

COMMENTARY

On Matti Häyry's "Exit Duty Generator"

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Matti Häyry presents a new ethical theory that he calls "conflict-responsive need-based negative utilitarianism."¹ In this commentary, I present my critical observations on his main points against the more general background of utilitarianism and theories of value.

On Häyry's Limitation of "Suffering" to Physical Pain

Utilitarianism can be described as an ethics in whose logic there is self-transcendence or self-sacrifice. For precisely with a view to the value basis of utilitarianism, it might be advisable to no longer advocate utilitarianism. With regard to negative utilitarianism (NU), this means the knowledge that NU is seriously advocated by a certain number of people could lead to negative states of consciousness (suffering) in third parties, such that it might seem advisable to the advocates of NU to no longer advocate NU. Against this background, however, reforming NU is an alternative to abandoning it. Matti Häyry proposes such a reform of NU.

Prima facie, it may well be that the world will be a somewhat better place as a result of Häyry's proposed reform of NU. This is because Häyry expands the value base of NU to include the principles of autonomy and respect for preferences. Similarly, Peter Singer, for example, had earlier reformed classical utilitarianism in order to circumvent certain counterintuitive utilitarian consequences in the field of medical ethics.

The gain Häyry expects is that, with a correspondingly expanded value base, a recommendation to end the existence of some or all suffering people can no longer be derived from NU. Prima facie, NU boils down to the telos of acting in a way that prevents and minimizes suffering. However, this could mean—and this is precisely what can cause negative states of consciousness when dealing with NU—that the existence of some people (carried out, e.g., by a benevolent doctor) or even all people (carried out by a fictitious benevolent world exploder—for aesthetical reasons I will henceforth replace "exploder" with "imploder" though) is to be ended in order to diminish some suffering or to abolish all suffering. After a reform of classical NU towards a preference NU, this possibility of interpretation would no longer exist (with people preferring to continue their existence even in the face of unfathomable suffering). *Vis-à-vis* NU this could indeed lead to slightly fewer negative states of consciousness in the world than without Häyry's reform.

Although I concede that with Häyry's reform NU might induce less anxiety, I will try to argue that the reform is not necessary on moral-theoretical grounds. In particular, the reform is unnecessary if sentiocentrism is not associated with a commitment to "suffering as physical pain." The latter would indeed mean that NU is only concerned with reducing physical pain. But already for the classical J. St. Mill, suffering encompasses negative states of consciousness beyond physical pain.

Häyry states: "Negative utilitarianism requires us to minimize or to reduce suffering or need frustration equally among all those who can feel pain and anguish or experience need frustration. However, the implications of the theory differ depending on the axiology chosen. If the axiology is based on only suffering, it is, by definition, sentiocentric." "Most human beings (and maybe other living beings) are autonomous agents. As such, they have a fundamental need to conduct their lives according to their

own will or reason. The frustration of this need is, I posit, as bad as, and independent of, the need not to suffer."

When Häyry declares that he will take "strict sentience" as a point of reference ("I will use, as a point of comparison, the theory of strict sentience-based negative utilitarianism"), we are dealing only with physical pain. This view, however, appears to set up a straw man that already contradicts Bentham or J. St. Mill, who did not limit the value basis of utilitarianism to physical well-being and freedom from physical pain. In most cases, the term "suffering" is used in such a way as to encompass the suffering that results from the violation of autonomy. Humans and many animals suffer from loss of autonomy, although this suffering is something different from physical pain (there is the cow's bellowing because her calf has been taken away from her). A limitation of suffering to bodily pain does not seem to be given in the classics,² nor does this limitation seem to be inherent in the moral-logical structure of utilitarianism. Even in the more recent discussion of NU, the use of the term "suffering" does not seem to be limited to bodily or physical pain.³ Therefore, *prima facie* it does not seem necessary to add a moment of autonomy to NU in order to make it more acceptable: NU inherently includes this moment.

Violations of Autonomy and Disregard of Preferences are Translatable into Negative States of Consciousness

If one uses a broader concept of suffering in the sense of classical utilitarianism (where suffering is not limited to physical pain), then violations of autonomy or preferences can be translated into suffering. I will argue here that a violation of autonomy is morally relevant only if that violation of autonomy affects at least one conscious being. This being may be an aggrieved party (a victim, someone who is maligned), or it may be members of a family, community, or society advocating the preferences of third parties (e.g., of a deceased person).

Reform of NU becomes less urgent if it is the case that preference violations can be expressed in such a way that they simultaneously cause or increase suffering. Where this is not the case, a preference violation does not seem morally relevant (because no one is made worse off).

Häyry himself hints at the translatability in a footnote but does not pursue the idea further:

"Proponents of sentiocentrism can recognize an indirect right to autonomy. If dwarfing people's self-rule causes them pain or anguish, it should be avoided."

I suggest that if the consequence of an action or omission is to be called a preference-dissatisfaction, it must be perceived. That is why talk of plant preferences, which one finds even by authors who do not ascribe sentience to plants, is highly dubious.

Robinson Existence and Benign World Imploder

Robinsonade

Let me try and elaborate a bit further on some counterintuitive results of my considerations. Häyry states: "We are not usually allowed to end agents' lives against their will or reason even if this would minimize suffering. If continued existence is the individual's autonomous choice, the individual has a need-based *prima facie* right to live. Sentiocentrism does not grant agents such a direct entitlement."

Let me try to give an alternative explanation of why we must not end the life of a suffering person who wishes to continue to live, even if this ending would be without suffering: We must not do this because the action would lead to fear, anxiety, negative states of consciousness in other people. On the other hand, if I were a suffering person stranded on an island and someone instantaneously ended my life out of pity (even though I had confided in my island-diary that I wanted to go on living), no harm would come to me. No harm would be done to me since I would not be made worse off by the termination of my existence. And as long as my family or community do not learn of the instantaneous termination of my existence against my will, there are no harmed parties.

Benevolent World Imploder

I am trying to defend the view that the science fiction bogeyman of a benevolent World Imploder who overrides the preferences of almost everyone in existence can be defused. Consider a scientist who can modify the Great Hadron Collider in such a way as to create a black hole that makes Earth's space-time location disappear in a thousandth of a second. If she thus were to annihilate the Earth into its molecular constituents in a millisecond at the push of a button, no one would be made worse off by this action. As for preferences to continue living, the bearers of those preferences are simply no longer around. And there was no time for anyone to register that any preferences had been violated; nor was any pain felt. As mentioned before, I hold that preferences can only be violated insofar as there are bearers of preferences. The instantaneous annulment of all preferences is that special thought-experiment case in which no one is harmed.

If some of the results of my reflections appear to be rather counterintuitive, there is one result that appears to be grotesquely counterintuitive: It is more reprehensible to end the existence of one human being in cold blood in a robbery than to instantaneously abolish the entire human race (let me be clear, I would not press the button because I would be afraid that the system would not work and also because I could not overcome my drive for self-preservation). For in the former case there are those who are affected—society as a whole—whereas in the latter case there are none.

Counterintuitivity

The above-mentioned implications of NU are grossly counterintuitive. However, what are intuitions? Intuitions are sedimented moral commonplaces. Commonplaces, however, that may be changing: Nowadays, there are ever more people who, in view of unavoidable serious climate change, think that one should not procreate.

ETI and God

ETI

Häyry states: "If humankind ... unanimously and voluntarily decides to go extinct, it can only accomplish this by its own choices. Barring divine or extraterrestrial intervention, there is no one else who could help."

Leaving aside the science fiction scenario of a Benign World Imploder, I fully agree with this statement. If mankind decided to go extinct, it would have to be carried out by way of consensual abstention from procreation. However, it may well be that ETI has to be considered here in a different way than Häyry envisages. In view of ETI, the existence of which cannot be ruled out, a weak argument for the continued existence of humanity could be generated: It could be that ETI would suffer if they learned that we have voluntarily become extinct. ETI might suffer from a sense of cosmic loneliness if she learnt that we had become extinct through natal abstinence.⁴

God

Thinkers such as Hans Jonas conceive of an unconditional obligation on the part of humanity to continue to exist: We must not abandon God, even if we wanted to abandon ourselves (to become extinct).

Antinatalism

Häyry weighs parental rights against children's duties and concludes that a parental right to offspring would go hand in hand with a child's "duty to be born." However, according to Häyry, this would mean that a right on the part of the parents' side would outweigh the violation of autonomy on the part of the

child, which cannot be accepted on the basis of his reformed NU. At this point, I would just like to propose the following amendment: We should not speak of a *duty* to be born (more precisely: a duty to begin to exist), because as long as no new child has begun to exist, there is no one (ontologically speaking) on whom such a duty could be imposed. Perhaps we should put it this way: Once a new human being has begun to exist, it will inevitably have to suffer, which cannot be justified. We are not harmed by being caused to exist (by being "born"); but once we exist, sooner or later, we will suffer.

I fully agree with Häyry when he says that although people's decision not to procreate may thwart the preferences or expectations of family members, communities, or states, there are no overriding reasons to violate the autonomy of those who have decided not to procreate. There are, however, cases (we do not even have to construct them) where people suffer immensely from not having children. Surely there are even cases where people take their own lives because of this. From an NU point of view, one could now argue:

"For some childless people there is maximum suffering. To the extent that it can be assumed to the best of our knowledge that there is no overriding suffering for their offspring, one should concede it to childless couple A + B to produce children even for NU reasons."

But this is only *prima facie* true. For even if the couple's offspring would not suffer substantially, their offspring could in turn have children, such that ultimately a mass of suffering is accumulated that exceeds that of the childless couple A + B. And this cannot be reconciled with NU. What is more: A + B's child would always be the outcome of a genetic lottery on which we should not bet.

Enforced Childlessness in Denatalistic Population Policies

Since antinatalism was precisely designed to prevent suffering, people should not be forced to abstain from having children. For such enforced renunciation leads to immeasurable suffering for the frustrated parents.

To my knowledge, it is an open question in which direction Chinese society, for example, would have developed without the introduction of a one-child policy. This is a very pertinent question given that arable land available per capita in China is extremely small, so that without appropriate measures decades ago, China would probably have faced a terrible famine.

Alternative Paths Towards Antinatalism?

Is NU the only moral theory we can conceive of that leads to antinatalism? There appear to be other modes of thinking than NU that lead to antinatalism as well. Let me suggest just three such approaches to an antinatalist stance according to which we are well instructed not to procreate:

Deep ecology, for example, encourages humans to step back for the sake of other entities. Either because they have intrinsic values (such as species or ecosystems or landscapes whose continued existence is threatened by the presence of humans) or because they have values that are translatable into NU.⁵

We can assume that behind a *Rawlsian Veil of Ignorance*, many people—if they had the chance to remain unborn—will say they would rather not risk coming into the world as it actually is. I could be born in a rich country where the elderly are condemned to vegetating old people's homes; I could be born in a country at war or in a country that is particularly affected by climate change; or I could be one of the 50 percent or so who will develop cancer at least once in their lifetime.⁶

History: One can ask whether, after Auschwitz, after the tens of millions of gruesome deaths in connection with the Russian and Chinese revolutions, after the two World Wars, after the Armenian genocide, after the GULAG, after Cambodia and Rwanda, and after the Congo wars, people should still be generated at all. For, as one might say, these events testify to a failure of the species.

Häyry's NU and Practical Philosophy

NU is inherently a non-maximalist and non-expansionist ethics.⁷ It remains so even in its reformed version. From his version of NU, Häyry derives an intriguing set of orientations for action and omission. Let us look at some of them in turn:

“Involuntary Sentient Extinction and Veganism”

Under this heading, Häyry suggests that under his reformed NU, we are at least obliged to live a vegan lifestyle. In my opinion, this conclusion is still relatively cautious, which is due to the fact that Häyry wants to respect the autonomous will of animals to survive. My objection here would be that the existence of some suffering animals could be terminated instantaneously and unnoticed in a relatively simple way, so that (as stated above) no conflict with a will to survive would arise.

Nevertheless, there are reasons against the killing of individuals and the disappearance of whole animal species: (1) Those who kill animals run the risk of being psychologically damaged or of harming others; (2) loss of species can severely disturb the ecological balance causing suffering; and (3) loss of species might lead to a kind of species grief in humans. We generally want beautiful animals such as tigers to continue to exist.

Now, a vegan lifestyle adopted by all would lead to the extinction of some breeds of farm animals. The ensuing grief in some people, however, would be more than compensated for by the reduction in animal suffering.

In spite of a tremendous amount of wildlife suffering, Häyry states: “What they cause each other without human interference, however, may not be a matter for humans to meddle in, especially not by making them extinct.” But since we humans have the greatest degree of autonomy of all known creatures, it may be up to us to come to the aid of the only partially autonomous animals in nature. The possibility of complete, painless sterilization of individuals of a species—taking into account all ecological aspects—seems to me to be an ethically acceptable approach to slowing down the “terrible mill of death” (Novalis).

“The Termination of Pregnancies”

I think we should be more conservative than Häyry when it comes to fetuses. It seems to be an established fact that developed fetuses are pain-sensitive beings who sometimes suffer during their abortion. Unlike insentient early embryos, we should include sentient fetuses (whose movements show that they are struggling to continue to live) in the group of creatures to be considered directly.

“Against Consumerism” and “Against the Ideology of Perpetual Material Growth”

Häyry rightly points out that a one-sided, happiness-oriented utilitarianism geared at increasing happiness ignores the fact that the happiness of some in a world of limited resources entails the suffering of many others. Very often, well-being in the “North” and ill-being in the “South” are intertwined. People in affluent countries do not live beyond their means but beyond the means of others of less well-off people. NU takes full account of the suffering of the non-haves.

Häyry justifies his reform of NU, among other things, with the fact that human preferences are not duly taken into account in conventional NU. In his section on consumerism, he interestingly discusses the issue of “false preferences,” which we can also read as “false needs.” For example, the affluent’s preference for ever-new technological gadgets or resource-intensive leisure activities conflicts with the basic needs of less well-off people. One can even extend Häyry’s justified criticism of false preferences: as long as we are reasonably well-off, we are obliged, on the basis of NU, to cede some of our wealth to people who are much worse off. In doing so we will reduce the average suffering in the world.

“Against Hegemonies”

Capitalist economic activity has a built-in tendency towards growth that generates suffering. However, a reduction in growth (degrowth) is inconceivable under capitalist conditions. Against this background, Häyry is right with his thesis that, according to NU, we have to think about an alternative economic system. For if we do not suspend the capitalist economy, it will abolish itself along with civilization in a great ecological catastrophe. With regard to such a post-capitalist economy, Häyry interestingly speaks of an “aim anarchism.” This opens up the prospect of a society in which fewer and fewer *commodities* (for

profit) are produced and more and more *goods* are made to serve the preferences and needs of an ever-shrinking world population.

Notes

1. Häyry M. Exit duty generator. *Cambridge Quarterly of Healthcare Ethics* 2024;32:1–15.
2. As regards Bentham, "When a man suffers, it is not always that he knows what it is he suffers by." Bentham J. Chapter II: Of principles adverse to that of utility. In: *An Introduction to the Principles of Morals and Legislation*, XV; 1781; available at <https://www.utilitarianism.com/jeremy-bentham/index.html#one> (last accessed 7 February 2023).
3. Trying to find definitions of the term "suffering" within the discussions on NU proved more difficult than initially assumed. One reference is Contestabile B. A review of Toby Ord's essay "Why I'm not a negative utilitarian": "The term *suffering* includes all degrees and variations of negative hedonic states like pain, discontentment, despair, depression etc."; available at <https://www.socrethics.com/Folder3/Negative-Utilitarianism-Review.htm> (last accessed 7 February 2023).
4. For more on this, see Akerma K. Das moralische Gesetz des bestirnten Himmels. Kommunikation mit extraterrestrischer Intelligenz (ETI) als Topos praktischer Philosophie. In: Lutz W., (ed.) *Das Andere 'der Kommunikation. Theorien der Kommunikation*. Leipzig: Leipziger Universitätsverlag;1997:157–75.
5. See, for example, Taylor PW. The ethics of respect for nature. *Environmental Ethics* 3; 1981: 197–218; available at <https://rintintin.colorado.edu/~vancecd/phil308/Taylor.pdf> (last accessed 7 February 2023).
6. See Akerma K. Seinsunwilligkeit vor dem Schleier gebürtlichen Nichtwissens—Von John Rawls zu Samuel Butler. *Tabula Rasa Magazin*; 2011 April 9; available at <https://www.tabularasamagazin.de/seinsunwilligkeit-vor-dem-schleier-gebuertlichen-nichtwissens-von-john-rawls-zu-samuel-butler/> (last accessed 7 February 2023).
7. I take these terms from Cabrera J. *Crítica de la moral afirmativa*. Barcelona: gedisa editorial; 1996:136.