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The Dual Nature of Harm

– In Defence of the Disjunctive View –

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Abstract

Much of the debate about the nature of harm regard the standard comparative views and the alternative non-comparative views. The former claim that harm always involves *a subject that is made worse off*. The latter acknowledges a more absolute understanding of harm, as *a subject that is caused to be in a bad state*. The virtues and vices of these views have been wildly debated. Even though both notions have intuitive support, they also have serious problems. It has been suggested quite recently that the nature of harm is best understood as a combination of a comparative and a non-comparative condition - a *disjunctive view*. The thought is that the disjunctivist can account for many of the cases that strict views struggle with, since the two senses complement each other. However, there are some new potential problems with combining the two senses of harm. The disjunctive view has been questioned on the grounds of being ad hoc, incapable of fully solving the Non-Identity problem and contradicting Parfit's No-Difference View. This essay addresses the mentioned worries and explores possible defence strategies.

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1 Introduction

The standard understanding of the nature of harm is *comparative*, which means that someone is harmed if she is made worse off. Hence, a person is harmed if her state is worse compared to her previous state or the state she would have been in if a certain event never took place. This standard and intuitive conception of harm works well in most ordinary cases of harm. Examples of comparative harms are someone getting fired from her job (unjustifiably) and therefore being unable to pay her expenses or someone getting sad after being yelled at for no good reason. They are in a worse state due to these events. Moreover, the harm involved is what explains why acts of this sort are wrongful. However, there is reason to think the standard comparative sense of harm is insufficient for moral analysis. Consider the following case:

Pollution – The people inhabiting the earth at t_1 pollute the earth in such a way that resources will be scarce for people living 400 years later, at t_2 . Since the water and air lack sufficient quality at t_2 , the future people suffer from serious health problems.

Many would say that pollution is wrong because it harms future people by bringing them great suffering, but the comparative understanding of harm cannot account for that. *Pollution* is not comparatively harmful since no one is made worse off. If the pollution does not take place the causal history is altered which results in a different procreational story that alters the identity of future people. If there is no pollution at t_1 , then, the people living at t_2 will in fact be other people. Assuming that their lives are worth living, there is no comparison analysis according to which the people at t_2 are worse off.

Since the comparative sense of harm cannot account for our intuitions about cases like *Pollution* it has been argued that another, absolute, sense of harm is morally significant. According to the *non-comparative* understanding, a person is harmed if she is caused to be in a bad state. Introducing this into the moral analysis enables us to say that pollution is wrong because the future people at t_2 are non-comparatively harmed. They are caused serious health problems which reasonably are considered as bad. However, strict non-comparative views of harm seem to have counter-intuitive implications as well. Consider the following scenario:

Stealing from a Billionaire – A jealous neighbor lives next door to a billionaire's villa. The neighbor feels as though the billionaire drives off in a brand new sports car every single morning and one day the neighbor has had enough. When the billionaire leaves in the morning the neighbor breaks in to the garage and steals one of the billionaire's fancy sports cars. The neighbor likes the car very much and decides to keep it.

Many of us would want to say that the billionaire is wronged because taking her car harms her (maybe just slightly since she is very wealthy). Stealing her car makes her a bit worse off and is thereby harmful in the comparative sense. However, she is not poorly off and her state cannot be considered bad in an absolute sense. Thus, according to the non-comparative understanding the billionaire is not harmed at all.

Strict comparative views of harm cannot account for the alleged harm inflicted on future people in cases like *Pollution* while the strict non-comparative verdict about cases like *Stealing from a Billionaire* is counter-intuitive. These are two of the acknowledged problems for strict views.¹ The standard comparative views have implausible implications, but it seems that the non-comparative alternative is not a viable alternative in its own right. It has, therefore, been suggested that a successful view of harm combines both senses – in a disjunctive manner (McMahan, 2013; Meyer, 2016; Woollard, 2012).² Roughly put, the disjunctive view of harm holds that someone is harmed if they are made worse off *or* if they are caused to be in a bad state. Both sides are considered essential for correctly capturing the puzzling nature of harm and its moral significance. McMahan writes: “[...] I suspect that a pluralist or disjunctive account of harm, which includes both comparative and non-comparative dimensions, is unavoidable” (McMahan, 2013, p. 7). Since the disjunctive view can account for some of the most troublesome cases for strict theories, for example *Pollution* and *Stealing from a Billionaire*, the motivation for it is striking.

There is a limited amount of literature about the disjunctive idea and even less discussion about how to formulate a disjunctive account in more detail. This essay puts the disjunctive view in the spotlight, explicitly outlines the structure of the disjunctive view and different versions of it. The general aim is to examine the capacity of the disjunctive view and its place in moral theorizing. More specifically, this essay (i) explores if we can avoid the problems with strict

¹ Bradley (2012) and Rabenberg (2015) lead structured discussion about these difficulties.

² Theoretically, a combination account of harm can be conjunctive as well. That means that a necessary comparative condition is combined with a necessary non-comparative view. This essay focuses on disjunctive combination views where each condition is sufficient.

views by disjunctively combining a comparative and a non-comparative condition of harm and (ii) develops possible defence strategies to three objections that have been raised specifically toward disjunctive views. There are many attempts to solve the problems with strict views in the literature, but to explore the opportunities and limitations of disjunctively combining the conditions has only been done in relation to the Non-Identity Problem up until now. Current literature contain scattered discussions about possible problems with disjunctive views. This essay contributes by discussing if and how the disjunctive view can be defended against the objections raised toward it.

The outline of the essay is as follows: the next section explains the background for why and how the concept of harm matters, presents some important distinctions and introduces desiderata for evaluating different views of harm. In section 3, the strict views are presented as a part of explaining the development of the disjunctive view. Section 4 discusses three challenges for disjunctive views and explores how they can be met. It is concluded, in section 5, that the debate about the disjunctive view is starting to take shape, but important issues remain to be tackled.

2 Background

There is a vast amount of literature about harm. Considering the examples in the introduction, it is easy to see why. Harm is something to care about because it is bad for a person to be harmed and it provides a reason to morally criticize or condemn certain behavior. Here, I will provide a background for the upcoming discussion by presenting some of the philosophical disciplines that rely on the concept of harm and what is required of an account of harm for it to work in philosophical theorizing. I will also present some distinctions between different debates about harm as well as different aspects of harm. That helps to pinpoint the dimension of harm that this essay focuses on.

The concept of harm is often used in philosophical theorizing. In contemporary moral deontology efforts are made to justify constraints against harming others, establishing distinctions between doing and allowing harm as well as intending and foreseeing harm (Bradley, 2012, p. 391). The concept also has a central position in biomedical ethics, where one out of four main principles is non-maleficence. This principle is explicated in terms of harm: “One ought not inflict evil or harm“ (Beauchamp & Childress, 2013, p. 150). Debates within bioethics do not only rely on the harm concept in general, but often on the standard comparative (counter-factual) understanding. Discussions about alternative views have an influence on such debates. “Since

many arguments in applied ethics currently rely upon the counterfactual account of harm, any deviation from this understanding of the concept is likely to have a large impact on contemporary bioethical problems” (Purshouse, 2016, p. 252). Also, Mill's Harm Principle puts the concept of harm in the spotlight. This principle states that the only rightful use of power over an individual is to prevent significant harm to others (Purshouse, 2016, p. 251). More generally one might say that these principles about harms limit what is considered acceptable behavior, for example, in medical and political practices.

Notably though, it is not only the concept of *harm* that is used in these contexts. Notions such as *harming*, *causing harm*, *wrongful harming* and *significant harm* are all found frequently in moral theorizing and common thought. This essay focuses on the more basic notion *harm* or *being harmed*. Feinberg explains why harm or being harmed is more fundamental than harming: “In any event, the idea of a harmed condition seems more fundamental conceptually than an act of harming, since one must mention harm in the explanation of what it is for one person to harm another, whereas one can hope to analyze the idea of harm (harmed condition) without mentioning causally contributory actions” (Feinberg, 1984, p. 31).³ This means that *harm* and *harming* are separable concepts and can be understood in different ways.⁴ Harm can be analyzed by simply looking at a subject – a person that is harmed.⁵ Harming, on the other hand, involves a subject and an agent who has caused or is responsible for the subject's suffering. The link between agent and subject can be spelled out in different ways and can vary in complexity. I will assume a simple link so that *harming* means *causing someone harm*.⁶

The different harm views in the literature do not only define what harm is, they also say something about how to measure degrees of harm and explain the badness of harm. Hanser claims that a full account of harm includes the following: “(a) tell us what it is to suffer harm, (b) explain why it is bad to suffer harm, and (c) give us some idea how to measure the relative seriousness of different harms” (Hanser, 2008, pp. 421–422). This means that the different theories provide different answers to these questions. Also, a theory that does not provide

³ This point is perhaps less plausible about a non-comparative condition, see footnote 5.

⁴ Woollard (2012) explicitly points at the possibility of having different conditions of harm and harming. For example, Hanser (2009) combines a comparative conditions of harming with a non-comparative condition of harm.

⁵ Bradley (2012) claims that a plausible concept of harm should not be exclusive to persons or humans (it applies to other beings as well). In this essay I use terms as *someone* or *a person* being harmed, but I do not mean to claim that harm is restricted to persons or humans. I remain silent with regards to that question. These terms are used for simplicity reasons and none of the arguments discussed in this essay rely upon it.

⁶ This is vague and will be left so intentionally. It is possible that the merits of one's view about *harm* depends upon the view about *harming*. For example, Hanser (2009) argues that a non-comparative condition of harm must be accompanied with a counter-factual condition of harming to establish a link between agent and subject. However, the scope of this essay does not allow for this aspect to be elaborated and this question will be set aside.

answers can be considered incomplete. There is more on how to measure the theoretical worth of different theories in the following discussion about desiderata.

2.1 Desiderata

We can use certain desiderata to evaluate and compare the worth of different accounts in philosophical theorizing. Evaluative grounds are often implicit and theories are said to be counterintuitive, ad hoc etc., which are features commonly thought of as valid grounds for criticism. However, what makes things complicated is that the criteria depends on our view on the concept's function. And there is no consensus about the harm concept's role or importance in philosophical theorizing.

Some claim that harm has a special importance in philosophical theorizing while others think it has no part to play at all. Some question the harm concept's place in philosophical theorizing due to the difficulties of formulating a plausible view. For example, Bradley (2012) argues that the concept cannot be made plausible and ought to be abandoned:

The most widely discussed account, the comparative account, faces counterexamples that seem fatal. But no alternative account has gained any currency. My diagnosis is that the notion of harm is a Frankensteinian jumble. Thus it is unsuitable for use in serious moral theorizing (Bradley, 2012, p. 391)

Bradley thinks that we should abandon the concept due to the problems with comparative and non-comparative views. He claims that the axiological concepts of intrinsic and extrinsic badness can replace harm. For example, consequentialists can refer to the intrinsic disvalue of consequences and deontologists can appeal to the relevant notions for wrongdoing, such as rights violation, inflicting pain etc. Similarly, Holtug (2002) questions the usage of the concept by arguing that neither comparative nor non-comparative conceptions of harm can make sense of Mill's Harm Principle.

The non-skeptics generally think that the concept is needed for more than one purpose. In fact, “[...] we need the concept of harm for both explanatory and predictive purposes (its theoretical use), and to mark certain kinds of reasons for action and attitude (its normative use)” (Kahane & Savulescu, 2012, p. 323). Harrosh explains the importance of identifying harms as follows: “the ability to identify harms is imperative to thinking clearly about wrongdoing. In fact, it is through the presence of harm that victims and wrongdoings are usually detected” (Harrosh, 2012, p. 493). Purshouse expresses a similar opinion. “In order to determine whether a particular course of

conduct is ethically permissible it is important to have a concept of what it means to be harmed” (Purshouse, 2016, p. 251). It is clear that the harm concept is thought to have a theoretical purpose as well as a normative purpose. This is also reflected in the more explicit remarks about desiderata.

Bradley (2012, pp. 394–396) presents a helpful (non-exhaustive) list of desiderata for evaluating accounts of harm. It should be noted that the desiderata are plausibly not thought to be absolute, but rather desirable features. Perhaps no account can satisfy all. First, and quite obviously, an account should adequately capture the extension of harm. Bradley calls this the *Extensional Adequacy* desideratum, according to which “the analysis must fit the data” (Bradley, 2012, p. 394). “Fitting the data” is plausibly a measure of how well the account accords with ordinary language and intuitions about harm. Since harm is a matter of degree, this desideratum also requires that an account allows for an analysis of lesser and greater harms.

The *Normative Importance* desideratum states that an account “should entail that harm is the sort of thing that it makes sense for there to be deontological restrictions about” (Bradley, 2012, p. 396). Two out of the three challenges discussed in this essay concern normative consequences of adopting a disjunctive view. Therefore, the meaning of this desiderata needs to be elaborated on further. The alternatives to claiming that harm is “normatively important” is to claim that harm is always wrong or that it is morally neutral. However, both these alternatives are thought to misidentify immoral conduct (Harrosh, 2012, p. 497). According to the *Amorality* desideratum, an account should not be formulated such that harming *entails* wrongdoing. This seems plausible since a subject can be harmed by natural causes. For example, earthquakes injure people and packed snow can fall from a roof and hit someone on the street. There are no moral agents or wrongdoers involved in such cases. A common way to understand the normative importance of harm is that there is a pro tanto moral reason not to harm. This means that performing a harmful act can be justified all things considered, but the fact that it harms always (morally) counts against it. As Rabenberg (2015) points out, this is more plausible than the alternatives above and it does not conflict with *Amorality*.

There is a certain tension between the *Extensional Adequacy* and *Normative Importance* desiderata. The debate about the nature of harm tries to capture the ordinary usage of the concept (to some extent), but that is not the sole purpose. Finding a perfect formulation for the dictionary would not suffice, since the harm concept must work for normative purposes as well. Feinberg tries to explain how we can find a balance between these considerations.

The word “harm” is both vague and ambiguous [...] But insofar as it is ambiguous, we must select among its normal senses the one or ones relevant for our normative purposes, and insofar as it is vague in those senses, it should be made more precise—a task that requires some degree of stipulation, not simply a more accurate reporting of current usage (Feinberg, 1984, pp. 31–32).

It might be difficult to find this balance, but the tension is not necessarily a big problem. Satisfying the desiderata are plausibly a matter of degree. Also, as mentioned before, the desiderata are desirable features and not ultimate requirements.

According to the *Unity* desideratum, an account should also sustain a core that explains what all cases of harm have in common. For example, a list of things that seem bad - such as pain, death, decreased mental and physical functioning etc – does not satisfy this requirement since it is not obviously unified. Moreover, the *Axiological Neutrality* desideratum states that an account should not presuppose any theory about well-being or the *currency* of harm. In everyday life we think of harms as right violation, pain, death, ignorance, property loss and much more. Moral philosophy usually uses well-being as the relevant currency in discussions about harm. There are extensive and ongoing debates about well-being, often including the main theories such as hedonism, desire-satisfaction and objective list theories (Holtug, 2002). Therefore, figuring out what counts as good and bad for a person is essential for a complete analysis of harm. However, “[d]isputes about what makes for well-being are important, but not relevant to current disputes about the nature of harm” (Bradley, 2012, p. 392). The discussion here, involving comparative and non-comparative views, is better thought of as handling the *structural* dimension of harm.

Roughly put, it has been suggested that an account of harm should adequately capture the extension of harm in a unified manner. Moreover, an account should entail that harms are normatively important without presupposing axiological commitments and in such a way that harming does not entail wrongdoing. These desiderata will help evaluate the disjunctive view of harm as an alternative to strict comparative and non-comparative theories.

3 The Development of the Disjunctive View

Relatively recently a disjunctive idea about harm has begun to take shape in the literature. The hope is that a combination of both senses of harm can avoid the famous problems with strict views. Therefore, this section starts out by presenting the strict views. That serves the dual purpose of (i) presenting the two components that constitute a disjunctive view and (ii) presenting the problems facing the strict comparative and the non-comparative views. This

section explores the possibility of solving the problems by adopting a disjunctive view. However, I do not mean to imply that it is impossible to solve them in other ways or that the problems are fatal for the strict traditions. However, these problems are still debated and considered serious. It is due to these problematic aspects (among others) that philosophers have started to doubt strict views and consider disjunctive alternatives. There are some proponents of disjunctive views in the debate, but the formulation of the view is yet to be explicitly examined. This section presents the structural basis of the disjunctive view and outlines alternative versions.

3.1 Comparative Harm

The comparative understanding of harm is the most commonly embraced and considered the standard view. In the comparative sense of harm someone is harmed if she is made worse off. This means that her state is worse than the state she was in before or would have been in. Hence, a condition for harm in a strict comparative view can be formulated as follows:

Strict Comparative Condition: P is harmed iff P is made worse off.⁷

According to the strict comparative condition, the only way a person can be harmed is to be made worse off. The comparative idea of harm is simple, but it can explain a variety of ordinary cases. Everything from small harms like getting a blister on your hand to great harms such as people loosing loved ones and homes due to natural catastrophes. The comparative condition also offers a straightforward and intuitive explanation of why someone is harmed both including and excluding a moral wrongdoer. Getting your wallet stolen by someone on the bus or loosing your eye sight due to an incurable medical condition both seem like harms even if the first is morally objectionable and the other is not.

Understanding harm in terms of being made worse off raises a question: worse compared to what? What that worsening is a variation from is referred to as the *comparative baseline*. The comparative baseline is an important structural feature of the comparative condition since it settles what we are supposed to compare with. There are two main versions of comparative views that are based on two different baselines:⁸

⁷ Petersen (2014, p. 200) offers a similar formulation.

⁸ Petersen (2014, pp. 205–208) also considers what is called the Baseline from Mankind. It seems to be a mistake to consider this an alternative baseline (at least in the sense it is understood here – as a mode of comparison). It is theoretically an available position, but it is highly implausible and no one is embracing it. Petersen considers Harrosh (2012) a proponent, but it seems quite clear that her view includes both a historical and counter-factual baseline: “By harm I understand a state in which we are worse off than we were or could have been relative to the potential of our species to live a fully human life, that is, a life that is neither simply about being alive, nor about existing and prospering as a biological organism” (Harrosh, 2012, pp. 493–494). This is rather a combination of the two main baselines where “the potential to live a full life” is the preferred theory of well-being.

Historical Baseline: P is harmed by X iff P is made worse off than P was prior to X.

Counter-factual Baseline: P is harmed by X iff P is made worse off than P would have been in the absence of X.

These are two different modes of comparison – one picks out a state at another time and one picks out a state in another possible world. The historical baseline seems useful in many everyday cases (and perhaps in combination with a counter-factual baseline), but is considered inferior to the counter-factual baseline.⁹ The historical baseline is unable to accommodate our intuition about cases of the following kind: a nurse with cruel intentions makes sure that a patient with terrible stomach aches does not get her scheduled pain killers. The patient does not get any pain killers at t_1 and therefore the painful state remains at t_2 . The patient is not harmed according to a comparative view with a historical baseline, because she is not made worse off.¹⁰ Another example of intuited harm that the historical baseline fails to account for is when someone is blind from birth (Kahane & Savulescu, 2012). These shortcomings have led many to think that we should not compare with what *was*, but rather with *another possible world*.

The more popular counter-factual baseline is defended by for example Feit (2016), Klockslem (2012), and Purshouse (2016).¹¹ In Feit's words: "It is widely acknowledged that the most plausible account [...] is the counterfactual comparative account. A given event harms a person, according to this account, provided that the person would have been better off, all things considered, if the event had not occurred" (Feit, 2015, p. 361). According to the counter-factual baseline the comparison is made with how the person's state would have been in the absence of the act or event. Technically, this is commonly spelled out in terms of the nearest possible world: "On this view, an event, e , constitutes a harm for S if and only if S is better off in the nearest possible world in which e does not occur than she is in the relevant e -world" (Klockslem, 2012, p. 2). Hence, W_1 (the world where the act is performed or the event takes place) is compared to W_2 (the closest possible world where that act or event is absent). This view gives the correct

⁹ One exception is Rabenberg (2015) who defends a version of the comparative view with a historical baseline.

¹⁰ As Petersen (2014) discusses, this flaw motivates a more stable version of the historical baseline. On this version t_1 is a time where things are *normal* for the patient. Then, if the state of terrible pain is not normal for the patient she is in fact considered harmed. However, this version is still inferior to the counter-factual baseline. Aside from the difficulty of specifying what the "normal" state is consider a patient who always is, and always has been, in pain. She is now scheduled for a procedure that will make her normal condition a painless one, but the nurse makes it so that the procedure never takes place. According to the historical baseline, in this version, that does not harm the patient which is a highly counter-intuitive verdict.

¹¹ Others, such as Bradley (2012) and Petersen (2014), argue that the counter-factual baseline is the best available baseline, but express worries about the comparative counter-factual view.

verdict in many cases. The counter-factual analysis captures the harm that the nurse inflicts on the patient. The patient's state is worse off than it would have been if the scheduled painkillers were given to the patient.

It is important to note that this standard view plausibly incorporates the distinction between *overall* harm and *pro tanto* harm since many events involve both benefits and harms. For example: "Eating poisoned candy might harm the one who eats it, for example, even if it results in some very pleasurable sensations and so is a *pro tanto* benefit" (Feit, 2015, p. 361).¹² Hence, in the comparative framework a *pro tanto* harm is to be made worse off in some respect while overall harmful events make someone worse off on the whole.

The comparative views of harm are still the most popular, but they are also considered to have serious problems. Some of the most frequently discussed problems are the *Non-Identity Problem*, the *Preemption Problem* and the *Omission Problem*. They suggest that comparative views fail to capture the harm of acts that future people's existence is contingent upon and acts which effects would happen even if the act was not performed. Also, the comparative account finds harm in too many cases if *failing to benefit* is considered a harm.

3.1.1 The Non-Identity Problem

It is challenging to put forward an account of harm that accommodates the intuition that we harm future people by causing them suffering. That is made clear by the famous *Non-Identity Problem* which was first formulated by Parfit (1984). Common examples of non-identity cases are environmental policy choices that will affect people inhabiting earth in a distant future (like *Pollution* presented in the introduction) and procreation choices with negative effects:

Child in Pain – a person with a genetic variation procreates at t_1 which results in the child getting an incurable medical condition. The condition will cause the child a lot of pain all through her life. Although, overall, the life will be worth living. However, the effect of the genetic variation could have been blocked if the person had gone through a small, painless procedure and procreated at t_2 .

Before explaining why such cases pose a problem for comparative views it helps to note that the Non-Identity Problem gets its fuel from two underlying principles. One normative principle

¹² The distinction can be understood in terms of *overall* and *pro tanto* and/or *all-things-considered* and *prima facie*. For example, Kloocksiem uses the latter two to explain how it is possible to benefit someone by genuinely harming them (Kloocksiem, 2012, p. 14). Here, *overall* and *pro tanto* will be used. For simplicity and since the current discussion does not depend on the slight differences in meaning between the terms.

about the wrongness of harming and one stating that *making someone worse off* is a necessary condition for when an act harms.¹³

The Harm Principle: if an act X, harms a person P, that is a reason against performing X.

The Worse-Off Principle [WoP]: An act X, harms a person P, iff X makes P worse off.¹⁴

First of all, the *reason* mentioned in the harm principle is a moral one and plausibly a pro tanto reason. This means that there is a moral reason against performing acts that harm, but there might be other reasons in favor and against the same act. Determining if the act is morally wrong includes weighing all such considerations. Secondly, these principles help explain why acts are harmful and why harming is wrong in many ordinary cases. Consider person *A* who physically assaults person *P* resulting in *P* suffering lifelong pain. *P* is made worse off both in a historical and counter-factual sense so the act harms *P*. Under normal circumstances (*A* knew what she did, was not forced or threatened etc.) we can say that the act was wrong because there was a reason against performing it, namely that it harmed *P*. We can thereby explain the wrongness of the act in terms of the harm involved.

Now, we turn to *Pollution* and the *Child in Pain* which involve identity-affecting actions. Many intuit that the future subjects are harmed and that is the reason for why the acts are wrong. But these acts are not harmful according to WoP. If we try to figure out if the child is made worse off (either with a historical or counter-factual baseline) it is clear that we must decide if *P* is worse off in the scenario of the painful life than in the scenario of non-existence. In some cases one might be inclined to say that non-existence would be better, but the assumption here is that their lives are worth living overall. Consequently: “What the non-identity problem shows is then that we cannot appeal to harm in order to explain why certain identity-affecting acts are impermissible” (Algander, 2013, p. 13). Or more precisely, identity-affecting acts cannot be said to be harmful *in the comparative sense* and so one cannot claim that they are morally wrong with reference to a comparative view of harm.

¹³ Algander (2013, p. 14) presents the two underlying features as 1) The Harm Principle and 2) The Counterfactual Condition. This presentation is similar, but broader because any comparative condition (both historical and counter-factual versions) implies WoP.

¹⁴ WoP and the *Comparative Condition* are strikingly similar. The difference is that WoP is formulated in terms of acts.

3.1.2 The Preemption Problem

The *Preemption Problem* regards scenarios where a given effect occurs in a possible world W_1 , but also in the nearest possible world W_2 due to there being two potential and independent causes. Notably, then, the problem concerns comparative views of the more common counterfactual version and not historical versions. In Woollard's illustration of the problem a victim will be killed by a second shooter if the first does not fire:

Shooting match: Through no fault of his own, Victor has made two terrible enemies, Adam and Barney, who have both sworn deadly vengeance upon him. Barney is just about to shoot and kill Victor. Barney is protected by a bullet-proof, sound-proof shield so that Adam can neither stop him forcibly nor dissuade him. Adam knows this, but Victor's death by another's hand will not satisfy his thirst for vengeance. Adam shoots Victor and Victor dies from the bullet wound. (Woollard, 2012, p. 684)

Victor would have died even if Adam did not shoot him because Barney was just about to do it. Therefore, Victor would not have been better off if Adam refrained from shooting hence he has not been comparatively harmed. The implication that Victor has not been harmed by Adam is counter-intuitive. Perhaps some think that Adam's act is somewhat less serious because Victor's death could not have been avoided, but claiming that Victor has not been harmed at all by Adam's action seems unacceptable. Since this problem regards all cases of preemption, the conclusion is that comparative views (at least counter-factual ones) are under-inclusive. Meaning that it cannot accommodate a category of cases we think of as harmful.

3.1.3 The Omission Problem

The conclusion of the *Omission Problem* is that comparative views with a counter-factual baseline find harm in too many cases. The problem is that *failing to benefit* seems distinct from *causing harm*, but the counter-factual comparative framework cannot make sense of the difference between them. Consider Bradley's example below that I have simply named *Batman*:

[Batman:] Suppose Batman purchases a set of golf clubs with the intention of giving them to Robin, which would have made Robin happy. Batman tells the Joker about his intentions. The Joker says to Batman, "why not keep them for yourself?" Batman is persuaded. He keeps the golf clubs. (Bradley, 2012, p. 397)

Robin is harmed in the comparative sense since he would have been better off if Batman had given him the golf clubs. This seems like the wrong verdict since: “Merely failing to benefit someone does not constitute harming that person. So there are cases where non-harmful events are counted as harmful by the comparative account” (Bradley, 2012, p. 397).

This problem is built on a couple of assumptions. One assumption is that omissions can cause harm. It certainly seems plausible that omissions can be harmful when considering, for example, not setting off the fire alarm if you see that a fire has started in a building full of people. There are also normative assumptions regarding the relative weight of harms and benefits, which is clear from Shiffrin's (1999) formulation of the problem.

Shiffrin (1999) puts the problem in terms of a failure to account for the asymmetry between harms and benefits. The root of the problem is that within the counter-factual framework benefits and harms are thought to represent two ends of one scale. In other words, “[i]f he has ascended the scale (either relative to his beginning point or alternative position), then he has been benefitted. If he moves down, then he has been harmed” (Shiffrin, 1999, p. 121). This symmetrical treatment of harms and benefits is problematic in the light of our asymmetrical intuitions:

First, [the counterfactual model] fails to accommodate, much less explain, some deep asymmetries between benefits and harms. For instance, we often consider failing to be benefitted as morally and significantly less serious than both being harmed *and* not being saved from harm. This asymmetry is difficult to explain on a comparative model. For, within it, harming and failing to prevent harm do not *look* so different from failing to benefit. Variants that identify harm and benefit in terms of counterfactual comparison render them indistinguishable. (Shiffrin, 1999, p. 121)

Failing to benefit cannot be distinguished from harming or failing to prevent harm, but intuitively the two latter are more serious morally. For example, not throwing you a surprise birthday party seems permissible even if that makes you worse off. But to ruin your party that is already taking place, or failing to stop an angry and confused person from smashing the cake (if it is easily done), is morally objectionable. There is no explanation for the moral seriousness of the two latter if harms and benefits are each other's mirror images as the counter-factual model implies.

This section has presented three of the most serious problems directed towards the comparative understanding of harm. Due to these problems, some philosophers have turned their attention away from the standard view and towards alternative, non-comparative, views of harm.

3.2 Non-Comparative Harm

Non-comparativists criticize the idea that harm can be accounted for with a necessary and sufficient comparative condition.¹⁵ The underlying thought is that some bad states constitute harms regardless of how things was or how they could have been. Being harmed is being in an absolute bad state. Put in Algander's terms: "According to the basic structure, to do harm is to make a person be in a harmful state; a state which is non-instrumentally bad for the person who suffers it" (Algander, 2013, p. 63). Hence, according to a strict non-comparative view, a person is harmed if the condition below is satisfied:

Strict Non-comparative Condition: P is harmed iff P is caused (allowed) to be in a bad state.¹⁶

An essential part of non-comparative views is the threshold that defines what a bad state is. Due to that, these views are also referred to as the "threshold notion of harm" (Meyer, 2016). Spelling out the threshold, and what counts as a harmed state, can be done in different ways. This aspect will not be much discussed here, since it has more to do with the axiological dimension. However, a couple of views will be presented briefly because it can help to grasp the non-comparative sense of harm.¹⁷ According to Harman, the non-comparative threshold should be spelled out in terms of a healthy bodily state. "At least, an action harms someone if it causes the person to be in a state, or to endure an event, that is worse than life with a healthy bodily state" (Harman, 2004, pp. 96–97). Shiffrin suggests that a harmed state is one where things are not in line with one's will. "On my view, harm involves conditions that generate a significant chasm or conflict between one's will and one's experience, one's life more broadly understood, or one's circumstances" (Shiffrin, 1999, p. 123). In many cases these two understandings will generate the

¹⁵ Note that not everyone who advocates the non-comparative understanding of harm does so by proposing a strict non-comparative view – with a necessary and sufficient non-comparative condition. The debate is perhaps better described as between proponents of standard strict comparative views and their critics (who are not all proponents of strict non-comparative views). But in order to grasp the development of the disjunctive idea and present its parts, the strict non-comparative understanding of harm will also be presented together with serious problems directed at it.

¹⁶ Algander (2013) puts the non-comparative condition in a different way: "an act ϕ harms a person b only if b is worse off than she would be in a baseline situation, S" (Algander, 2013, p. 64). However, he explains that: "The idea, according to this view, is that to harm someone is to make the person worse off in some sense, but not necessarily worse off than the person would otherwise have been. It is still warranted, I think, to call this view 'non-comparative' because the way in which harms make life go worse is just the way in which bad things make life go worse. That is, the non-comparative element, that to do harm is to cause a person to suffer a state of affairs which is bad in itself for the person, is primary" (Algander, 2013, p. 64). The non-comparative view might involve some comparative aspects. For example, being in a bad state makes life go worse.

¹⁷ Except from the two examples that follow in the text, it might be useful to note that Meyer (2016) discusses non-comparative views that define the threshold in terms of egalitarianism, prioritarianism and sufficientarians in the context of intergenerational justice.

same verdict, but not always. For example, (depending on how we are to understand “a healthy bodily state”) leading a happy life with impaired eye sight seems to satisfy Harman's condition. If that is a harmed state on Shiffrin's view depends on if the life one leads is in line with one's will. There are clear differences between these views, but they share the same structural build-up (as outlines above) which means that they explain harm in terms of being in a bad state.

The non-comparative notion of harm can account for intuitions about identity-affecting acts, preemption cases and omission in a quite straight forward manner. That is not surprising given that the problems are premised on comparative features and also since non-comparative views developed in the light of these issues. It can be said that causing future people suffering in identity-affecting cases is wrong because there is a harm-based reason against it. Consider Harman on the solution to the Non-Identity Problem: “More generally, my view is that there is a reason against any action that would harm a person, and there is a reason in favor of any action that would benefit a person. These individualistic reasons can explain the moral facts in non-identity cases” (Harman, 2004, p. 108). The subjects in *Child in Pain* and *Pollution* are caused to be in a bad state and thereby harmed in the non-comparative sense. Additionally, there is another course of action available (stopping the pollution or conceiving another healthy child) that does not involve the same harm.

Second, the Preemption Problem does not target non-comparative notions of harm since it does not rely on a counter-factual analysis. For example, the fact that someone else would have shot Victor in *Shooting Match* is irrelevant and Victor is non-comparatively harmed (if being dead is a bad state). Thirdly, consider Shiffrin's explanation of how the non-comparative understanding of harm is better equipped to deal with asymmetrical intuitions, and thereby the Omission Problem:

Accounts that identify harms with certain absolute, noncomparative conditions (e.g., a list of evils like broken limbs, disabilities, episodes of pain, significant losses, death) and benefits with an independently identified set of goods (e.g., material enhancement, sensual pleasure, goal-fulfillment, nonessential knowledge, competitive advantage) would not generate these puzzles. Structurally, they would be better placed to accommodate these asymmetries (Shiffrin, 1999, p. 123)

Being “not benefited” is not the same as being non-comparatively harmed, since that does not necessarily make your state bad. Non-comparativists are capable of accommodating

asymmetrical intuitions about the moral significance of harms and benefits. Therefore, the Omission Problem does not target a non-comparative understanding.

However, a strict non-comparative understanding of harm raises serious worries of its own. It is commonly argued that the absoluteness of the non-comparative condition fails to capture a context-sensitive notion of harm needed to explain our intuitions about cases above and below the threshold. These two problems are known as the *Sur-Threshold Problem* and the *Sub-Threshold Problem*. Additionally, (if death is harmful) non-comparativists lack an explanation for *why* death is harmful since being deprived of something is a comparative notion – here called *The Death Problem*. Notably, these problems are specific for non-comparative views. The comparative condition is context-sensitive and can capture the harm of deprivation as well as both small and great losses.

3.2.1 The Sur-Threshold Problem

It is argued that strict non-comparative views have counter-intuitive implications about cases that involve a change, for better or worse, in the realms above and below the threshold (Rabenberg, 2015, pp. 5–7). Roughly put, the *Sur-Threshold Problem* is that non-comparativists cannot account for harm that consists of a worsening that does not cause the person's state to be below the threshold. Therefore, the non-comparative views cannot account for our intuition about cases in the following spirit:

Genius Suffering Brain Damage – A genius has a stroke and suffers severe brain damage. The damage to her brain puts her closer to a statistically normal cognitive functioning. Even if she is still well above average the loss is substantial and she cannot live her life the same way she did before the stroke.¹⁸

The loss to the genius is severe, but the non-comparative sense cannot capture the intuited harm because her state is still sur-threshold. It is true that her state might be much better than mine and yours, but the decrease of cognitive functioning seems to have harmed her. The same reasoning goes for *Stealing From a Billionaire*. Again, we assume that the billionaire's loss affects her state negatively but her state is still above the threshold. It is intuitively plausible to claim that the genius and the billionaire are harmed, but any loss that does not make a person's state sub-

¹⁸ This example is similar to Hanser's (2008, p. 432) and he claims that it is a shortcoming of most non-comparative views that they cannot make sense of the harm caused in this type of case.

threshold slips under the non-comparative radar, so to speak. It is concluded that the non-comparative condition fails to capture losses above the threshold.

3.2.2 The Sub-Threshold Problem

Similarly, it has also been argued that it fails to properly analyze gains below the threshold. The *Sub-Threshold Problem* accuses non-comparative sense accounts of finding harm where there is none. Consider an act that makes someone better off, but whose state is still below the threshold:

Patient in Less Pain – A patient has a chronic painful condition. The doctor does the best she can which is to prescribe painkillers. That makes the pain decrease, but not go away.

It is assumed that the patient's state is sub-threshold to begin with. The doctor changes the patient's state from very poor to less poor. In other words, the state is made better, but it is still sub-threshold. Most people probably intuit that there is nothing morally objectionable about the doctor's behavior. The problem is that the non-comparative condition is satisfied, since the doctor causes the patient to be in a sub-threshold state. The condition is satisfied even if the new sub-threshold state is not as bad as the previous. It seems like the fact that someone is made better off, even if she is still sub-threshold, changes our intuitions about harm. Similarly, the previous section showed that a loss affect our intuitions even when someone's state remains sur-threshold. The absolute nature of strict non-comparative views are unable to account for that.

3.2.3 The Death Problem

It has been argued that one of the most serious problems with the non-comparative understanding is that it cannot account for the greatest harm of all – death (Bradley, 2012; Feit, 2015). According to Feit, this problem constitutes one of the most compelling reasons for favoring a comparative account over a non-comparative:

[...] non-comparative accounts of harm fail to account adequately for the harm of death. To take just one example, consider the view that an event harms a person if and only if it causes her to be in an intrinsically bad state (i.e., a “harmed state”). There is no plausible theory of value, to my mind at least, on which it is intrinsically bad for a person to be dead, and so this view cannot account for the harm of death (Feit, 2015, p. 362).

Adequately accounting for the harm of death is notoriously difficult, but it is argued that the non-comparative side completely lacks the tools to explain *why* death is be harmful.¹⁹ The thought is that any attempt to explain why death is harmful with reference to the non-comparative framework is doomed to fail: “On a non-comparative account, we cannot appeal to the lost goods of life to explain this, and thus we cannot account for the harm of death, for if death is harmful, it must be in virtue of what it prevents its victim from having” (Bradley, 2012, p. 401). According to the argument, it is the prevention or deprivation of a good life that makes death harmful, but those are comparative notions. Admittedly, it seems confused to think that you have been deprived of *X* if you have not had *X* before or if there is no scenario (or possible world) in which you would have had *X*. It is concluded that the harm of death and “ by extension, events that cause death, such as killings” (Bradley, 2012, p. 401) can only be explained within the comparative framework. Since the alleged common intuition is that death is a (great) harm, failing to explain the harm of death is a failure to capture the extension of harm.

Both the comparative and non-comparative tradition have appealing aspects and numerous proponents. However, this section has brought to attention some of the serious problems that strict views face. Some have reacted to these problems by questioning both tradition. “Non-comparative accounts are plausible only as partial accounts of pro tanto harm. But comparative accounts are not fully satisfactory either. The counterfactual account has problems with preemption and omission” (Bradley, 2012, p. 410). This leads Bradley to be skeptical about using the harm concept in moral theorizing. Others have suggested that the nature of harm is twofold and a successful view must combine the conditions in a disjunctive manner.

3.3 The Disjunctive View: A Solution?

Like all hybrid and combinatory accounts, the disjunctive view of harm is based on the idea that both sides are essential for getting things right. More specifically, it has been suggested that by adopting a disjunctive view of harm one can avoid the problems for strict views. This section explores this claim. Disjunctive views combine a sufficient comparative condition and a sufficient non-comparative condition:

The Disjunctive View of Harm: P is harmed iff, (i) P is made worse off **or** (ii) P is caused (allowed) to be in a bad state.

¹⁹ It can be argued that all theories share the problem relating to the harm of death. For example, it has been argued that “[i]f the dead fare neither well nor badly[.]” (Hanser, 2008, p. 437) then no state-based view can account for the harm of death. If that is correct, then both comparative and non-comparative accounts face this problem. However, the problem at issue here is that even if one can counter Hanser's argument (and others like it), the non-comparativist still lacks the tools to explain *why* death is harmful.

On the disjunctive account, harms are either comparative, non-comparative or both. What disjunctive views hold in more details will depend on at least four aspects. First, the preferred understanding of the comparative condition (counter-factual or historical baseline, alternatively one can include both which would mean that the disjunctive view has three disjuncts). Second, the preferred understanding of the non-comparative threshold. Third (and possibly related to the previous aspect), the preferred view on the axiology of harm. Finally, the fourth aspect is the relation between the conditions. The relation can be understood as *additive* according to which the harm is dual if both types of conditions are satisfied or *non-additive* where, for example, the non-comparative component is silent if the comparative condition is satisfied. This aspect will be discussed in section 4.1. Other than that, this essay remains neutral regarding these aspects and focuses on what can be said about the abstract structure of the concept above. It would be an interesting project to discuss and analyze the virtues and vices of different versions of the disjunctive view, but that will not be done here.

McMahan argues that the combination of a comparative (counter-factual) condition and a non-comparative condition is necessary for capturing all harms. The harm of all sorts of losses (including death) are accounted for by the comparative condition, but “a full account of benefit and harm will have to recognize both comparative and noncomparative benefits and harms, since most existential benefits and harms are essentially noncomparative” (McMahan, 2013, p. 7). The non-comparative condition captures the harm of being in a state that is just plain bad (including those caused by identity-affecting events which McMahan calls *existential harms*). Similarly, Meyer thinks that the disjunctive view is to prefer because “[t]he advantage of the disjunctive notion is that this view of harm allows us to rely on the subjunctive-historical notion of harm whenever it is applicable, that is, when we will harm an existing person” (Meyer, 2016, Chapter 3.4).²⁰ However, the “subjunctive-historical notion” is a historical version of the comparative condition. According to Meyer, the disjunctive view is superior to strict theories since adopting a non-comparative threshold condition avoids objections directed towards the comparative condition. At the same time, we can rely on the comparative notion (here with a historical baseline) when existing people are harmed – thereby avoiding the problems for a strict non-comparative condition. Thus, an important motivation for the disjunctive view is that its capacity

²⁰ Meyer (2016) understands the non-comparative conception in terms of a sufficientarian idea about justice. However, that will not affect the discussion here since it shares the common structure of non-comparative conditions (X is harmed if X is caused to be in a bad state).

to capture the extension of harm is greater, since it is able to account for the harm we intuit in the various cases.

Moreover, Woollard (2012) claims that both theoretical considerations and intuitive judgments pull us between the comparative and the non-comparative sense of harming. “The clear moral significance of people’s overall welfare pushes us towards the overall-comparison understanding of harming. The importance of the relationships we stand in to others pushes us towards the non-comparative understanding of harm” (Woollard, 2012, p. 688). According to Woollard, we should respond to this by embracing a disjunctive notion where both senses of harming constitute moral reasons.

How the disjunctive combination resolves the tension and avoids the problems for strict views has not yet been fully explained. This is problematic since strict views are accused of failing to capture the extension of harm both due to under-inclusiveness (does not capture harm where we intuit it) and over-inclusiveness (find harms in too many cases). A disjunctive view seems to easily avoid problems of under-inclusiveness. The comparative condition captures harm that the non-comparative condition fails to capture. Thereby, the disjunctivist can say that non-identity cases and preemption cases are non-comparative harms. Also, the comparative condition captures the harm we intuit in sur-threshold cases and death. However, something more needs to be said regarding over-inclusiveness. The Omission Problem and the Sub-Threshold Problem conclude that strict views find harm where we do not intuit it. It is not as clear that a combination of two conditions avoids such problems. Initially it might even seem as disjunctive views inherit them.

The Sub-Threshold Problem targets the non-comparative condition and concludes that people are harmed if their states are sub-threshold, even if they are made better off. The intuitive verdict of *Patient in Less Pain* seems to be that the patient is not harmed – rather she is benefited. The disjunctive analysis will hold that she is non-comparatively harmed as long as the non-comparative condition is sufficient. Combining it with a comparative condition does not seem to change that. The disjunctivist seems unable to reject that there is non-comparative harm involved in cases where someone is made better off, but still poorly off. However, that is not necessarily implausible considering that she is still badly off and there seems to remain a reason to help her. On the other hand, an account should be able to help explaining why the doctor's action seems morally right. The disjunctivist can do that by claiming that refraining from the act would have harmed the patient comparatively and the patient is made better off counter-factually. Hence, by referring to the comparative condition the disjunctivist can explain the intuition that the doctor's

behavior is morally correct. At the same time the non-comparative side of the disjunctive view explains why we have a moral reason to continue helping her, based on the fact that she is still in a non-comparatively bad state.

The Omission Problem is based on the thought that counter-factual comparative views cannot distinguish between failing to make someone better off and causing someone to be worse off. This is thought to be problematic since it is normally intuited that we have a stronger moral reason to prevent or avoid harms than we have to provide benefits. Now, that asymmetrical intuition is hard to explain within the counter-factual model where harms and benefits operate on the same scale and are mirror images. The non-comparative side has the capacity to explain the intuited asymmetry. But what does this say about the disjunctive analysis of cases such as *Batman*? A disjunctive combination of the conditions does not seem to avoid the problem since the verdict of the counter-factual condition stands – harms are mirror images of comparative benefits. As long as Robin's state satisfies the comparative condition, the disjunctive views will imply that he is comparatively harmed. Notably, the Omission problem targets comparative view with a counter-factual baseline, therefore it is possible that disjunctive views with a historical baseline (and perhaps views that combine a historical and a counter-factual baseline on the comparative side of the disjunct) escapes this issue. However, the historical baseline is considered seriously problematic, as discussed in section 3.1.

There is another potential problem with trying to solve the problems by combining the two conditions. This relates to both death and preemption. The disjunctivist can explain the harm of death with reference to the comparative condition while the non-comparative condition captures the harm in preemption cases. The problem is that this does not enable the disjunctivist to account for the harm in deadly preemption cases, such as *Shooting Match*. Presumably, leaving deadly preemption cases unsolved would be too big of a cost. The disjunctivist can seek solutions within the strict frameworks.²¹ In any case, the idea that simply combining the conditions enables us to avoid the serious problems for strict views seems too optimistic.

It should be underlined that it is possible that the problems with strict views can be solved within the respective frameworks (or in other ways), but this section has explored the possibility of solving the problems by combining the conditions. Disjunctive views (with a counter-factual condition) seem to inherit the Omission Problem and they are problematic in relation to deadly preemption cases. However, the disjunctive combination of the strict conditions seems to handle

²¹ For example, it might be argued that the comparative sense can accommodate preemption cases, using “the plural harm approach” (Feit, 2015, p. 362).

the Non-Identity Problem, the Preemption Problem, the Sur-Threshold Problem and the Death Problem in a straight forward manner. The disjunctivist can also explain how the combination avoids the Sub-Threshold Problem. All in all, the capacity of the disjunctive view is promising, since it is well equipped in terms of being able to accommodate intuitions about the discussed types of cases or, in other words, to satisfy the extensional adequacy desideratum to a high degree.

4 Challenges for the Disjunctive View

Adopting a disjunctive view is one way of avoiding many of the problems for strict views, but the previous section argued that the disjunctive combination does not escape all problems. In addition to this, it has been argued that disjunctive views (i) are incompatible with the No-Difference View, (ii) cannot fully respond to the Non-Identity Problem and (iii) fail to unify harms. The motivation for the disjunctive strategy is weakened if these are serious problems. This section sets out to address the three objections and explore possible solutions.

4.1 The No-Difference View

Meyer (2016) suggests that a possible problem for the disjunctive view is that it is incompatible with Parfit's *No-Difference View*.²² Parfit's view states that *our reason to prevent harm to possible future people is as strong as our reason to prevent harm to actual people* (Meyer, 2016).²³ This claim is supported by a hypothetical choice between two medical programs. The question is whether there is any *morally relevant difference* between the options. Consider the choice between the J-Program and K-Program below:

²² In relation to the No-Difference View, Meyer discusses this version of the disjunctive view: “[...] An action (or inaction) at time t_1 harms someone only if either [...] the agent thereby causes (allows) this person to be in a sub-threshold state, and, if the agent cannot avoid causing harm in this sense, does not minimize the harm; or [...] the agent causes this person to be worse off at some later time t_2 than the person would have been at t_2 had the agent not interacted with this person at all” (Meyer, 2016, Chapter 3.4). The first condition is non-comparative with an additional clause about minimizing harm in case non-comparative harm cannot be avoided. The second condition is a comparative condition with a counter-factual baseline.

²³ Meyer (2016, Chapter 3.4) distinguishes between the practical version of the No-Difference View (that I discuss) and the theoretical version. On the latter understanding *there is no theoretical difference between preventing harm to possible future people and actual people - we have the same reasons in each case*. That is, in a direct manner, incompatible with the disjunctive view, but using that as an objection is question-begging in this context. First of all, it is doubtful that thought-experiment lends support to the strong claim that there is no theoretical difference between preventing harm to possible future people and actual people. Without independent support for the No-Difference View (theoretical version), there is no reason to accept it. Moreover, the disjunctive view has independent support, as we have seen in this essay.

Medical Programs: There are two separate medical programs, the J-Program and K-Program. One of them needs to be canceled due to shortage of funds. These programs are concerned with two medical conditions, *J* and *K*, which both afflict mothers-to-be and both result in the future child having the same functional impairment. *J* is tested on pregnant people and is curable, while *K* tested on people who intend to become pregnant and incurable but disappears without intervention after, at the most, two months. Both programs are scheduled to test millions of people and either cure pregnant women with *J* or tell the women with *K* to postpone conceiving for two months. The result of each program is that 1000 children per year are born without the impairment.²⁴

Parfit (1984) thinks the intuitive response is that it does not matter morally which of the programs will get the funds and which one will be canceled. This intuition motivates the No-Difference View.

Now, what would a disjunctivist say about the options? Cancelling the J-Program does comparative harm since the J-children are worse off if their mothers medical condition is not cured (they will then have the functional impairment). Canceling the K-Program will not make any children worse off because it is an identity-affecting action and, as previously discussed, the comparative condition is not satisfied in such cases. It is assumed the children's states are sub-threshold due to the impairment and canceling the K-Program would thereby result in non-comparative harm. However, if the K-children's states are sub-threshold due to the impairment, that must be true for the J-children as well. That leaves us with the following result: it is both comparatively and non-comparative harmful to cancel the J-Program, while it is only non-comparatively harmful to cancel the K-Program.²⁵ Presumably, a disjunctivist would claim that non-comparative harms provide moral reasons, with individual weight, over and above the involved comparative harms. This means that canceling the J-Program is more objectionable and that there is a stronger moral reason to fund the J-Program. That contradicts the No-Difference View. According to Parfit (1984), the most common intuitive response is that there is no morally relevant difference between the programs. If that is the case, then, this implication of the disjunctive view is counterintuitive.

Before exploring how the disjunctivist can respond to this, note that the objection is built on a controversial premise. It seems to be assumed that harm-based reasons are the only relevant

²⁴ This example is due to Parfit and is similar to his formulation (Parfit, 1984, p. 367).

²⁵ This also means that strict comparative views are incompatible with the No-Difference View while strict non-comparative are not.

determinants of the choices' moral status. At least, harm plays the essential explanatory role for the moral analysis. It can be argued that other reasons and considerations are essential to the moral analysis (for example, rights). That would not alter the analysis in terms of harm, but it would alter the overall moral analysis. It is possible that this claim is plausible and it might neutralize the objection. However, Meyer's potential objection will be treated as sound in this discussion. Thereby, this discussion seeks to answer the question: *if* the objection is sound, how can the disjunctivist respond to it?

It should also be noted that this displays a special problem for disjunctive views. The disjunctive view is especially vulnerable to troubles of weighing the relative seriousness of different harms, since the disjunctive analysis involves two kinds of harm. (As discussed in the background, a complete account should explain how we are to measure the seriousness of different harms.) This is unique for disjunctive views. On other views all harms satisfy the same condition (either comparative or non-comparative) or two conditions (conjunctive combination views). The disjunctivist must tell us how to measure the seriousness of non-comparative harms against comparative harms. More specifically, is a choice of action more objectionable if it harms in both senses than one that harms in one sense – like in the medical programs?

There are two main strategies to respond to the worry that the disjunctive view is incompatible with the No-Difference View. Firstly, one can reject that the disjunctive view places more weight on dual harm than on single harm. In other words, this understanding of the disjunctive view is *nonadditive*.²⁶ For example, one can hold that the conditions are lexically ordered and if there is comparative harm, then, the non-comparative harm does not add anything extra. This is a simple and straight-forward solution, but what motivates it? Keeping in mind that both conditions are sufficient in the disjunctive view, one needs to explain *why* one type of harm can cancel out the other. The second strategy is to argue that verdict of the *additive* version of the disjunctive view is plausible and dual harm is more objectionable than single harm. This strategy contradicts the No-Difference View, but it also brings a new position to the table. Parfit does not consider this position when he argues for the No-Difference View and an impersonal principle in favor of a person-affecting principle.²⁷

²⁶ The term *nonadditive* is borrowed from DeGrazia (2012, p. 185), although he does not discuss the sort of disjunctive view that is in focus here. However, he uses the term to describe the same type of relation between person-affecting components and impersonal components in a hybrid view.

²⁷ It should be noted that Parfit does not explicitly discuss harm, but he discusses morally relevant reasons of which harms are a subset.

As Parfit sets the stage, there are two approaches to *Medical Programs*: either a strong person-affecting principle (built on a comparative understanding) or the impersonal No-Difference principle (beyond the comparative and non-comparative) which he prefers. According to the former, there is no reason for funding the K-Program since the not-yet-conceived children only risk non-comparative harm. Therefore, I refer to it as the Difference View.²⁸ Moreover, for illustrative purposes it can be thought of as scoring the programs with 1-0. The J-Program is of moral importance due to the comparative harm involved in canceling it and is scored 1 point, but the K-Program is not and scores 0 points. The programs are scored 1-1 on the No-Difference View since the moral reasons at play are equal. If our choice is limited to these two approaches I agree that the No-Difference View is more intuitive than the Difference View. The Difference View cannot avoid the Non-Identity Problem and it is counter-intuitive in the light of *Medical Programs* (since according to that no one is harmed if the K-program is canceled). However, bringing the disjunctive sense of harm to the table gives us a third option – the *Some-Difference View*.

The Some-Difference View holds that there is a harm-based moral reason against canceling both programs, but not equally strong reasons. The disjunctive view gives this verdict since canceling the J-Program harms both comparatively and non-comparatively while canceling the K-Program only harms in the latter sense. That constitutes *some* moral difference between the programs. Again, for illustration, it can be thought to score the J-Program with 1 point and the K-Program with above 0 but below 1. Parfit seems correct in claiming that the No-Difference View is more intuitive than the Difference View, but what about the Some-Difference View? First, anyone who intuits that identity-affecting cases can be harmful would likely agree that the Some-Difference View is more intuitive than the Difference View. Second, McMahan (2013) argues that considerations about benefit gives us reason to adopt a disjunctive idea in favor of the No-Difference View.

McMahan supports a disjunctive view of benefits that acknowledges both a comparative and a non-comparative sense as reason-giving in their own right. He argues that the verdict of this view is more intuitive than the No-Difference View when considering a choice in the following spirit:

Choice A:

P_1 will exist in the future and live to 80

P_2 will never exist

Choice B:

P_1 will never exist

P_2 will exist in the future and live to 60

²⁸ The term "Difference View" is not used by Parfit. I use it to illustrate the options that he considers and to show that there is a third option.

P_3 , who currently exists, will live to 60

P_3 , who currently exists, will live to 80

First, only one course of action can be chosen and it is assumed that all lives involved are worth living. In both A and B person P_3 exists, but her life is either 60 or 80 years long. The possible person P_1 will live to 80 in choice A while the possible person P_2 will live to 60 in choice B. Secondly, there are three different approaches to this choice. If we only acknowledge comparative harm, and not non-comparative harm, we end up with the Difference View – that there is reason in favor of choice B but no reason in favor of A. The reason is that it is comparatively better for P_3 to live 20 years longer while P_1 and P_2 are irrelevant on a strict comparativist analysis. Secondly, according to the No-Difference View our reasons for and against the choices are equal. It does not matter if the existing P_3 is provided the benefit of living 20 years longer or if we bring a person with a longer life to existence instead of bringing a person with a shorter life to existence. According to McMahan, this shows that the No-Difference view is counter-intuitive: “[...] it would be wrong to allow an existing person to die when he could live an additional 20 years, in order instead to do what would cause a longer-lived person to come into existence rather than a different, shorter-lived person” (McMahan, 2013, p. 13). The most intuitive approach is the third alternative which holds that there is some difference between the choices. The disjunctive view offers such an alternative.

According to the Some-Difference View there are reasons in favor of both choices, but the comparative benefit provided to P_3 weighs heavier than the non-comparative benefit of bringing the longer-lived P_1 to existence. Therefore, the disjunctive view says that we should choose B where the existing person gets a longer life. That verdict goes against the No-Difference View, but is also the intuitively correct answer according to some. From this reasoning I conclude that even if the disjunctive view is understood so that it is incompatible with the No-Difference view, that is not necessarily a shortcoming. The disjunctive view does not imply the counter-intuitive Difference View, but the Some-Difference View which has intuitive support.

4.2 The Non-Identity Problem

Woollard (2012) argues that acknowledging non-comparative harms only partly solves the Non-Identity problem. Roughly put, our concern for future people can be outweighed by that of current people (as the reason to aid the J-Children could outweigh the reasons to aid the K-Children, in the previous section). Notably, this will affect all disjunctive accounts since it is the

non-comparative condition that can explain the harm in non-identity cases. This would mean that my previous claim, that the disjunctive view is a straightforward solution to the Non-Identity Problem, was premature.

According to Woollard, non-comparative harms are more easily justified than comparative harms and can be outweighed by benefits. She shows this by considering a preemption case similar to *Shooting Match*, but with a twist:

Saving Sarah: This time Adam has no grudge against Victor. Barney is just about to shoot and kill Victor. Adam has no way of preventing this. Sarah is about to die. Adam can save her but doing so would have the side-effect that he kills Victor. Adam saves Sarah's life and kills Victor (Woollard, 2012, p. 685).²⁹

Victor is thought to be non-comparatively harmed and Sarah is (comparatively) benefited. Furthermore, the non-comparative sense in which Victor is harmed can be justified by the benefit provided to Sarah. If Victor would have been harmed in a comparative sense (in a case where he would not have died anyway), then the benefit provided to Sarah would not justify the harming of Victor (Woollard, 2012, p. 687). Keeping that in mind, and considering *Pollution* and *Child in Pain* again, it seems as if comparative benefits provided to current people can justify the non-comparative harms future people will suffer. This is simply because benefits, such as job opportunities at the polluting factories and the parent's joy of conceiving a child, are able to outweigh the future non-comparative harms. Non-comparative harm is simply not serious enough to outweigh the benefits that identity-affecting acts can provide. The Non-Identity Problem is not fully solved, because our intuited obligation to future subjects is still not accounted for.

It should be noted that this challenge is based on a couple of assumptions, partly about what role harm plays in the moral analysis of these types of cases. Woollard defends the distinction between allowing and doing harm. She rejects Parfit's principle of beneficence (Principle Q), according to which the environment should not be damaged because people are worse off than those who otherwise would have lived and that makes it worse overall. Instead, Woollard argues that we need a person-affecting explanation (based on harm and benefit). Hence, it is assumed that (defeatable) harm-based and benefit-based reasons play a major role for the moral analysis. Woollard's worry raises questions: assuming that harms need and can be justified, how are we supposed to measure the weight of comparative harms against non-comparative harms? Can

²⁹ If we accept the conclusion of the Death Problem it is incorrect to say that Victor's death is a non-comparative harm. However, it makes no difference for the relevant argument that the example involves death. The argument would still stand even if the example was changed so that Victor is not shot to death, but instead severely injured.

benefits justify harms? If so, when? Woollard claims that non-comparative harm normally have less weight than comparative harm. Additionally, comparative benefits can justify non-comparative harms.

One possible strategy is to suggest that a version of Woollard's claim is correct. Namely that non-comparative harms to future people can be outweighed by *harm-based concerns* of current people. The disjunctivist can explain the weighing of harms and benefits similar to Shiffrin (1999) and Harman (2004). By that I mean two things: (i) inflicting harm can be morally justified, but it is first and foremost *the prevention of harm* that can do that justificatory work and (ii) harms have a special moral importance. The latter claim means that we have *a stronger moral reason* to care about harms than benefits – possibly even in a case where the benefits outweigh the harms. Note that this is linked to the first claim since if harms are especially morally important, then, it is plausible that what can justify harms is the prevention of greater harms and not greater benefits.

One might wonder how the second claim is relevant to the issue at hand, since we are interested in finding out how to weigh benefits against harms. However, some comparative benefits can be considered equivalent to avoiding or preventing comparative harms. Consider Shiffrin on this point: “Although we sometimes speak as though removing someone from harm benefits that person, it does not follow that the beneficial aspect of the saving does the moral justificatory work for inflicting the lesser harm. Rather, I believe the fact that a greater harm is averted performs the justificatory service” (Shiffrin, 1999, p. 126). It follows from this line of reasoning that saving Sarah *prevents a comparative harm*, even if it can also be called *providing a comparative benefit* (as Woollard does). I suggest, in line with Shiffrin, that what does the justificatory work in *Saving Sarah* is the prevention of harm. Before explaining how that is done in more detail, we turn to the second claim – that the disjunctivist can embrace Harman's idea that harm has a special moral importance.

According to Harman, “[...] reasons against harm are so morally serious that the mere presence of greater benefits to those harmed is not in itself sufficient to render the harms permissible: when there is an alternative in which parallel benefits can be provided without parallel harms, the harming action is wrong” (Harman, 2004, p. 93).³⁰ In support of this view,

³⁰ Harman rejects that benefits provided to a person can outweigh the harms *to that same person*. The issue at hand is broader and concern if benefits can outweigh harms, generally, even if they do not share the same subject. However, it is even less likely that benefits provided to one person can outweigh harms done to another person. That is since benefits are more plausibly seen as compensation for the harm if they concern the same person. It is more questionable that a benefit provided to me can compensate for a harm done to you.

Harman formulates an example where a woman is raped, becomes pregnant and raises the child whom she truly loves. The woman does not wish that things were different, since she is able to cope with the trauma remarkably well and her child would not have been born then (Harman, 2004, p. 99). We can imagine that the benefits outweighed the harms because she was made better off overall. However, does that mean that the person who raped her had a stronger reason to perform the act than to avoid it? In line with Harman, I think not:

The benefits in these cases do outweigh the harms in that they are more beneficial than the harms are harmful: the total package of benefits plus harms leaves the person better off than he or she would otherwise be. But the benefits do not outweigh the harms in that they do not render it permissible to cause the harms. Another way of putting this is that the reasons to benefit do not outweigh the reasons against harm, though the benefits themselves outweigh the harms (Harman, 2004, p. 100)

Harman distinguishes between two questions: *can benefits outweigh harms?* And *can benefit-based reasons outweigh harm-based reasons?* The answer to the first question is yes. If an outcome involves both pro tanto harms and pro tanto benefits, but the person is made better off overall, then, the benefits outweigh the harms. It is not as easy to answer the second question and this is not the place to offer a full response. However, to say that we in general have a moral reason to perform an act that involves great harm because it involves even greater benefit is implausible in the light of cases such as those presented by Harman.

Let us move on to how this understanding of harm and benefit can explain the intuition about *Saving Sarah*. More specifically, that the benefit provided to Sarah can justify that Victor is harmed. As mentioned, in relation to Shiffrin, saving Sarah can also be seen as the prevention of harm. The intuition that harming Victor can be justified by saving Sarah can thus be explained by the fact that it prevents great harm. Additionally, if we take the hypothetical example seriously we know that there is no way of preventing Victor's death. Victor is harmed in both possible scenarios, but in one scenario the harm to Sarah is avoided. I suggest that the prevented harm and the fact that Victor cannot be spared explain the intuition about *Saving Sarah*. It is not necessary to claim that comparative benefits in general can outweigh non-comparative harms, as Woollard implies.

What about *Pollution* and the disjunctivist response to the Non-Identity Problem? If we adopt the idea that what justifies harms is the prevention of greater harm, then, the disjunctive analysis of non-identity cases seems more plausible. It is reasonable that pollution can be justified if it

prevents greater harm. Imagine, for example, that keeping a factory operational and continue polluting actually prevents currently living people from being severely harmed. Perhaps it prevents people from a life in poverty and thereby the pollution is instrumental for keeping them in a sur-threshold state.

So far so good, but for this to work as a response to the Non-Identity Problem one would have to support the claim that: pollution is justified *if and only if* the harm-based concern of existing people are as severe, or more severe than that of future people. Notably, the above reasoning is build on the assumption that the prevention of greater (or equally great) harm provides the justificatory service. But the claim is questionable in the light of an over-determination version of *Pollution*:³¹

*Pollution** – The people inhabiting the earth at t_1 pollutes the earth in such a way that resources will be scarce for people living 400 years later, at t_2 . Since the water and air lack sufficient quality at t_2 , the future people suffer from serious health problems. *However*, if the pollution at t_1 was stopped, then, a natural disaster would take place and result in the exact same suffering for the people at t_2 .

First, it is assumed that the actions at t_1 prevent some comparative harm (to the inhabitants at t_1) in both *Pollution* and *Pollution**. The intuitions about the moral status of pollution are altered when the suffering of future people is overdetermined. Now it seems permissible (maybe even required) for people at t_1 to continue polluting. This shows that pollution can be justified, *even if the harm to current people is not as severe (or more severe) than that to future people*.

In summary, it is possible that the concern of current people can outweigh our reason to stop pollution on my suggested understanding of the disjunctive view. Moreover, it is primarily harm-based concerns that will do the justificatory work. I assume that this result is more acceptable than that any great comparative benefit (like increased wealth to well off people) can justify non-comparative harm. However, his strategy does not take the disjunctivist all the way. How to handle the implications of *Pollution** is still unclear.

³¹ I am grateful to Fiona Woollard for pointing out that the strategy has this weakness.

4.3 Unity

It is the dual nature of harm that ensures the disjunctive view its advantages, but the duality also raises doubts about its theoretical merit. A possible objection against the disjunctive view is that it lacks unity. There are three aspects of this objection: it questions (i) that the view sustains a common core of harm, (ii) that it offers a unified treatment of harm and benefit, and (iii) it accuses the view of being ad-hoc. These three objections (or versions of the objection) will be presented, in that order, before turning to possible solutions.

Combining two conditions in a disjunctive manner does not sit well with the *Unity* desideratum mentioned in the background, especially not considering Bradley's formulation in its fullness:

The analysis should not merely be a list of some things that can happen to someone, nor should it have *ad hoc* features designed solely to account for particular cases. It should explain what *all* harms have in common by locating a common core to harm. Perhaps more controversially, it should also allow for a unified treatment of harm and *benefit* (Bradley, 2012, p. 395).

It is required that an account explains what all harms share. This feature comes for free to any account that relies on *one* sufficient and necessary condition. According to a comparative view, all harms have in common that they are such that a subject is made worse off. Similarly, on a non-comparative view all harms share the feature of being a bad state. On the disjunctive view there is no single feature, either comparative or non-comparative, that all harms share.

The last part of Bradley's *Unity* desideratum states that an account should allow for a unified treatment of harms and benefits. This is controversial as Bradley points out. How are we to understand this requirement? If it entails that harm and benefit must operate on the same scale and be each other's mirror images, it seems too strong. It would presuppose a strictly comparative understanding of harm and benefit. However, it can reasonably be required that the treatment of harm and benefit is spelled out plausibly and without contradictions.

Hanser considers a version of the disjunctive view as a reply to the Non-Identity Problem, but he dismisses it quite quickly for being ad-hoc. He considers the following version of the disjunctive account: "A harms B with respect to the relevant dimension of functioning if either (i) B's state of functioning along that dimension would have been better had A acted differently, or (ii) B would not have existed at all had A acted differently" (Hanser, 2009, p. 191). Hanser considers the second condition to be non-comparative. Using current terminology, this condition is neither comparative nor non-comparative since it does not explain harm in terms of being in a

comparatively or non-comparatively bad state. What is important here, however, is that this version of the disjunctive view holds that the two conditions apply to different sorts of cases. In the light of the Non-Identity Problem one might be inclined to claim that the comparative condition is applicable in all cases except identity-affecting ones, and that in those cases the non-comparative condition is applicable. Furthermore, the account that Hanser considers understands benefits comparatively (a person is benefited iff she is made better off) and a person is neither benefited nor harmed if she is made neither worse off nor better off. In other words, the conditions for *benefiting*, for *neither benefiting nor harming* and for *harming in identity cases* are all comparative. Only the condition for *harming in non-identity cases* is non-comparative. Therefore, Hanser concludes that this account is ad hoc and should be rejected.

In responding to the unity objection, there seems to be two main strategies for the disjunctivist. First, one can admit that the view is ad hoc, but argue that the flaws of other views are more serious. One can claim that non-identity cases alone motivates that we acknowledge non-comparative harm. The restricted condition can be supported by claiming that identity-affecting cases are peculiar or different. Therefore, special treatment is justified. Moreover, the desiderata are desirable features and not absolute conditions for accepting or rejecting a theory. Therefore, it is possible to claim that this view is superior to strict views even if it is ad hoc, since it satisfy the *Extensional Adequacy* desideratum to a higher degree. It captures the harm of ordinary losses in identity cases and that of future people's suffering in non-identity cases. However, this reasoning seems to require further justification of why identity-affecting cases need special treatment. The identity-affecting events are not all different, since they are harms. The identity-affecting feature must have some special significance that is relevant for harm. Otherwise we cannot accept that identifying harms requires a special condition solely in identity-affecting cases. There is no apparent justification for treating such cases differently, but still keep them within the realm of harms. This does not mean that there is none. However, without a good story about why they are different – but not so different that they are not harms – this strategy seems to stand on shaky ground.

Second, it can be argued that not all versions of the disjunctive view are clearly designed to account for particular cases. A disjunctive view need not restrict the non-comparative condition to non-identity cases. One can hold that both conditions are unrestricted and applicable in all sorts of cases. Such a formulation of the disjunctive view simply holds that the conditions are applicable in all cases where they are satisfied. This view is not ad hoc in the sense discusses in

relation to Hanser. There is no special treatment of any type of cases, acts or scenarios. No condition is designed just to avoid a specific problem (like the Non-Identity Problem).

I imagine that some people want to object to this strategy by claiming that non-comparative harm is only found in non-identity cases. That seems incorrect. Even if it should be granted that, in general, comparative harm is found in many ordinary cases involving existing people and the non-comparative sense of harm is often relevant when someone is caused to exist under poor conditions. However, that is due to the identity-affecting feature of many events and not necessarily an essential structural feature of what it is to suffer harm. Phrased differently, it happens to be so that harmful identity-affecting cases and cases of non-comparative harms often coincide since our existence is contingent upon previous events. If my imagined objector is unmoved by this reasoning, there are a couple more reasons for thinking that the non-comparative sense of harms is more broadly identifiable.

There are at least two other reasons for thinking that we find non-comparative harms outside of non-identity cases. As already discussed, Woollard identifies non-comparative harms in preemption cases and it can be found in combination with comparative harm – as in canceling the J-program. There are other examples as well. Imagine that person *X* has 200 units of a particular good. A decrease from that to 150 is a comparative harm. Another person *Y* goes from having 100 to 50 units and her state is thereby sub-threshold. Therefore, the latter is a comparative harm as well as a non-comparative harm. The harm done to *Y* intuitively seem worse, since her state is worse by absolute measures. The disjunctive view has the capacity to account for the intuition by referring to the fact that the latter is a dual harm and in that sense greater. If this reasoning is plausible, then both senses of harm are identifiable more broadly. Non-comparative harms are present in preemption cases and in combination with comparative harms (as well as in non-identity cases) while comparative harm is found in all sorts of losses. This lends independent support for the strategy.

Additionally, and regardless of the two strategies above, it can be suggested that the most plausible and straight-forward treatment of benefit is structurally equivalent to that of harm. Hence, the nature of benefit is disjunctive and combines a comparative and non-comparative condition:

The Disjunctive View of Benefit: P is benefited iff (i) P is made better off **or** (ii) P is caused (allowed) to be in a good state.

Plausibly, there are different versions of the disjunctive view of benefit depending on the same aspects as discussed in relation to the disjunctive view of harm in section 3.3. In any case, a disjunctive treatment of both harm and benefit is unified in the sense that both harm and benefit are, structurally, dual in nature. Comparative harms and comparative benefits are each other's mirror images. Non-comparative harms cause a person to be in a bad state while non-comparative benefits cause a person to be in a good state. An example of an account that lack this sort of unity is Rivera-López (2009) who acknowledges the moral significance of non-comparative harms, but not non-comparative benefits. Harms and benefits are distinct in that sense. Plausibly, such a treatment of benefit and harm can be questioned since it fails to satisfy the *Unity* desideratum. The disjunctive view is not a clear target of such criticism since it treats harms and benefits the same – they are structurally both comparative and non-comparative.

In one way it is clear that the disjunctive account lacks unity, because it is built on two essentially different senses of harm. It is an obvious theoretical dismerit if the lack of unity is due to the fact that the account is ad-hoc. However, if the above reasoning is plausible, there is reason to think that both conditions are unrestricted and both senses of harms are broadly identifiable. So the accusation – that the view is designed to take care of a particular type of case or problem – misses its target. Also, a view that adopts a disjunctive view of benefits manages to treat harms and benefits in a unified manner.

5 Concluding Remarks

The disjunctive view of harm is promising, but serious issues remain to be dealt with. The hopeful idea that a disjunctive view can avoid all traditional problems for strict views seems overly optimistic. More specifically, the combination does not allow the disjunctivist to escape the Omission Problem or account for deadly preemption cases. There are also some problematic implications of the disjunctivist's response to the Non-Identity Problem. On the other hand, it can be argued that disjunctive views have the capacity to account for many of the troublesome cases and that they are capable of capturing the extension of harm to a higher degree than strict views. If my attempt to defend the disjunctive view is plausible, then, it can be formulated in a unified way that begins to explain how the seriousness of different harms is measured as well as how harm-based reasons stand in relation to benefit-based reasons. Moreover, the disjunctive understanding that I advocate is incompatible with the No-Difference View since both non-comparative harms and non-comparative benefits have independent reason-giving weight.

However, that does not force one to accept the Difference View. Rather, this understanding of the disjunctive view implies the more intuitive Some-Difference View. That being said, I do not wish to imply that all the work of developing and evaluating the disjunctive view is done, but we should take the disjunctive view as a serious alternative to strict views and discuss it further.

The debate about the disjunctive theory is starting to take shape, but many questions are not yet addressed. For example, the disjunctivists who are abortion defenders might struggle to explain how the comparative harm to the child-to-be can be outweighed, and do so in a way that does not result in implausible implications (McMahan, 2013, p. 33). Also, acknowledging a reason in favor of causing people to exist (due to the non-comparative benefit) might give fuel to Parfit's Repugnant Conclusion (McMahan, 2013, p. 34). Again, these are just some of the challenges that lay ahead for the disjunctive view. How well the disjunctive view is equipped for dealing with these questions is yet to be seen.

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