

PREFERENCE UTILITARIANISM, PRIOR EXISTENCE AND MORAL REPLACEABILITY

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One of the many components of conventional philosophical and moral wisdom against which John Hospers has fought is the doctrine of utilitarianism. On the moral level, utilitarianism seems to deny the sovereignty of individual lives and the significance of individual rights and deserts.¹ And, on the political level, utilitarianism seems to lend support to schemes for the redistribution of income and for the political engineering of social and economic life that are incompatible with Hospers' vision of a free society.² However, despite being subject to severe criticism in recent years,³ utilitarianism still has its defenders. One of the most prominent of these defenders, especially in works that are admirably addressed to the general educated public, is Peter Singer. Singer is well-aware of at least certain of the objections that have been pressed against utilitarianism. Hence, the degree to which he can develop a satisfactory reformulation of this hoary doctrine is a reasonable gauge for the plausibility of retaining utilitarianism as part of our conventional normative wisdom. In this essay, I shall assess the success of Singer's reformulation of utilitarianism in his *Practical Ethics*.⁴ I shall focus especially on: (a) Singer's equivocal stand on whether practical reason and/or morality requires an agent to be impartial between his interests and the interests of others and (b) Singer's attempt to deal aptly with the charge that utilitarianism endorses the moral replaceability of persons.

I

In attempting to lay the groundwork for his utilitarianism, Singer seeks to avoid the traditional utilitarian foundationalism that identifies certain states of affairs (e.g., the pleasant, the satisfying or the valued

ones) as good in themselves and certain contrasting states of affairs (e.g., the unpleasant, the frustrating or the disvalued ones) as bad in themselves. This approach would reflect belief in "...a mysterious realm of objective moral facts...;" and Singer asserts the "non-existence" of such facts.⁵ Surprisingly and fortunately, according to Singer, the non-existence of objective moral facts does not seriously challenge ethics because "it does not imply the non-existence of ethical reasoning."⁶ It is, then, in his account of ethical reasoning that Singer seeks to ground practical ethics.

According to Singer, ethical reasoning exists when and only when one is "prepared to defend and justify"⁷ a decision or action and the justification is "of a certain kind."⁸

For instance, a justification in terms of self-interest alone will not do... [T]he notion of ethics carries with it the idea of something bigger than the individual. If I am to defend my conduct on ethical grounds, I cannot point only to the benefits it brings to me. I must address myself to a larger audience.⁹

While the reader may pause to puzzle over why one cannot address a large audience with a self-interested defense, Singer proceeds to equate an appeal to something bigger than the individual, an appeal that goes beyond self-interest, and an appeal that addresses a larger audience, with the adoption of "...a point of view that is somehow universal."¹⁰ And Singer proceeds, in this form of argument by free association, to identify the "universal point of view" with "the universal law, the universalizable judgment, the standpoint of the impartial spectator or ideal observer, or whatever we choose to call it." Having been so catholic in his characterization of ethical reasoning, Singer acknowledges that it would be surprising for this characterization to lead "ineluctably to one particular ethical theory."¹¹ "There are other ethical ideals—like individual rights, the sanctity for life, justice, purity and so on—which are universal in the required sense, and are, at least in some versions, incompatible with utilitarianism." Nevertheless, Singer insists that his analysis of ethical reasoning does "swiftly" (!) lead to "an *initially* utilitarian position."¹²

Yet how can this be when, as Singer has just acknowledged, this reasoning no more points to utilitarianism than it does to a variety of ethical principles that are incompatible with utilitarianism? Nor is this puzzle made less acute by Singer's comforting insertion of "*initially*." Having only "*initially*" arrived at utilitarianism, Singer asserts his willingness to add non-utilitarian components to his moral universe—should good reasons be produced for them. But if, as it seems, his initial utilitarianism now provides the standard for evaluating the case for any non-utilitarian element, it is hard to see how any interestingly non-utilitarian element will have any real chance of entering this initially utilitarian moral domain. And, indeed, nothing in Singer's extensive survey of contemporary moral problems, does

lead him to add, or even explicitly to consider adding, any non-utilitarian component to his own normative views.

One can only assume that what leads Singer to utilitarianism is an additional and implicit premise that ethics and ethical reasoning are fundamentally concerned with the satisfaction of interests;¹³ they are not fundamentally concerned with, e.g., the achievement of virtue, the respect for rights, or the compliance with duty. Such an implicit premise would allow Singer to rule out (as adequate to ethical reasoning) all non-utilitarian principles that are universalistic by way of assigning to each person a comparable list of moral aspirations, moral rights or moral duties. Only utilitarianism would remain as both sufficiently universalistic and sufficiently interest-oriented. Singer, however, provides no support for this exclusively interest-oriented conception of ethics.

Singer's attempt to base utilitarianism on his account of ethical reasoning is rendered yet more problematic by the interesting discussion in his last chapter, "Why act morally?" In this chapter, Singer goes in search of what he might call a pre-ethical reason for being moral. Singer wants to answer affirmatively the question: Does practical reasoning endorse ethical reasoning (where ethical reasoning is defined in terms of impartiality or universality)? According to Singer, an affirmative answer is forthcoming if and only if being committed to, capable of, and engaged in ethical reasoning is in an agent's self-interest. That is, the practical rationality of morality depends upon its being in the interest of the practitioner of morality. This stance creates two major problems for Singer's overall position.

First, while it is difficult enough to defend a congruence of the counsels of self-interest and the demands of morality—at least as long as these two remain definitionally semi-independent—this defense becomes extraordinarily difficult when the morality involved is stringently impartial utilitarianism. For that position prides itself in embodying the demands that agents be impartial between their own and all others' interests and that agents give allegiance to "something bigger than the individual." Second, Singer's recognition of *each agent's* self-interest as the appropriate standard for *that agent's* adoption of morality (however defined) clashes directly with his account of universalizable reasoning in his opening chapter. In his discussion of "Why act morally?" Singer realizes that he must defend his stance that it is rational for each agent to evaluate proposals before him—in this instance, the proposal that he adopt "morality"—in terms of his own self-interest (and not, e.g., in terms of the interests of all those affected). To defend this stance, Singer invokes the common distinction between personal and impersonal egoism. (He dubs the latter "pure egoism.") Personal egoism, which is expressed in the claim on behalf of someone (or everyone), "Let everyone do what is in *my* interests," is in no sense universalizable. Hence, Singer seems to argue, it and its invocation are contrary to reason.¹⁴ But

impersonal egoism, which maintains that, for each person, his self-interest is the appropriate standard for evaluating proposals, does not "lack the universality required if it is to be a rational basis for action.... Pure egoism could be rationally adopted by everyone."¹⁵

However, if the mark of *ethical* reasoning is that it is universalizable, why doesn't Singer's argument show that pure egoism embodies ethical reasoning as much as utilitarianism? In short, why doesn't Singer's argument contradict his grounding of utilitarianism on his earlier account of ethical reasoning? Singer is aware of this problem. And he seeks to meet it by suggesting that there is a "limited" and a "stronger" sense of universalizability.¹⁶ While pure egoism satisfies the "limited" sense and thereby qualifies as rational, it does not satisfy the "stronger" sense and thereby it fails to be ethical. In the stronger sense at least, pure egoism is not "universalizable." But, the problem with Singer's suggestion is that he provides no argument for the contention that ethical reasoning must be "universalizable" in any sense stronger than that satisfied by pure egoism. What we must do, according to Singer, in order to engage in ethical reasoning, is to attempt to justify our acts in a way that addresses others. And surely one does this when, in appealing to pure egoism, one indicates that one is pursuing one's self-interest just as one allows (and, perhaps, even expects) others to pursue their respective interests. Singer cannot allow that this would be ethical reasoning while holding the line by claiming that it is bad ethical reasoning. For his account of ethical reasoning must be entirely formal. It cannot distinguish between modes of ethical reasoning on the basis of the soundness of the values they invoke. For such a recourse would involve entrance into the "mysterious realm of objective moral facts" belief in and reliance upon Singer eschews.

II

In advancing his particular formulation of utilitarianism, Singer appeals to two distinctions. The first is a contrast between classical and preference utilitarianism. The second is division between total view and prior existence utilitarianism. The first contrast is introduced in connection with a rather confusing discussion about the ways, if any, in which it is morally worse to kill a person than, e.g., a cow. The second division is introduced by Singer when he addresses the question of whether those in position to bring a happy human being into the world are, on utilitarian grounds, obligated to do so. The two distinctions are connected in that Singer believes that preference utilitarianism undergirds prior existence utilitarianism for persons. Singer is eager to endorse the prior existence view with respect to persons because he believes that this allows him to embrace the moral "irreplaceability" of persons—and, thus, to defuse the charge that utilitarianism represents persons that are morally replaceable units. Against Singer, I shall emphasize that: (a) his distinction between

classical and preference is obscure; (b) preference utilitarianism does not ground prior existence utilitarianism for persons; (c) the endorsement of the prior existence view and the irreplaceability of persons associated with it involves a radical departure from utilitarianism; while (d) this departure is, nevertheless, not radical enough to secure the desired irreplaceability.

According to Singer, a crucial feature that marks off a person from other sentient beings is the awareness of itself as a distinct being with a past and a future. Only such a being will have desires about its own future. Hence, only such a being will be subject to the non-fulfillment of its desires about or for the future. It is this feature of persons that underlies the only type of direct reason against killing persons that does not also hold against the killing of other sentient beings, *viz.*, that the victim will be denied the satisfaction of his desires for or about the future. But, according to Singer, this direct reason against killing persons cannot be invoked by classical utilitarians. For, we are told, *felt* pleasure—hence, not the mere absence of pain—is the only good for classical utilitarianism while *felt* pain—hence, not the mere absence of pleasure—is the only evil. Given this picture of the common view of Bentham, Mill and Sidgwick, Singer concludes that:

According to classical utilitarianism,...there is no direct significance in the fact that desires for the future go unfulfilled when people die. If you die instantaneously, whether you have any desires for the future makes no difference to the amount of pleasure or pain you experience.¹⁷

One is puzzled, though, when Singer adds that, "The classical utilitarian can still regard killing as a wrong done to the victim, because it deprives the victim [whether a person or not] of her future happiness." This puzzle is partially resolved when one realizes that Singer is distinguishing between current desires for the future, e.g., a current desire that so-and-so obtain at such-and-such future date—the sort of desire that only persons can have—and future desires, e.g., a desire that a person or other sentient being will form on such-and-such future date. Thus, in saying that the classical utilitarian can count the victim's being deprived of the satisfaction of her future desires as a reason against killing her, Singer is not directly contradicting his claim that this utilitarian cannot count the victim's being deprived of the satisfaction of her desires for the future as a reason against killing her.

But Singer's claim that the classical utilitarian can count the victim's being deprived of the satisfaction of her future desires as a reason against killing her does directly contradict his own account of classical utilitarianism. And if the classical utilitarian can count the non-satisfaction of a future desire in his moral calculations, may he not also count the non-satisfaction of a current desire for the future? It seems that he may.¹⁸ Thus, Singer fails to establish the relevant

contrast between classical and preference utilitarianism—where according to the latter actions are judged “by the extent to which they accord with the preferences of any being affected by the action or its consequences.”¹⁹ Of course, one might exploit the idea of preference utilitarianism to depart from classical utilitarianism. One might maintain that, in virtue of being preferred, value can reside in conditions other than pleasure (and the absence of pain) and even in conditions that are not desired. Singer does not pursue this sort of contrast and it remains unclear what precisely is deemed to be good, the *states or conditions* that are preferred or the (not necessarily felt) *satisfaction* of those preferences.

The capacity of persons to form and be subject to the satisfaction of desires or preferences for the future gives them a moral edge, however slight, over merely sentient beings. In any life and death decision involving a person, the satisfaction or non-satisfaction of any such desire for the future, would be a matter of some moral weight. There are, of course, two ways in which the satisfaction of desires or preferences can be served. The first is to fulfill existing desires; let us say, to fulfill the stable set of desires of existing beings. The second is to bring into existence additional desiring beings whose desires will then be fulfilled. It would seem that nothing predisposes either classical or preference utilitarianism to one or another of these methods. Yet Singer is very much concerned to avoid the second method at least with respect to human beings.

Consider the satisfaction of the desires of the not yet existing person that an abortion frustrates. On average, each abortion (of a healthy, non-defective) fetus costs the world the average amount of preference satisfaction associated with the lives of those who were healthy, non-defective, fetuses. Surely, on average, an abortion in such a case costs more in preference fulfillment than is lost in preference satisfaction when the desire for an abortion (of healthy, non-defective) fetus is frustrated. In short, if we include the value that will reside in the life of the not yet existing person in our utilitarian calculations, there is a strong presumptive case against the morality and even the moral permissibility of abortion. Yet Singer considers the utilitarian defense of abortion to be easy. This can only be because he implicitly assumes that the preference satisfaction of the not yet existing person simply does not count.

This issue becomes explicit when Singer considers whether a couple who can conceive, bear and raise a child who would live a happy life (with no significant net disutilities for any other sentient being) are thereby obligated to conceive, bear and raise this child. For Singer this closely parallels the question of the permissibility of abortion. For, in general, abortion and contraception are morally on a par. How, though, can Singer defend the permissibility of failing to conceive, bear and raise this child?²⁰ Singer attempts to do so by distinguishing between the total and the prior existence versions of

utilitarianism and by opting for the latter at least with respect to persons. Total utilitarianism simply favors the largest balance of pleasure over pain or preference satisfaction over dissatisfaction. It would obligate the couple in the case in question to conceive, bear and raise the child. In contrast, the prior existence view only counts the preference satisfaction of those "beings who already exist, prior to the decision we are taking, or at least will exist independently of that decision."²¹ So, on the prior existence view, the benefits that would accrue to that potentially happy child have no moral weight. The possible child generates no claim against those capable of creating those benefits.²²

The prior existence view seems to be a radical departure from standard ("total") utilitarianism. It would seem to imply, e.g., that the only reason against a convergent voluntary decision by all human beings not to procreate would be that many of those people would be misjudging the consequences of this decision *for themselves or their contemporaries*.²³ This departure is both a boon and a danger for Singer. It is a boon insofar as it allows Singer to distance himself from certain standard utilitarian embarrassments. But it is a danger for him insofar as the prior existence view no longer qualifies as utilitarian and no longer connects with those segments of his position which are identifiably utilitarian. Both the boon and the danger are exemplified in Singer's discussion of the implications of this view with regard to the replaceability of persons. Suppose, the critic of utilitarianism suggests, that one person with the prospect of a certain level of preference satisfaction were to be secretly and painlessly killed and replaced with another person with the same prospective level of preference satisfaction? Wouldn't utilitarianism monstrously take the killing of the first combined with his replacement by the second as morally neutral? And doesn't this show that utilitarianism conceives of persons as mere replaceable units having value simply as receptacles for pleasure (or preference satisfaction)?

However, Singer is eager to assert that prior existence utilitarianism does not construe people as morally replaceable. And, of course, Singer has a point. For while, on the prior existence view, the death (even the secret and painless death) of the existing person will count against his replacement by a second person with similar prospects, the introduction of the second person will not provide a countervailing reason in favor of the replacement. Since the second party does not exist prior to or independent of the decision about replacement his satisfactions, were he to come into existence, would not register in the moral calculus. But why shouldn't the satisfaction had by the second party when he comes into existence provide a countervailing reason which makes the overall substitution morally neutral?²⁴ The conceptual clarification that only existing beings can be benefited or harmed in itself hardly implies that the satisfactions which come about through replacements are morally weightless.

Singer can coherently deny that the replacement's satisfaction balances the loss of the first party's satisfaction only by implicitly adopting a moral picture which gives interpersonal obligation a much more fundamental place than it has in any standard conception of consequentialism. This picture is one of each existing person having a duty to each existing person (and each future person whose subsequent existence is beyond that first party's control) to act on behalf of their respective pleasure or preference satisfaction. Each person's existence (or already determined future existence) equally places a burden upon each moral agent to advance that person's satisfaction, to protect that person against the threat of non-satisfaction. The best anyone can do to fulfill the multiple, competing and, thus, merely *prima facie* duties to which one is subject is to maximize pleasure or preference satisfaction across all the recipients of one's duties. The aggregative, utilitarian, content of one's net duty is the summation of these separate duties imposed on one by the respective independent existence of those subject to dissatisfaction. Duty fulfillment is at the center of this moral picture. Impartial value maximization has only a derivative status.

This duty-oriented prior existence view can account for a certain sort of moral irreplaceability. In the replacement process, killing the first party contravenes one's *prima facie* duty to him—and inexcusably, since it does not maximize one's net compliance with one's duties to others. For one does not get countervailing moral points for compliance with one's duty to their placement, since one had no such duty to comply with. Nevertheless, there are two possible major criticisms of Singer's prior existence view. The first is that, despite its divergence from standard utilitarianism, it does not represent a significant enough rejection of moral replaceability. The second is that, because of its departure from standard utilitarianism, the prior existence view cannot find support (as Singer thinks it can) in preference utilitarianism. In fact, Singer's prior existence view succumbs to both of these objections.

Clearly the point of rejecting replaceability is to affirm some strong moral claim on behalf of each individual against being sacrificed to bestow benefits on others. It is this highly anti-utilitarian picture of individuals as rights-holders against (even) value maximizing actions that Singer evokes when he says that "rational, self-conscious beings are individuals, leading lives of their own."²⁵ The prior existence view appears to provide each *existing* individual with something like side-constraint protection against being replaced by ascribing to each existing person a claim of some *prima facie* force against being killed while ascribing no claim at all on behalf of possible replacements. Relative to possible replacements, an already existing person is secure in his net claim to life. However, this should not be misinterpreted as anything like systematic, anti-maximizing, side-constraint, protection against having his life sacrificed. To see this one need only consider the choice between allowing A to continue in his life

and fatally harvesting bodily organs from A in order to save the life of existing person B. Assuming that A and B have comparable prospective lives and ignoring indirect consequences for third parties and beyond, one's *prima facie* duty to promote the preference satisfaction of B would precisely counterbalance one's similar duty to A—substituting B's future for A's would be morally neutral. If B's life prospects were somewhat better than A's (i.e., if B's future life was a better receptacle for pleasure or preference satisfaction than A's) or if C's life would also be saved by A's evisceration, then the taking of A's life would be morally proper—indeed, obligatory.²⁶ On Singer's view I can turn aside any moral indictment based on my having killed A with the defense that B's life, which otherwise would have been lost, is at least an equal replacement for A's. This hardly fulfills the promise of a significant rejection of moral replaceability.

Does Singer provide any argument for the prior existence, view however inadequate that view is as a basis for irreplaceability? Preference utilitarianism is offered as the explanation for the moral irreplaceable of persons and, hence, for the application of the prior existence view to persons. Singer's argument seems to be: (a) classical utilitarianism both valued as only pleasure or happiness and was guilty of thinking of persons as mere receptacles for pleasure or happiness (and was, thereby, guilty of belief in their replaceability of persons); (b) preference utilitarianism recognizes the value of preference satisfaction—especially in the case of persons where what is preferred need not be states of pleasure or happiness; (c) therefore, preference utilitarianism is not guilty of thinking of persons as mere receptacles for pleasure or happiness; (d) therefore, preference utilitarianism is also not guilty of thinking of persons as mere receptacles for valuable stuff; (e) therefore, preference utilitarianism is not guilty of belief in the replaceability of persons. Of course, the key flaw here is in the inference to (d). It would seem that the preference utilitarianism simply has a broader view of what merits pouring into receptacles. Admittedly, Singer also reiterates that persons distinctively have preferences for or about their futures. But so will the replacements for those persons. No reason is given for why the preference satisfaction of those replacements, including the satisfaction of the preferences they will have for or about their futures is less valuable or less morally demanding than the preference satisfaction in currently existing persons. From Singer's own announced impartial standpoint, there is no basis at all for his claim that:

...with self-conscious beings the fact that once self-conscious one may desire to continue living means that death inflicts a loss for which the birth of another is sufficient compensation.²⁷

In his reply to a review of *Practical Ethics* by H. L. A. Hart, Singer makes a final stoic attempt to ground the prior existence view in preference utilitarianism.

The creation of preferences which we then satisfy gains us nothing. We can think of the creation of unsatisfied preferences as putting a debit in the moral ledger which satisfying them merely cancels out. That is why Preference Utilitarianism can hold that it would be bad deliberately to create a being most of whose preferences would be thwarted, and yet hold that it is not a good thing to create a being most of whose preferences will be satisfied.²⁸

This passage nicely reinforces the earlier ascription to Singer of a duty-oriented (indeed, guilt-oriented) ethic. The appearance of each additional being with preferences imposes further moral burdens—increasing the moral debt we must spend out lives working, at best imperfectly, to discharge. Note also that this argument in no way distinctively turns on the threat of *preference* dissatisfaction—as opposed to the threat of desires for pleasure or happiness going unfulfilled. It especially does not distinctively rely on the threat of dissatisfaction of preferences for or about the future. Thus, contrary to Singer's own perception, this argument points to purging from the moral calculus all the benefits (and harms) which would be had by *any* sentient creature one might choose to bring into existence. Contrary to the argument that centered on self-consciousness, the prior existence view would not apply only to persons.²⁹

How does Singer's final argument so thoroughly discount the interests of possible future beings? The argument seems to be that the production of new preference possessing beings is very likely simply to deepen our moral debt. Rather than bringing us closer to discharging our moral burdens, we will find ourselves further from that goal. At best, we will be no worse off in our moral indebtedness. It seems, then, that it is not merely permissible not to bring a new preference possessing being into existence. Except in the rarest of cases, *viz.*, those in which all of a new being's (mutually consistent) preferences will be satisfied, it is obligatory not to bring that being into existence. Thus, while standard utilitarianism seems to require the production of new generations, this version of preference utilitarianism (in its pursuit of the prior existence view) requires the elimination of future generations! On the doctrine outline in Singer's last argument, one's replacing A with B will almost always be wrong because: (a) almost always some of existing A's preferences could have been satisfied and that would somewhat reduce one's moral debt, while (b) almost always not all of B's preferences could be satisfied and, therefore, B's existence will almost always increase one's moral debt.

This radical partiality for the preferences of already existing beings does, as we have previously noted, sustain a highly limited, literal,

irreplaceability. But, once again, this hardly satisfies the intuitions behind the call for moral irreplaceability. To see this we need only consider again the choice between allowing B to die and saving B by transferring to him certain of A's vital organs. Should A's life be sacrificed to save B's? According to Singer's preference utilitarianism A's life should be sacrificed if and only if (ignoring third party effects) the extent of A's preference satisfaction were A to live would be less than the extent of B's preference satisfaction were B to live. In short, A's (future) life should be replaced with B's if and only if B's is a better receptacle for preference satisfaction. Once, again, Singer's argument fails to generate a significant rejection of moral replaceability.

When Singer asserts that "death inflicts a loss for which the birth [or presumably, even the continued existence] of another is insufficient compensation,"³⁰ he is the spokesman for practical reason. But, as a spokesman for his conception of ethical reason, he must affirm that death inflicts a loss for which the continued existence of another (who, otherwise, would have died) can more than compensate. Practical reasoning may, as Singer hopes, endorse a commitment to ethical reasoning—but not the ethical reasoning advocated in *Practical Ethics*.

1. See, John Hospers' "Retribution: The Ethics of Punishment" in R. Barnett and J. Hagel eds. *Assessing the Criminal* (Cambridge, MA: Ballinger, 1979) pp. 181-209.
2. See, John Hospers' *Libertarianism* (Los Angeles: Nash Publishing, 1971) especially chapter 2. pp. 49-94.
3. The list of critics is almost endless. A nice synopsis (that over-estimates the divergence between utilitarianism and Rawls' views) appears in H. L. A. Hart's "Utilitarianism and Natural Rights" *Tulane Law Review* (April 1979): 663-680.
4. Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1979).
5. Singer, p. 7.
6. Singer, p. 8.
7. Singer, p. 9.
8. Singer, p. 10.
9. Singer, p. 10. It is unclear why Singer assumes that one cannot, in citing the benefits for oneself, address a large audience.
10. Singer, p. 10.
11. Singer, p. 11.
12. Singer, p. 13.
13. The only illustration that Singer gives of thinking ethically—and it is not presented as one possible example among others—is setting out "to weigh up all these interests and adopt the course of action most likely to maximize the interests of those affected," p. 12.
14. Singer, p. 205.
15. Singer, p. 206. See J. Hospers "Baier and Medlin on Ethical Egoism" *Philosophical Studies* (Jan.-Feb. 1961): pp. 10-16.
16. Singer, p. 205.
17. Singer, p. 79.

18. If anything, shouldn't the present claim to satisfaction of a current desire for the future be weightier than the present claim to satisfaction of a merely future desire?
19. Singer, p. 80.
20. The question is especially pressing since Singer denies any moral significance to the distinction between omission and action. See pp. 162-168.
21. Singer, p. 87.
22. Singer worries, however, about whether this means that no wrong would be done by a couple who knowingly bring an utterly miserable child into existence. For that profoundly miserable child will not have existed prior to or independently of that couple's decision. This worry may seem overdone—merely a function of Singer's infelicitous formulation of the prior existence alternative. Singer could have avoided these miserable child concerns had he contrasted a total version which considers both actual and possible subjects and an "actual subject" version which only counts the pleasures and pains, satisfactions and dissatisfactions, of actual subjects. This actual subject utilitarianism easily identifies the asymmetry between the non-conceivers of the happy child and the conceivers of the miserable one. The non-conceivers will not have denied an existing subject the fulfillment of her desires or preferences. But the producers of the miserable child will have imposed misery upon an actual subject. The fact that the miserable child will not exist until after the harmful processes have been initiated does not undercut the wrongfulness of the couple's decision—just as the current non-existence of next weeks' inhabitants of a newborns' nursery does not undercut the wrong of currently planting a time-bomb in the nursery set to go off in one week's time. But Singer may be wise not to opt for actual subject utilitarianism because, unlike the prior existence view, it would not help him deny commitment to the replaceability of persons.
23. And note the benefits to that generation in not having to save and preserve resources for future generations.
24. This is where actual subject utilitarianism fails to provide any reason against replaceability.
25. Singer, p. 102.
26. Singer cannot appeal to the argument that killing A would be worse than letting B die or even letting B and C die. For he insists upon the fundamental moral equivalence of acts and omissions. See pp. 162-168.
27. H. L. A. Hart, "Death and Utility" *New York Review of Books* (5/15/80).
28. Singer, correspondence, *New York Review of Books* (8/14/80).
29. In itself, this eliminates one problem not recognized by Singer. If, as he believes, the prior existence view applies to persons while the total existence view applies to other sentient beings, then in any choice between future happy persons and future happy cows and chickens, the latter are to be preferred over, indeed lexically ordered over, the former.
30. Singer, p. 103.