choice-set independence by the Less Bad Theory can be explained by the following context-dependent principle of justification:

Less bad without less good
All else being equal, creating a life is unjustified with respect to an alternative life if the alternative life contains at least as much good but less bad.

This principle can explain why creating the shorter life is morally inferior in the three-option choice: the alternative of creating the life of seventy years contains less bad while containing at least as much good. By contrast, if we are faced with the limited choice of creating no life at all or the life of thirty happy years, there is no such alternative.

The principle allows us to handle the *simple case* in which the alternative life contains at least as much good and less bad. However, the better life might be burdened with greater badness than the worse life. This might be the case when the better life is much more turbulent than the worse life, fluctuating between great and terrible times. Although the turbulent life contains more bad things than the steady life, it is better overall because it also contains much greater goods.

The principle cannot be applied directly to a choice between a better turbulent life and a worse but steady life. Further principles would need to be determined. One could, for example, argue for the following. The turbulent life is equivalent to a life that contains as much good but less bad than the alternative option, the worse but steady life. Via this equivalence, one can treat the choice like the corresponding *simple case*.

Some will think that creating a turbulent human life is equivalent to creating any other human life at the same gross well-being level. If this were true, we could treat all human lives as if their gross well-being were made up of purely positive constituents, so that all that would be bad for these individuals would be their unfulfilled potential. On the resulting view, creating human lives with higher overall well-being – whether turbulent or not – will always be preferable to creating human lives with less well-being.

Following Elizabeth Harman (2004: 99), however, one might argue that the turbulence of a life may well make a moral difference. Imagine you could create a life that achieves a very high level of lifetime well-being. However, at some point in that life, the person will suffer a terrible illness and several years of agonizing pain. Suppose you could also create a fairly good life that is slightly worse than the first but, on the other hand, contains only mild pain and no other significant bad things. On Harman's view, it would be preferable in such a case to create the overall worse life, given the terrible pain that the better life contains.

---

[19]See Parfit (1981: 131–132) and Horton (2017: 97–100) for closely related considerations.

I do not commit myself to the view that it would be preferable to create the worse life in this case. Still, I agree with Harman insofar as I have no strong intuition that it is morally preferable, in this case, to create the better life. By contrast, the canonical cases of the non-identity problem do evoke strong intuitions. In one of these canonical cases, a girl is faced with the decision to either have a child at the age of fourteen, whom she would give a bad start in life, or to become a parent later and give a non-identical child a better start in life (Parfit 1984: 358). Another canonical case compares future generations of the same size living under different conditions. In one option, the future people live much better lives because climate change or resource depletion was prevented. In the alternative option, no such measures get taken, and the non-identical future people who come into existence have lives that are still worth living but far worse (361–362). These cases elicit strong intuitions that it is morally preferable to create the better lives.

Given the strength of our intuitions concerning such examples, our judgments about these cases are the fixed points that a moral theory must address. The descriptions of these cases suggest that the better lives are also the lives that contain less bad. The proposed principle allows us to accommodate these fixed points. Further refinements might be the subject of future work.

5. Conclusion

This paper has presented an explanation for the procreation asymmetry and the non-identity thesis. According to the Less Bad Theory, there are reasons to prevent the bad but no reasons to promote the good. This thesis accounts for the procreation asymmetry. I have argued that we have a moral reason to prevent the misfortune of unfulfilled potential. We can understand this potential as the potential for higher gross well-being levels that members of one's kind could have reached in a lifetime. This allows us to deal with the non-identity problem. Even if the gross well-being of two lives is made up of purely positive constituents, the worse life leaves more potential unfulfilled. Therefore, the Less Bad Theory recommends creating the better life. In addition, the Less Bad Theory has plausible implications for decisions in population ethics that involve members of different species. For example, given that there is no moral reason to promote the good, there is no moral reason to create a flourishing human rather than a flourishing cat, even though the human life is far better than the cat life. Perhaps the prospects for population ethics are less bad than previously thought.

References

Aaron, Jonas H. 2023. Death, Deprivation, and Unfulfilled Potential – In What Sense Are They Bad? Unpublished manuscript.

Bader, Ralf. 2022. The Asymmetry. In *Ethics and Existence: The Legacy of Derek Parfit*, edited by Jeff McMahan, Tim Campbell, James Goodrich, and Ketan Ramakrishnan, 15–37. Oxford: Oxford University Press.

Barker, Matthew J., and Robert A. Wilson. 2019. Well-being, Disability, and Choosing Children. *Mind* 128 (510): 305–28. https://doi.org/10.1093/mind/fzy039

Boonin, David. 2014. *The Non-Identity Problem and the Ethics of Future People*. Oxford: Oxford University Press.

Bradley, Ben. 2009. *Well-Being and Death*. Oxford: Oxford University Press.

Dietrich, Franz, and Christian List. 2017. What Matters and How It Matters: A Choice-Theoretic Representation of Moral Theories. *Philosophical Review* 126 (4): 421–79. https://doi.org/10.1215/00318108-4173412

Emilsson, Eyjólfur Kjalar. 2015. On Happiness and Time. In *The Quest for the Good Life*, edited by Øyvind Rabbås, Eyjólfur K. Emilsson, Hallvard Fossheim, and Miira Tuominen, 222–40. Oxford: Oxford University Press.

Frick, Johann. 2014. *Making People Happy, Not Making Happy People: A Defense of the Asymmetry Intuition in Population Ethics*. Doctoral Dissertation. Cambridge (MA): Harvard University.

Frick, Johann. 2020. Conditional Reasons and the Procreation Asymmetry. *Philosophical Perspectives* 34 (1): 53–87. https://doi.org/10.1111/phpe.12139

Gardner, Molly. 2015. A Harm-Based Solution to the Non-Identity Problem. *Ergo, an Open Access Journal of Philosophy* 2 (17), 427–44. https://doi.org/10.3998/ergo.12405314.0002.017

Gardner, Molly. 2016. Beneficence and Procreation. *Philosophical Studies* 173 (2): 321–36. https://doi.org/10.1007/s11098-015-0494-1

Gert, Bernard. 2005. *Morality: Its Nature and Justification*. Rev. ed. Oxford: Oxford University Press.

Gert, Joshua. 2007. Normative Strength and the Balance of Reasons. *The Philosophical Review* 116 (4): 533–62.

Grau, Christopher. 2015. McMahan on Speciecism and Deprivation. *The Southern Journal of Philosophy* 53 (2): 216–26. https://doi.org/10.1111/sjp.12100

Greaves, Hilary. 2017. Population Axiology. *Philosophy Compass* 12 (11): 1–15. https://doi.org/10.1111/phc3.12442

Greaves, Hilary. 2019. Against 'The Badness of Death'. In *Saving People from the Harm of Death*, edited by Espen Gamlund, and Carl Tollef Solberg, 189–202. New York, NY: Oxford University Press.

Greene, Mark E. 2016. Roberts on Depletion: How Much Better Can We Do for Future People? *Utilitas* 28 (1): 108–18. https://doi.org/10.1017/S095382081500031X

Harman, Elizabeth. 2004. Can We Harm and Benefit in Creating? *Philosophical Perspectives* 18: 89–113. https://doi.org/10.1111/j.1520-8583.2004.00022.x

Harman, Elizabeth. 2009. Harming as Causing Harm. In *Harming Future Persons* eds. Melinda Roberts, and David Wasserman, 137–54. Dordrecht: Springer.

Henning, Tim. 2022. *Die Zukunft der Menschheit – soll es uns weiter geben?* Berlin: J.B. Metzler.

Horton, Joe. 2017. The All or Nothing Problem. *Journal of Philosophy* 114 (2): 94–104. https://doi.org/10.5840/jphil201711427

Horton, Joe. 2021. New and Improvable Lives. *Journal of Philosophy* 118 (9): 486–503. https://doi.org/10.5840/jphil2021118934

Kagan, Shelly. 1988. The Additive Fallacy. *Ethics* 99 (1): 5–31. https://www.jstor.org/stable/2380927.

Liao, S. Matthew. 2010. The Basis of Human Moral Status. *Journal of Moral Philosophy* 7 (2): 159–79. https://doi.org/10.1163/174552409X12567397529106

Longenecker, Michael Tze-Sung. 2022. Conventionalism about Persons and the Nonidentity Problem. *Australasian Journal of Philosophy*. Advance online publication. https://doi.org/10.1080/00048402.2022.2061024

Masny, Michal. 2023. Wasted Potential: The Value of a Life and the Significance of What Could Have Been. *Philosophy & Public Affairs* 51 (1): 6–32. https://doi.org/10.1111/papa.12225

McDermott, Michael. 2019. Harms and Objections. *Analysis* 79 (3): 436–48. https://doi.org/10.1093/analys/any062

McMahan, Jeff. 1996. Cognitive Disability, Misfortune, and Justice. *Philosophy & Public Affairs* 25 (1): 3–35. https://www.jstor.org/stable/2961915

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

McMahan, Jeff. 2009. Asymmetries in the Morality of Causing People to Exist. In *Harming Future Persons: Ethics, Genetics and the Nonidentity Problem*, edited by Melinda Roberts, and David T. Wasserman, 49–70. Dordrecht: Springer.

Narveson, Jan. 1967. Utilitarianism and New Generations. *Mind* **76** (301): 62–72. https://www.jstor.org/stable/2252027.

Parfit, Derek. 1981. Future Generations: Further Problems. *Philosophy & Public Affairs* **11** (2): 113–72. https://www.jstor.org/stable/2264925

Parfit, Derek. 1984. *Reasons and Persons*. Oxford: Clarendon Press.

Podgorski, Abelard. 2021. Partiality, Identity, and Procreation. *Philosophy & Public Affairs* **49** (1): 51–77. https://doi.org/10.1111/papa.12182

Podgorski, Abelard. 2023. Complaints and Tournament Population Ethics. *Philosophy and Phenomenological Research* **106** (2): 344–67. https://doi.org/10.1111/phpr.12860

Regan, Donald H. 2004. Why Am I My Brother's Keeper? In *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, edited by R. Jay Wallace, Philip Pettit, Samuel Scheffler, and Michael Smith, 202–30. Oxford: Clarendon Press.

Roberts, Melinda A. 2007. The Non-Identity Fallacy: Harm, Probability and Another Look at Parfit's Depletion Example. *Utilitas* **19** (3): 267–311. https://doi.org/10.1017/S0953820807002609

Roberts, Melinda A. 2011. An Asymmetry in the Ethics of Procreation. *Philosophy Compass* **6** (11): 765–76. https://doi.org/10.1111/j.1747-9991.2011.00435x