

Metaphysics of the Non-existent: A Response to Kexin Feng's Piece

MADHAV MANIRAJ

The non-identity problem is a perplexing one, a challenge to the very intuitions that lead to much of our moral thinking. Thus, in the paper “A Rights-Based Solution to the Non-identity Problem,” Kexin Feng sets out to implement a solution. The paper displays an admirable understanding of the problem, rightfully criticizes previously proposed solutions, and posits a new rights-based solution. However, I think there are certain limitations in Feng’s rights-based solution that are a result of the core metaphysical issue of the non-identity problem: that of non-existence and the ability for non-existent beings to have rights.

First, it is important to establish what exactly the non-identity problem is. In his paper, Feng states that “the non-identity problem concerns our moral obligation (or lack thereof) towards those whom we cause to exist precariously,” stating that the focus of the non-identity problem is on subjects that other moral agents are responsible for creating (20). Indeed, this is not wrong, but I believe that Feng’s analysis of this question is much too narrow. The non-identity problem concerns our moral obligation to future people as a whole, and the fundamental question that must be asked before a solution can be brought forth is whether future people can be brought into moral judgments. This makes the non-identity problem a

Madhav Maniraj is a junior at George Mason University, majoring in psychology and minoring in philosophy. After graduation, he plans to pursue an MD-PhD. His philosophical interests include bioethics, philosophy of mind, philosophy of religion, and Eastern philosophy.

metaphysical question as much as an ethical one, and how the metaphysical question is answered must be factored into any ethical solutions.

The main metaphysical issue regarding future people is that they do not exist in the present moment. Much of our ethical reasoning revolves around the subjects of our dilemmas physically existing. By existing, moral subjects are able to proclaim their preferences, be affected by the actions of a moral agent, and have physically present attributes and aspects of existence that hold value, all of which are utilized in making sound ethical judgments. However, future persons have none of these attributes; they are abstractions of persons rather than actual persons themselves. When one describes the harm a future person will supposedly experience, that harm does not really exist; it is merely a prediction. Now, one may think that this means that there is no solution at all to the non-identity problem, but I would argue otherwise. It is not the case that future people should be excluded from moral consideration at all; rather, the moral mechanisms of actions that affect future people must be analyzed differently and cannot be applied in the same manner as they are to present persons. To illustrate this, I will use two of the thought experiments that Feng uses in his paper, the Wrongful Life case and the Nuclear Policy case, and show how moral reasoning changes when different future subjects are taken into consideration.

When looking at the Wrongful Life case, it should be noted that Amy's choice to have a child at a time when the child is going to have Huntington's disease does not affect anyone at that moment since no person is being harmed. However, the child that is bound to come will have inherited Huntington's disease from Amy, and once personhood kicks in (whether that be in the embryonic, fetal, or infant stage), the child's quality of life is irrevocably damaged by inheriting Huntington's, even if the child was not made "worse." Thus, once those morally relevant factors appear, the consequences of Amy's choice also become real, and the morality of her choice naturally follows. In other words, Amy's actions are amoral at the moment of choosing to get pregnant, but we can predict that once the child is born, the reduced quality of life can be tied to Amy's actions. Therefore, the action of Amy getting pregnant immediately instead of waiting until the treatment can be discouraged because of the future moral harm that she is morally responsible for. If Amy's pregnancy were to be terminated before the child became a person—whether through a miscarriage or an abortion—then nothing would have

really changed, and Amy's choice to have been pregnant will continue to have been an amoral one.¹

One might think that the same framework applies to the Nuclear Policy case, but I would argue otherwise. This is because the subject of the Nuclear Policy case is not a single potential person, but instead, a future generation. Unlike Amy's child, the existence of future generations can be absolutely justified, since no individual moral agent is causally responsible for their existence. No matter what Government X chooses to do, those future generations will, in all probability, exist. This makes choices that affect future quality of life more relevant to current moral reasoning, as their existence stops being a mere possibility and is instead a certainty. This certainty allows for their existence to be a characteristic of the entity that can reasonably be protected. However, future generations are still different from existing persons because while their existence can be justified, they do not presently exist. Although we can observe how our choices can make their lives better or worse, like Amy's child, we cannot consider them persons, and thus they do not have many of the qualities that we ascribe to personhood, including rights.

The lack of personhood in future moral subjects is what lies at the heart of the non-identity problem and highlights the issue of Feng's rights-based solution. While the solution handily gives us a framework to look at the morality of future subjects, it does so by relying on a metaphysical falsehood: that people who do not exist have rights. There are no empirical or physical factors that ground the "right to have a reasonable shot at a life of normal quality," and there are no persons to ground it to either (Feng 24). Compare this to other intrinsic human rights, such as the right to life or protection from enslavement. Commonly ascribed human rights are metaphysically grounded in real aspects of human experience, but Feng is giving a right to an abstract concept or a metaphysical prediction, and that simply does not hold up. Now, in all probability, we can extrapolate our cases of moral reasoning with future subjects into a general principle of making sure "future generations have a reasonable shot at a life of normal quality," but this is not a right, and it will not necessarily apply to all subjects whose existence we cannot absolutely prove in all contexts (24). Thus, due to its faulty metaphysical premise, the rights-based solution is unsound, and proposed solutions to the non-identity problem must fully contend with the non-existence of future people.

¹Of course, this only works if one takes personhood to appear sometime after conception. If one believes that personhood kicks in immediately at conception, then Amy's moral responsibility also kicks in at conception.

Works Cited

Feng, Kexin. "A Rights-Based Solution to the Non-identity Problem."
Aporia, vol. 34, no. 1, 2024, pp. 19–28.