

The Ever Conscious View and the Contingency of Moral Status

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Abstract:

It is common to think that if something has moral status, then, necessarily, it has moral status. I will argue for a view of moral status, the Ever Conscious View, which holds that a living being has moral status throughout its life just in case it is ever conscious, at any point in its life. On this view, moral status is contingent: some beings that have moral status might have lacked moral status, and some beings that lack moral status might have had moral status. This paper has two aims. First, to offer the Ever Conscious View for serious consideration, and second, to defend the idea that moral status can be contingent in the way that the Ever Conscious View implies. I will explain and address the Objection to Contingency; this objection can be answered by recognition of the Good Method of finding our harm-based and benefit-based moral reasons. I argue that we should embrace the Good Method for reasons wholly independent of the Ever Conscious View; so, a defense of the Ever Conscious View using the Good Method is a principled defense. After relying on the Good Method, I defend it in the face of an objection that arises from a claim commonly called “The Asymmetry,” according to which we have reasons not to create miserable people, but we have no reasons to create happy people; I respond that we do have reasons to create happy people, but there is nothing at all wrong with failing to do so.

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1. Introduction

It is common to think that if something has moral status, then it is in its nature to have moral status, and that if something is in something’s nature, then it is a necessary feature. Thus, it is common to think that moral status is a necessary feature, and so that moral status cannot be contingent.

In this paper, I will argue for a view of which things have moral status; for reasons that will become clear, I call my view “the Ever Conscious View.” On this view, the following two claims are both true:

Some beings that have moral status might have lacked moral status.

Some beings that lack moral status might have had moral status.

Thus, on my view, moral status is contingent.

This paper has two central aims. First, to offer the Ever Conscious View for serious consideration, and second, to defend the idea that moral status can be contingent in the way that the Ever Conscious View implies. While I have previously argued for a narrower version of the view, no serious discussion or defense of the Ever Conscious View has ever been published.

The Ever Conscious View faces an objection that I will call, for reasons that will emerge later, “the Objection to Contingency.” This is an objection that is commonly pressed upon me by those who hear my view. I will argue that this objection can be answered by recognition of what I call the “Good Method” of finding our harm-based and benefit-based moral reasons. And I will establish that the following is true:

The Ever Conscious View can be defended in the face of the Objection to Contingency by appeal to the Good Method. We should embrace the Good Method for reasons wholly independent of the Ever Conscious View. So, a defense of the Ever Conscious View using the Good Method is a principled defense.

The paper is structured to establish this claim. Section 2 discusses what moral status is, and how our harm-based and benefit-based moral reasons arise; this discussion reveals that we should embrace the Good Method. Thus, Section 2 establishes that we should embrace the Good Method, independently of the Ever Conscious View. Section 3 then turns to the Ever Conscious View, motivating it and arguing for it. Section 4 defends the Ever Conscious View against three objections, including the Objection to Contingency; by relying on the Good Method, we can vindicate the Ever Conscious View in the face of this objection. Finally, Section 5 raises an objection to the Good Method, based on a claim commonly called “The Asymmetry”, and defends the Good Method in the face of that objection.

2. What Moral Status is, and How Harm-Based and Benefit-Based Reasons Arise

What is it for a being to have moral status? One might be tempted to make these two claims:

A being has moral status just in case it matters morally.

A being has moral status just in case it counts morally.

These might seem like truisms. If anything, they might seem so obvious as to be unilluminating. But I will argue that these claims are false.

Along the same lines, one might make these two claims:

A being has moral status just in case one should take it into account morally.

A being has moral status just in case one should take it into account in deciding how to act.

These four claims all falter when we consider the following case:

Alice has promised to meet Betty for lunch. It’s important to Betty, as the lunch is meant to calm her down before an important job interview. Since making her promise, Alice has learned that she is in grave danger of creating a child who would have a brief, miserable life: the child would suffer horribly for several months and then die. Alice can prevent this creation, but only by seeing a doctor rather than meeting Betty for lunch.¹ Alice breaks her date with Betty and prevents herself from creating a miserable child.

Alice does the right thing. Breaking her date with Betty required a good reason; but she had one. Where did this reason come from? If we look around us and ask, “which things have moral status?” we will not count the miserable child – no such child was created. If we think that we should take into account all and only those beings that *have* moral status—indeed, that what it is for something to have moral status is to be such that it should be taken into account—then we will find no source for Alice’s reason to break her promise.

The four claims about moral status suggest the following method of finding our harm-based and benefit-based moral reasons. (I call it the “Bad Method” because I will argue that it is false.)

¹ Here are two different ways of filling in the details of this case. If you think that early human fetuses that die as early human fetuses lack moral status, then this version of the case works fine: Alice is pregnant with an early fetus that has a serious medical condition, with the effects as described; her only chance to get an abortion is at lunchtime. Alternatively: Alice is not pregnant, but has learned that she herself has a condition that makes any child she conceives certain to have the horrible life as described; and Alice’s best chance to prevent pregnancy is to see a doctor at lunchtime, missing her lunch with Betty.

The Bad Method of finding harm-based and benefit-based moral reasons:

First ask: Which things have moral status?

Then ask: If I did this, would it harm or benefit any of those things?

There is a harm-based reason against this behavior, or a benefit-based reason in favor of this behavior, if and only if the answer to the second question is “yes”.

Suppose that Alice knows she is going to break her lunch date, and she simply wants to check to confirm that she has good reason to do so. She will not find any harm-based reason provided by the suffering the baby would have gone through, had she created it. That baby does not exist. So the correct answer to the first question does not list the baby. According to the Bad Method, there is no reason for Alice to break her lunch date.

We should instead endorse:

The Good Method of finding harm-based and benefit-based moral reasons:

First ask: If I did this, would it harm or benefit any things?

Then ask: If I did this, would those things have moral status?

There is a harm-based reason against this behavior, or a benefit-based reason in favor of this behavior, if and only if the answer to both questions is “yes”.

Using this method, Alice can easily see that she had a compelling reason to see her doctor, thereby breaking her lunch date. Let’s ask where there is a harm-based reason *against* Alice’s failing to see her doctor. Had Alice failed to see her doctor, she would have created a miserable child. Her failure to see her doctor would have *caused* the child’s misery (because had she seen her doctor, the child would not have existed, and thus would not have been miserable), so her failure to see her doctor would have *harmed* the child. And the child would have had moral status. Thus, she had a strong harm-based reason against failing to see her doctor: she had a strong reason to break her lunch date.

In saying that Alice had a harm-based moral reason to break her lunch date, I’m relying on the Good Method, but I’m also relying on the following claims:

Causing someone to suffer a harm is harming them.

Counterfactual dependence is sufficient for causation.

I’ve argued for the first claim in other work.² The second claim is widely believed.³

To be clear, Alice’s case is not a hard case: it’s obvious both that she should break her promise and that it is morally permissible for her to do so. But, interestingly, conventional accounts of what moral status is suggest that the Bad Method is correct; and the Bad Method leaves Alice without any justification for her promise-breaking.

In this section, I’ve argued for the Good Method over the Bad Method. The motivation for the Good Method comes from the fact that our choices sometimes affect who comes to exist. Thus, the motivation depends on the fact that the *moral status facts* are contingent in the following way:

Sometimes a being could have existed who doesn’t exist, and if they had existed, they would have had moral status.

The following is also true:

Sometimes a being exists, and has moral status, but they could have failed to exist.

Indeed, this is true of every actually-existing being that has moral status.

² See Harman 2004 and Harman 2009. In Harman 2004, I also introduce the Good Method.

³ For discussion of challenges to the idea that counterfactual dependence is sufficient for causation, see Paul and Hall 2013, chapter 5.

It is not controversial that *the moral status facts* are contingent in this way; this is well-known. I will propose in the next section that moral status is contingent in a more interesting and surprising way.

3. The Ever Conscious View

Many people are moved by the following line of reasoning. Consider cases in which a pregnant woman is planning to continue her pregnancy, but is still in the first trimester. The woman has compelling moral reason to do certain things: to take prenatal vitamins, to avoid taking drugs with teratogenic side effects, to avoid binge drinking,⁴ to eat a certain amount of protein, et cetera. When we ask why she should behave in these ways, we point to the living human being in her body: the fetus is the source of her reasons. She should take care not to cause harm to the fetus because the fetus itself matters. Furthermore, consider the woman's attitude to the fetus. She may well love the fetus. Is her love inappropriate or misguided? No. But surely only beings with moral status are appropriate objects of love. Taking these two phenomena together – our reasons to take care of these fetuses, and the appropriateness of love for these fetuses – we conclude that these early fetuses have moral status. But surely if these early fetuses have moral status, then all early fetuses have moral status. We are drawn to the conclusion that any abortion, no matter how early, has some moral reason against it.

This reasoning can be laid out as follows:

1. Some early human fetuses are appropriate objects of love.
2. Some early human fetuses are the source of harm-based reasons against actions: pregnant women should not smoke excessively or drink excessively during pregnancy because *these fetuses* matter morally.
3. If those early fetuses have moral status, then the fetuses that die in early abortions have moral status.
Therefore:
4. The fetuses that die in early abortions have moral status. (from 1 and 3; also from 2 and 3)
Therefore:
5. There is a harm-based reason against early abortion, and early abortion requires at least some moral justification. (from 4)

This reasoning can seem compelling, and thus even those who think of themselves as quite liberal when it comes to abortion may end up with a moderate view according to which every abortion has some moral reason against it, and every abortion requires some moral justification. (Of course, they may also hold the view that such justification is present in the vast majority of actual abortions.)

But this reasoning can be challenged. In particular, while claim 3 will seem obvious to most people, claim 3 can be denied.

Consider the difference between the early fetus that became you and an early fetus that dies in an early abortion. Suppose that we consider both early fetuses at the same stage of development and in the same health. Suppose that their lives up to this point are intrinsically indistinguishable. Nevertheless, they diverge radically at this point. One fetus dies without ever being conscious.⁵ The

⁴ Armstrong 2003 surveys the medical evidence and concludes there is no good empirical evidence that drinking small amounts of alcohol adversely affects fetuses; the book provides a sociological analysis of why drinking during pregnancy has been pathologized. For a recent alternative perspective on the medical evidence, see Gunter 2019.

⁵ I am assuming that fetal consciousness arises sufficiently far along in fetal development that some fetuses that die in abortions have never been conscious.

other fetus goes on to develop into a human being, living a normal human life with all its psychological complexity and richness. When we see their lives as wholes, we can see that we are considering two radically different kinds of things. One is a living being that is never conscious; in this way, it is like a plant. The other is a mentally sophisticated being that has had meaningful experiences (both good and bad), that loves others, that has personal projects, et cetera. On the view I propose, in virtue of their different futures, the moral status facts about these two fetuses differ. You had moral status back when you were an early fetus; the ground of your moral status was your actual future as a conscious, feeling being. The fetus that dies in the abortion lacks moral status; it lacks moral status because it is a thing that is never conscious.

Here is the view I propose:

The Ever Conscious View: a living being has moral status just in case it is ever conscious. On this view, you and I have had moral status ever since we were created; and we will have moral status until we die. (But the dead bodies that were us will not have moral status.) On this view, human fetuses that die without ever being conscious lack moral status.

The Ever Conscious View may sound very surprising. How could it be that two fetuses differ in moral status merely in virtue of their futures? But the idea that the states of a being at *other* times in its existence are relevant to its current moral status is actually very plausible; to see this, consider past states. Suppose there are two unconscious human adults, each of which is being kept alive by machines. One has never been conscious, while the other has been living a full human life until a recent accident. Suppose there is a procedure that has some chance of bringing each unconscious human adult to consciousness. It's clear that for the human that was until recently living a full life, we have a strong, compelling moral reason to perform the procedure. For the other human, it's not at all clear that we have a strong moral reason to do so; if we have any moral reason, it is a weak reason.⁶ Thus, even though their current states are very similar, these two beings differ in the kind of moral reason to which they give rise, in virtue of their past states. The idea that a being's past states are relevant to its current moral status is plausible to us. That can help us to see that a being's future states can also be relevant.

I do want to note a potential objection to the claims I've made about the two unconscious humans; and in light of this objection, I don't want to rest too much weight on these claims. Rather, I hope consideration of them can help to open our minds to the possibility that a being's states at other times can be relevant to its current moral status. The objection is as follows: the two unconscious humans differ significantly in their current states: one has stored within their brain the memories of a normal human life, even if their unconsciousness renders those memories dormant for now. This objection makes a good point; for this reason, I merely take the case of the two unconscious patients to be suggestive.

If the Ever Conscious View is true, then there are two widely-held myths that we should abandon:

First Myth: Any being that has moral status is such that, necessarily, if it exists, then it has moral status.

Second Myth: If two beings are such that, just considering their current intrinsic properties, they are qualitatively identical, then either both have moral status, or neither has moral status.

But in abandoning these myths, we need not abandon the idea that a being's moral status supervenes on its intrinsic properties. The Ever Conscious View sees us as beings that persist through time, and

⁶ See footnote 12 for explanation of the nature of this reason.

sees our states throughout our lives as coming together to determine whether we have moral status. It is compatible with the following principle:

If two beings are such that, just considering their intrinsic properties *throughout their lives*, they are qualitatively identical, then either both have moral status, or neither has moral status.

This principle makes moral status an intrinsic matter. It blocks problematic and implausible views on which external factors can determine whether a being has moral status. For example, it is implausible that loving something *endows* it with moral status; rather, love is a response to a being that is independently an appropriate object of love.⁷ For another example, the view that a pregnant woman's intentions determine her fetus's moral status is implausible. Her intention about whether to continue her pregnancy is not the right kind of factor to make it the case that the fetus has moral status. We can see this most vividly when we imagine her changing her mind from one day to the next about whether to abort: it is implausible that the fetus gains and loses moral status as she changes her mind. By contrast, on the Ever Conscious View, while a pregnant woman's intentions can affect the fetus's moral status, they affect it by affecting its future intrinsic states: the pregnant woman is often in a position to determine whether the fetus has a future in which it is conscious.

Let me turn to laying out a positive argument for the Ever Conscious View. It is an argument by inference to the best explanation. And it is a controversial argument; I do not claim that it will convince most of my readers. But I do urge those who are inclined to believe the premises to take the argument seriously. (Those who believe the first three premises might think, upon reflection, that a commitment to all three cannot be sustained; I urge them to consider accepting the conclusion of the argument rather than giving up some of the initial premises.)

1. Some early human fetuses are appropriate objects of love.
2. Some early human fetuses are the source of harm-based reasons against actions: pregnant women should not smoke excessively or drink excessively during pregnancy because *these fetuses* matter morally.
3. Early abortion requires no moral justification and nothing bad happens in an early abortion.

Therefore:

4. Some early fetuses have moral status. (from 1, and also from 2)
5. The fetuses that die in early abortions lack moral status. (from 3)

Therefore:

6. The Ever Conscious View is true. (from 4 and 5)

This argument shows that all three initial premises are compatible. While premises 1 and 2 imply that some early fetuses have moral status, premise 3 implies that some early fetuses lack moral status. We are brought to premises 4 and 5, which together say that some early fetuses have moral status and that some early fetuses lack moral status. It has been an unarticulated presupposition of much discussion of abortion that claims like 4 and 5 cannot both be true – but the Ever Conscious View shows that they can. The move from 4 and 5 to 6 is an inference to the best explanation. For if some intrinsically identical early fetuses have moral status and some lack it, what could explain this? A difference in their actual futures can explain it; a difference in whether they are ever conscious can explain it. The Ever Conscious View explains how these independently plausible, jointly puzzling claims can all be true.⁸

⁷ See Harman 2007.

⁸ In Harman 1999, I argued for the following view:

The Actual Future Principle: An early fetus that will become a person has some moral status. An early fetus that will die while it is still an early fetus has no moral status.

4. Objections to the Ever Conscious View

This section discusses three objections.

The first objection concerns the way that the Ever Conscious View takes past consciousness to be sufficient for current moral status. The objector points out that, according to the Ever Conscious View, a person who has lived a full life and who then becomes permanently unconscious, but is still alive, still has moral status. The objector then points out that in many such cases, the right thing to do is to end the person's life once they have become permanently unconscious. But on the Ever Conscious View, that would involve killing a being that has moral status, so it seems it would be impermissible.

I agree with the objector that the Ever Conscious View implies that a person who falls into permanent unconsciousness, but who is still alive, still has moral status; and I agree with the objector that in many such cases, the right thing to do is to end the person's life. But the objector is wrong that the Ever Conscious View implies that we have any reason against killing the person. We have reasons not to harm a being with moral status; and we have reasons not to wrong a being with moral status. Usually, killing a being harms them; but importantly, this is not always the case. Indeed, in most cases in which a person falls into permanent unconsciousness, killing them is better for them; and killing them does not harm them at all. (Killing them may harm them (or may wrong them) if they previously expressed a wish to be kept alive in these circumstances.) Thus, in many cases, even though the permanently unconscious person has moral status, the Ever Conscious View does not imply that we have any reason against killing them.⁹

The second objection concerns the fact that, on the Ever Conscious View, a single moment of consciousness is enough for moral status throughout a being's life. The second objector asks us to consider two human fetuses. One dies before ever becoming conscious. The other has one moment of consciousness before dying. According to the Ever Conscious View, these are two radically different kinds of things: the first lacks moral status throughout its life, while the second has moral status throughout its life. The objector claims that the fetuses have such similar lives that the moral status facts about them cannot differ so radically.

I agree with the objector that it may seem intuitively strange that a single moment of consciousness is sufficient for moral status throughout a lifetime. But I do embrace this implication of my view. Let's consider what an alternative view would say about this case:

The Now Conscious Claim: The second fetus lacks moral status for most of its life, and comes to have moral status only for the moment that it is conscious.

On both the Now Conscious Claim and the Ever Conscious View, the second fetus is among the things that matter morally in this world. Its death is a morally bad thing that happens. There were moral reasons to prevent its death, and there is moral reason to lament its death. (Note that this does not mean that, all things considered, abortion of an already-conscious human fetus is morally wrong.¹⁰) This means that the first fetus and the second fetus are quite different things, even in their

This view implies the truth of claims 4 and 5; but it's just a placeholder. It is too specific to be a satisfying *explanation* of the moral status claims in 4 and 5. What we need is a general, coherent view that implies 4 and 5; the Ever Conscious View is that.

For discussion of the Actual Future Principle, see Nobis 2002, Roberts 2010, and others.

⁹ Alternatively, we might say the following. Killing a living being always harms that being, and yet sometimes it is all things considered best for the being because it prevents worse harm. For most people, after living a full human life, being kept alive for a long time while permanently unconscious is a significant harm to them.

¹⁰ See Thomson 1971.

earlier phases before the second fetus is conscious. One of these things will never be a member of the moral community. Nothing that actually happens to it is a morally good thing in virtue of being good for it; and nothing that actually happens to it is a morally bad thing in virtue of being bad for it. The other fetus is quite different; what actually happens to it *is* a source of reasons – at least, both views agree, what happens to it at the end of its life. I stand behind the implication that this grounds moral status throughout its life.

The third objection targets the way that moral status is contingent according to the Ever Conscious View.

The Objection to Contingency: If the Ever Conscious View is true, then whether abortion is permissible turns on whether one actually aborts. If one does abort, then the early fetus lacks moral status, so abortion turns out to be morally permissible. If one doesn't abort, then the early fetus has moral status, so abortion turns out to be morally wrong. So on the Ever Conscious View, abortion is self-justifying. But abortion is not self-justifying. So the Ever Conscious View must be false.

The objection targets the fact that moral status is *contingent* on the Ever Conscious View in that it targets the fact that whether a person does something (whether she aborts) *affects* whether something (her fetus) has moral status.

In responding to the Objection to Contingency, I will show that some of the objector's claims are understandable mistakes regarding what follows from the Ever Conscious View: the objector is mistaken to think that, if the Ever Conscious View is true, then whether abortion is permissible turns on whether one aborts; and thus, the objector is mistaken to think that, if the Ever Conscious View is true, then abortion is self-justifying. I do grant that some of what the objector says is true: If one aborts, the early fetus turns out to lack moral status, and the abortion is morally permissible because it kills something that lacks moral status. And if one does not abort (and does not miscarry), then the early fetus turns out to have moral status. However, the objector is mistaken to say that if one does not abort, then it turns out that abortion is morally wrong.

The objector is implicitly committed to this:

The Bad Method of finding harm-based and benefit-based moral reasons:

First ask: Which things have moral status?

Then ask: If I did this, would it harm or benefit any of those things?

There is a harm-based reason against this behavior, or a benefit-based reason in favor of this behavior, if and only if the answer to the second question is "yes".

If the Bad Method were correct, then the mere fact that a fetus actually has moral status would mean that there is a harm-based moral reason against killing it: the correct answer to the first question would include the fetus, and since killing the fetus severely harms it, the answer to the second question would be "yes". So, if the Bad Method were correct and the Ever Conscious View were true, then the following would be true: if one does not abort, there is a harm-based moral reason against abortion. Would this make abortion morally wrong? The Objection to Contingency needs one more assumption: that if there is a harm-based reason against an abortion, then the abortion is morally wrong. Given this assumption, it would follow that if the Ever Conscious View is true, then: if abortion is performed, it is morally permissible to abort; but if abortion is not performed, it is morally wrong to abort. Abortion would be self-justifying.

Summing this up, the Objection to Contingency claims that if the Ever Conscious View is true, then abortion is self-justifying; this claim depends on the Bad Method. But we have already seen that the Bad Method is incorrect.

And importantly, we have seen that we should reject the Bad Method for reasons that are independent of the Ever Conscious View. In its place, we should embrace:

The Good Method of finding harm-based and benefit-based moral reasons:

First ask: If I did this, would it harm or benefit any things?

Then ask: If I did this, would those things have moral status?

There is a harm-based reason against this behavior, or a benefit-based reason in favor of this behavior, if and only if the answer to both questions is “yes”.

Relying on the Good Method, we can see that the Ever Conscious View does not imply that if a fetus has moral status, then aborting it would be morally wrong. Consider you and me back when we were early fetuses. Those early fetuses did have moral status (because they would be conscious in the future). Does this mean that there was thereby a moral reason against killing them? It does not. Rather, we have to ask, *if* those fetuses had been aborted – that is, if you and I had been aborted – would those fetuses have had moral status? This answer is that they would not have had moral status, because they would not have had futures in which they were conscious. So, back when we were early fetuses, although we had moral status, there was no moral reason against killing us.

The Good Method implies, correctly, that we have moral reasons against doing things that would be a-harming-of-something-with-moral-status. But it not the case that for each thing that actually has moral status, and every possible action that would have harmed it, there is thereby a moral reason against that action. If the Ever Conscious View is true, then actual abortions of early fetuses are morally permissible: these are harmings of things that lack moral status. But possible abortions of early fetuses – fetuses that actually have moral status – are also morally permissible: these abortions, if they were performed, would be harmings of things that would lack moral status. Abortion is permissible, whether or not it is performed. So, it’s not true that abortion is self-justifying. The Good Method vindicates the Ever Conscious View’s implication that moral status is contingent.

If the Ever Conscious View is true, then moral status is contingent in that both of the following claims are true:

Some beings that actually have moral status might have lacked moral status.

Some beings that actually lack moral status might have had it.

You and I actually have moral status, but had we been killed back when we were early fetuses, we would have lacked moral status. And early fetuses that die in early abortions actually lack moral status, but had they continued to develop and become conscious beings, they would have had moral status.

5. Defending the Good Method in the face of The Asymmetry

In section 2, I argued for the Good Method. In section 4, I relied on the Good Method to defend the Ever Conscious View. In this section, I discuss an objection to the Good Method, from a claim sometimes called “The Asymmetry.”¹¹

The Reasons Asymmetry: We have a moral reason not to create a person who would have a short life of nothing but agony, but we have no moral reason to create a person who would have a good, happy life.

The first part of the claim is clearly right: indeed, it seems to be morally wrong to create a child who would have only a brief, miserable life. We don’t just have a moral reason not to create in such a case—we have a strong, compelling moral reason. And the second part of the claim may also appear to be obviously true. Most of us spend long stretches of our lives, going about things and

¹¹ I discuss two different versions of “The Asymmetry,” so I give them each a more specific name.

For early discussion of “The Asymmetry,” see Narveson 1967 and McMahan 1981. For more recent discussion, see Roberts 2011, Johann Frick “Conditional Reasons and the Procreation Asymmetry” (manuscript), and others.

just *failing* to create people who would be happy. We leave potential happy people uncreated *all the time*. And we are not doing anything wrong. It's not even a bit morally bad of us to fail to create all these people who would be happy. How could we explain why this is just fine? Why it is not lamentable at all? We could explain it by saying that there is no moral reason that we are failing to honor, when we fail to create people who would be happy.

Yet, an objector to the Good Method could point out, the Good Method implies that the Reasons Asymmetry is false. As I argued in Section 2, the Good Method secures the correct result that one has a reason not to create a child who would have a brief life of agony – even in the world in which one does not create him. What is crucial is that if one had created him, one's action would have harmed him (by causing him to suffer agony), and he would have had moral status, so one's action would have been a harming of something that had moral status. But the Good Method also implies that there is a reason to create a person who would have a happy life. Suppose that you didn't actually create a happy person last year, but you could have. Had you created her, your creation of her would have benefited her (by causing her to have the good things in her life), and she would have had moral status. So there is a benefit-based reason in favor of creating her: that your action would have benefited a being that would have had moral status.

The Good Method, thus, implies that the Reasons Asymmetry is false. Does this mean the Good Method is wrong? It does not. Rather, we should see that the Reasons Asymmetry can be resisted. Instead, we should endorse the following:

The Requirement Asymmetry: It is morally wrong to create a person who would have a short life of nothing but agony, but it is not morally wrong to fail to create a person who would have a good, happy life.

The central things to say about these two kinds of cases are: that it is wrong to create a child who would just suffer, and that it is not wrong to fail to create a happy child. Indeed, there is nothing wrong with failing to create a happy child.

Now, to see that it's just fine to reject the Reasons Asymmetry, we need to think about how moral reasons function. Is the following true?

Whenever one fails to act on a moral reason, one thereby does something a little bit bad, and this is thereby at least a little bit lamentable.

No – this is not true. Consider all of the different ways, big and small, that you and I could do a nice thing for someone we know right now. I could bake a cake for my colleague who is working hard on her book, as a little treat while she works so hard. You could offer to mow the lawn of your neighbor. There are countless favors and kindnesses we could do for others. We do some of these. But there are so many we could do that we don't do. Is this lamentable? Is each of these something a little bit bad about how we lived our lives today? No. Rather, failing to do something nice for someone is failing to do something that would have been good – but there's nothing bad about that failure. This is how failures to provide pure benefits work: while it is good to provide a pure benefit, it is not bad to fail to provide it.

In saying this, it is important to distinguish pure benefits – giving someone something that is in itself good – from benefits that are preventions of harm. One might think that every instance of failing to prevent a harm is at least a bit morally bad (though this would be a very strong claim). We can remain agnostic on this issue while saying everything above.

So, rejecting the Reasons Asymmetry need not threaten us, once we realize that the reasons we have to create happy people are reasons to provide pure benefits to people: while we have such reasons, it is in no way bad when we fail to act on them. We're not doing anything wrong in failing

to create people; we're not even doing something that's a bit bad; and that is compatible with saying that we do have a moral reason to create happy people.¹²

We can also say another thing about our reasons to benefit people, which is that our reasons to benefit people who do not exist independently of our benefiting actions are *weaker* than our reasons to benefit independently-existing people. Consider my reason to bake a cake for my colleague who is working hard on her book. If I bake her a cake, she would enjoy and appreciate it. Now, if I don't bake her a cake, nothing bad happens; but it is true that she exists without the cake; there she is, working hard, cakeless. By contrast, if I fail to create a happy person, that person does not exist without all the happiness my creating her would have provided to her; she is not cakeless; rather, she simply doesn't exist.¹³

I have relied on two claims in saying that we should reject the Reasons Asymmetry while embracing the Requirement Asymmetry. First, the reasons we have to create happy people are merely reasons to provide positive benefits; it is good to provide positive benefits; but it is not thereby at all bad to fail to do so. Second, our reasons to benefit in creating are weaker than our reasons to benefit independently-existing people.

While it's true that the Good Method is incompatible with the Reasons Asymmetry, this does not threaten the Good Method. The Requirement Asymmetry is the asymmetry we should embrace.

7. Conclusion

In this paper, I have argued for the Ever Conscious View, on which moral status is contingent in a strong and interesting sense. Everyone will agree that *the moral status facts* are contingent, in that it is contingent which beings have moral status, because it is contingent which beings exist. But according to the Ever Conscious View, moral status is contingent in that some beings who actually have moral status – like you and me – could have lacked moral status; and some beings who actually lack moral status – such as an early fetus that is aborted – could have had moral status.

The contingency of moral status that the Ever Conscious View posits strikes some people as deeply counterintuitive. According to the Objection to Contingency, the Ever Conscious View leads to the absurd view that the abortions we actually perform are morally permissible, while it would have been wrong to abort the fetuses we didn't actually abort. That is not an implication of the view. I've argued that we can see that the view does not have this implication by relying on the Good Method of finding our harm-based and benefit-based reasons. And I've argued that we are driven to adopt the Good Method for reasons wholly independent of the Ever Conscious View, so this is a principled defense of the Ever Conscious View.

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¹² Earlier we considered an unconscious human adult, kept alive by a machine, who has never been conscious. What kind of reason do we have to bring this adult to consciousness? It is a reason to provide pure benefit: we have moral reason to do it, but it's not a bit bad to fail to do it. Bringing this adult to consciousness is morally akin to creating a person.

¹³ See Harman 2009, pages 147-148, for discussion of the difference in strength between our reasons regarding those we create and those who independently exist.

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