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ETHICS

Grim news from the original position: a reply to Professor Doyal

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In his review of my book, *Better never to have been*, Len Doyal suggests, contrary to my view, that rational beings in the original position might prefer coming into existence to the alternative of never existing, if their lives were to include enough good and not too much bad. I argue, in response, that Professor Doyal fails to make his case.

I am grateful to Len Doyal for his detailed, thoughtful and good-natured review¹ of my recent book, *Better never to have been*, and to the editors of the *Journal of Medical Ethics* for inviting me to reply to his essay.

Although Professor Doyal may well have other criticisms of my arguments, his review focuses on the question whether parties in a Rawlsian original position would endorse my conclusion that it is better never to come into existence. He is prepared to grant, at least for the sake of argument, and contrary to what some others have thought, that Rawlsian contractarianism is able to provide guidance about how many people there should be. He disagrees only about the number of people that contractarianism would suggest there should be. In my view, Rawlsians must think that there should be no (more) people, whereas in Professor Doyal's view, they might allow the creation of some new people.

In arguing for my view, I argued that the "maximin" principle (maximising the position of the worst-off), which Professor Rawls argues would be adopted by parties to the original position, entails that there should be no more people. This is because the only way to improve the position of those whose lives are not worth living is not to bring such people into existence, and the only way to do that is to bring "nobody" into existence. (For as long as procreation continues, some of those who are brought into existence will lead lives that are not worth living.)

In *Better never to have been*, I indicated that those who have noted this implication of maximin have regarded it as a "reductio ad absurdum" of maximin. I, by contrast, obviously take it to be an advantage of maximin that it implies a central thesis of my book. Professor Doyal does not discuss maximin in his review. Thus, when he claims that those in the original position might prefer to exist (in the actual world as distinct from the merely hypothetical original position), it is not clear why he thinks this. More specifically, it is not clear whether he denies (a) that maximin entails that there should be no (more) people, or (b) that those in the original position would choose the maximin principle.

Instead, he attempts to bypass these issues by focusing on only one feature of the original

position—that those who occupy it are rational—and by arguing that it might be rational to prefer existence. Professor Doyal argues this in the following way. First, he notes that even I acknowledge that coming into existence would not be harmful in those possible worlds in which one's life had "no" negative features. Professor Doyal then wonders whether it would be rational to prefer existence if life included enough good even if it also included some bad, although much less than there is in any actual life. Because most people do actually prefer existence under such (and much worse) circumstances, they will be inclined to agree with Professor Doyal that such a preference is rational. The problem, though, is that the appeal to this intuition fails to engage all my arguments that such lives are not worth starting, and that intuitions to the contrary are unreliable.

Professor Doyal acknowledges that rational beings in an original position might be persuaded by those arguments of mine. He is just not convinced that they would "have" to accept my arguments. However, to assess whether or not they would have to accept those arguments, those arguments would surely have to be evaluated in their own right—something that Professor Doyal does not do. I invite readers of the *Journal of Medical Ethics* to examine my arguments in *Better never to have been*, where I show that coming into existence is a terrible deal. Life has both positive and negative features. The positive features of one's life do indeed make one's life better than it otherwise would have been. However, they do not make coming into existence preferable to never existing. This is because the absence of those positive features is bad only if one is deprived of them, and one could not have been deprived of anything if one had not existed. However, by existing, one does suffer harms, the magnitude of which people systematically underestimate.

The conclusions I reach in *Better never to have been* are so unpalatable to most people that they are likely to dismiss them without careful consideration of the arguments for those conclusions. This is not true of Professor Doyal, who has engaged the book seriously even though he is clearly troubled by my views. I am thankful that he has not said of my book what I say of all sentient life—that it would have been better had it never been.

Competing interests: None.

REFERENCE

- 1 Doyal L. Is human existence worth its consequent harm? *J Med Ethics* 2007;**33**:573–6.

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