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# Harming Future Persons

Ethics, Genetics and the Nonidentity Problem

*Editors*

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## 01 Chapter 5

# 02 Do Future Persons Presently Have Alternate 03 Possible Identities? 04

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13 **Abstract** This paper argues that the nonidentity problem rests on an overly nar-  
14 row conception of personal identity. The criteria for identity across possible worlds  
15 are vague and uncertain, unable to support the finely-grained judgments made in  
16 debating whether an action would harm future people. On the more plausible coarse-  
17 grained account of personal identity defended in this paper, there is no basis for  
18 denying that the very same child can be born genetically impaired or perfectly  
19 healthy. On this account of identity, the non-identity problem does not arise.  
20

21 **Keywords** Personal identity · Definite descriptions · Possible worlds · Vagueness.  
22  
23

### 24 5.1 The Erewhon Hypothesis 25

26 In the novel *Erewhon*, Samuel Butler describes a fictional world where people  
27 believe in life before birth.<sup>1</sup> The Erewhonians believe that unborn souls constantly  
28 flutter around eligible parents, “giving them no peace either of mind or body until  
29 they have consented to take them under their protection” by giving birth to them. In  
30 order to be born, an Erewhonian soul must commit a kind of suicide, abandoning  
31 the felicitous advantages of the unborn to exchange them for the troubles and cares  
32 of life after birth. The exchange is not a good one: the unborn cannot be unhappy,  
33 and post-partum life is risky at best and tragically miserable at worst. So bad is the  
34 bargain of post-birth existence, that the very fact that one of the unborn desires to  
35 be born is taken as evidence that the individual’s mind is not sound and that the  
36 choice may thus be involuntary. Any unborn soul wishing to be born must endure  
37 an extended court proceeding to prove that the choice is free and fully informed.  
38 Those who are able to win their case must take a potion to “destroy their memory  
39 and sense of identity. They must go into the world helpless, and without a will of  
40 their own; they must draw lots for their dispositions before they go, and take them,  
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01 such as they are, for better or worse.” After birth, the infant is held to be entirely  
 02 responsible for any disadvantages it may endure and for all the risks it must incur.  
 03 The birth parents compel the newborn to sign (by proxy) a document in which the  
 04 infant accepts full responsibility and absolves its parents of all liability for any of  
 05 the damaging or disappointing incidents of life.<sup>2</sup>

06 The beliefs of the Erehwonians were intended to seem very strange. But like  
 07 other parodies, *Erewhon* attempts to place before us the image of a world that is  
 08 both distant enough from our own to inspire curiosity, and close enough to elicit self-  
 09 reflection. While Butler’s *Erewhonians* claimed to believe that the unborn are fairly  
 10 well off, Richard Dawkins apparently has a very different view of their prospects.  
 11 In a television series titled *The Root of All Evil*, he offers the following in praise of  
 12 the good fortune we may thank for our very existence:

13 We are going to die, and that makes us the lucky ones. Most people are never going to  
 14 die, because they are never going to be born. The number of people who could be here in  
 15 my place outnumber the sand grains of Sahara. If you think about all the different ways in  
 16 which our genes could be permuted, you and I are quite grotesquely lucky to be here.<sup>3</sup>

17 If we’re lucky not to be among the nonexistent, then those who never exist must  
 18 be unlucky, or at least less lucky than we are. But it is difficult to know what this  
 19 might mean. “Just who are these unlucky nonexistent persons?” one might ask.  
 20 “Can’t we do something for them?”

21 Dawkins makes another common assumption that should, as I will argue, seem  
 22 just as odd as the suggestion that nonexistent people are unlucky. The passage  
 23 implies that we would not have existed at all if our genes had taken one of the  
 24 innumerable permutations he mentions. If different gametes had met, a child with  
 25 a different genetic makeup would have been born. In that case, Dawkins implies,  
 26 someone else would have existed instead and we would never have existed at all.  
 27 To some people, the claim that our identity depends on our genetic makeup in this  
 28 way has seemed so obviously true as to need little supporting argument. But I will  
 29 argue that it is *not true* that our identities depend on our genetic makeup in this  
 30 way. More accurately, the claim is *not simply* true, since the concept of identity is  
 31 ambiguous, and because there are useful and sensible conceptions of “identity” on  
 32 which the claim is false. I will argue that the so called “non-identity problem” is  
 33 partly an illusion. This illusion arises because we have unreflectively accepted an  
 34 *Erewhonian* hypothesis about the alternative possible identities of people who do  
 35 not yet exist. In this paper, I hope to provide arguments that go some way toward  
 36 dispelling this pernicious illusion. But I will also offer advice about how to make  
 37 the kinds of choices for which the non-identity problem is thought to arise.

## 39 5.2 Variations on a Theme by Parfit

40 It will be useful to consider just a few problematic moral choices that exem-  
 41 plify the problem in question. Readers of Derek Parfit’s *Reasons and Persons*  
 42 will immediately recognize the following examples as variations on themes from  
 43 that book.  
 44  
 45

01 *Negligent Physician:* Because Alph is concerned about the possibility that the child he might  
02 conceive will have avoidable birth defects, he visits a physician for tests. The tests show that  
03 if Alph conceives a child during the next year, the child will suffer from a severe birth defect.  
04 If he conceives a child after this period has passed, there is every reason to believe that  
05 his child will have no such disadvantage. In a state of drunken carelessness, the physician  
06 misplaces the results of Alph's test, but blithely judges that Alph is unlikely to pass on  
07 any defect to his children. As a result of the physician's reprehensible carelessness, Alph  
08 conceives Beth, who is born with a serious birth defect for which there is no effective  
09 treatment or accommodation. But for the physician's error, Alph would have conceived a  
10 different child who would not have had a disability. While Beth is seriously disadvantaged  
11 by her disability, her life is not so miserable that she regrets having been born.

11 Clearly Alph has a valid complaint against his negligent physician. But has  
12 Beth a similar case? Beth suffers from a disadvantageous condition which is the  
13 direct result of the physician's wrongful behavior. But if the physician had behaved  
14 properly, it is argued, Beth would not have existed at all. Because the physician's  
15 faulty action effectively determined Beth's identity, she cannot claim that she would  
16 have been better off but for the Physician's negligent action. Or so the non-identity  
17 problem would lead us to believe.

18 *Depletory Policy:* The U.S. President faces a decision that will determine the future of  
19 energy policy and will influence the availability of energy alternatives for many generations  
20 in the future. He could either choose policy A or policy B. Policy A will create dramatic  
21 but relatively short-term benefits for the next two or three generations, but is expected to  
22 lead to environmental disaster in the long run. Policy B will yield slightly lower benefits  
23 in the proximate future, but these benefits will be sustainable for the foreseeable future.  
24 Instead of leading to environmental disaster, Policy B would help to restore existing envi-  
25 ronmental damage. But because there is a time lag between the restoration and the resulting  
26 environmental benefits, the benefits will not improve the lives of anyone presently living.

26 Since future people are not a voting constituency, the President doesn't care about the  
27 people who will live in the distant future. But the President cares quite a lot about the  
28 opinion of present voters who are themselves mostly concerned with the present and more  
29 immediate future. For this reason the President chooses Policy A. As a direct result of this  
30 choice, things turn out very badly for people who live later. But the choice of Policy A has  
31 other subtle but wide-ranging implications for people's lives, and because of these changes  
32 different people are conceived and born than the people who would have been conceived  
33 and born if the President had chosen Policy B. By the time the disadvantages arrive, none  
34 of the people who suffer from these disadvantages would have existed if the President had  
35 instead chosen Policy B.

35 Once again, the problematic choice both causes disadvantage, and determines the  
36 identities (thus the very existence) of those who suffer the disadvantage. Those who  
37 suffer cannot claim to be worse off than they would have been if the president had  
38 acted differently. Thus it might be argued that they have no valid complaint against  
39 the President whose problematic or wrongful choice caused their suffering.

40 The case is not entirely hypothetical, since the choice described is very similar  
41 to choices we presently face. Many have urged that large scale public action is nec-  
42 essary to mitigate the harmful effects of climate change and to turn back the forces  
43 that are causing this change. But it is widely acknowledged that the benefits of  
44 such action will not be realized for many generations. If the identities of the people  
45 who would benefit from an effective climate policy would be changed by factors

01 stemming from the implementation of such a policy, then climate policy presents us  
02 with a practical application of the non-identity problem. And it is quite plausible to  
03 think that the identities of later generations really may be changed by any large-scale  
04 social policy like a climate mitigation initiative. Such policies will change many  
05 lives, so that different people will meet and the circumstances of later lives will be  
06 changed. Over time, the effects of small changes will be amplified, so that after  
07 several generations have passed the entire human population of the earth might be  
08 genetically different from the population that would have existed otherwise. Thus  
09 those who will suffer disadvantage if we fail to implement an effective climate  
10 policy are people who would not have been better off if a better policy had been  
11 implemented. They would not have existed at all. Or so we might be encouraged  
12 to believe.

13 These examples show the non-identity problem to be a practical problem that  
14 arises in certain decision contexts. But it is also a conceptual problem in which  
15 many of our standard moral concepts are implicated. The practical problems, as I  
16 will argue, stem from the underlying conceptual problems. Among other concepts,  
17 the non-identity problem raises issues for the pareto criterion, the concept of harm,  
18 Millian liberal political theory, and for person-affecting concepts and theories more  
19 broadly. The non-identity problem calls into question whether distant future persons  
20 could have rights against members of the present generation. For this reason, the  
21 problem seems to undermine the possibility that any theory of justice or right could  
22 apply between distant generations. Because of this problem, some theorists have  
23 more or less abandoned the idea of intergenerational justice altogether.<sup>4</sup>

24 *The Pareto Criterion.* The pareto criterion recommends any policy that is better  
25 for some and worse for no one. In the case described, those who benefit would not  
26 have existed otherwise, while those who bear the cost of climate mitigation would  
27 have been better off without it. Climate mitigation is thus worse for some (those who  
28 bear the present cost) but better for no one, since those who exist in the *generations*  
29 that will benefit would not have existed if different policies had been chosen. Since  
30 climate mitigation policies are worse for some and better for none, they are *pareto*  
31 *inferior* to policies that do not involve climate mitigation.

32 *Harm.* While it might seem that willful choice of policies that lead to envi-  
33 ronmental and human disaster are harmful to those who suffer, it has sometimes  
34 been argued that “harm” involves a counterfactual condition: A harms B only if A’s  
35 wrongful action makes B worse off than B would have been if A had acted as he  
36 should have, instead of as he did.<sup>5</sup> Thus it would seem that those disadvantaged  
37 by the depletionary policy are not harmed by it, nor can Beth claim to have been  
38 harmed by the negligent physician whose faulty action led to her disability. Here the  
39 non-identity problem has had practical legal implications: U.S. Courts have been  
40 led by non-identity arguments to conclude that children who suffer disadvantage or  
41 disability as a result of malpractice cannot claim compensation if they would not  
42 have existed but for the malpractice in question.

43 *Millian Liberalism.* More broadly, those who find John Stuart Mill’s conception  
44 of liberalism, as defended in *On Liberty*, might reasonably find the non-identity  
45 problem disturbing. According to Mill, it is wrong to limit liberties except to pre-  
vent harm to others.<sup>6</sup> Policies to mitigate damage due to climate change will limit

01 the liberty and impose costs on present people. But if the beneficiaries wouldn't  
 02 have existed otherwise, then these policies can't be justified in terms of harm pre-  
 03 vention: since those who will suffer the ill effects of climate change wouldn't have  
 04 existed otherwise, they cannot be harmed if we don't take steps to mitigate change.  
 05 It would appear, therefore, that Mill's principle would prohibit policies to reduce  
 06 climate change. At least, it will prohibit such policies whenever they involve present  
 07 restrictions on liberty, and when the policies in question would have sufficiently  
 08 wide-ranging effects that they will determine the constituency of future populations  
 09 of the earth.

10 *Person-Affecting Principles and Person-Affecting Moral Concepts.* Some philoso-  
 11 phers have urged that moral theory should be "person affecting." By this, people  
 12 sometimes mean to refer to a "person affecting principle [PAP]." There are different  
 13 principles that have been given this name: Some times the PAP is associated with  
 14 the view that

15  
 16 PAP-1: Nothing is bad (good) unless there is someone for whom it is bad  
 17 (good).

18  
 19 At other times, the PAP is associated with a different principle:

20  
 21 PAP-2: "It is good to make people happy, but we may be indifferent about  
 22 making happy people."

23  
 24 These are not two ways of saying the same thing, they are different principles.  
 25 But they are interestingly related, and both are implicated in the non-identity prob-  
 26 lem. According to PAP-1, the results of the *negligent physician's* carelessness are  
 27 not bad if there is no one for whom they are bad. And according to description  
 28 given, these results are not bad for Beth since she would not have existed otherwise.  
 29 Similarly, if global warming changes the constituency of the future population of  
 30 the world, then it would seem that it is not bad in the sense that it is not bad for the  
 31 people who suffer from the effects of climate change.

32 Even those who do not accept PAP-1 may find that their own moral views raise  
 33 problems in non-identity cases. For example, if one wanted to say that we have  
 34 an obligation to future generations to reduce climate change, or that climate is a  
 35 matter of intergenerational justice, then one might find it important to explain how  
 36 our wrongful failure to implement climate policies would violate the rights of future  
 37 generations. The non-identity problem makes it very difficult to see how this could  
 38 be. Those who will suffer, whose rights might be supposed to be violated by our fail-  
 39 ure to implement such policies, are people who would not have existed otherwise.  
 40 So climate policy cannot, one might argue, be a requirement of intergenerational  
 41 justice. Considerations of rights and justice are "person affecting concepts," even  
 42 though their use does not imply acceptance of PAP-1 (or PAP-2), or of a fully  
 43 person-affecting morality. Thus any moral theory that employs concepts of rights  
 44 and justice will have problematic implications in non-identity cases.

45 If one accepts the non-identity argument as it is usually presented, it seems to  
 lead us to unfortunate conclusions when combined with a number of our common

01 evaluative concepts: I have argued above that non-identity cases raise problems for  
 02 the pareto criterion, the concept of harm, Millian liberalism, and person-affecting  
 03 principles, rights, and justice. These implications are especially counterintuitive if  
 04 one thinks that identity does not, or should not matter in the way it seems to matter  
 05 in these cases.

### 08 5.3 The No-Difference Thesis

10 Many people find these conclusions counterintuitive, but it is difficult to see a  
 11 problem in the argument that leads us to them. One reason why these conclu-  
 12 sions are counterintuitive is that we have independent reason to think that the  
 13 alternative identities of future people shouldn't matter from the moral point of  
 14 view. The fact that one decision results in the existence of different people than  
 15 would have existed otherwise should make no morally significant difference at all.  
 16 Parfit calls this the *No-Difference Thesis*, and supports this thesis with a compelling  
 17 example:

18 *The Medical Programmes.* There are two rare conditions, J and K, which cannot be detected  
 19 without special tests. If a pregnant woman has Condition J, this will cause the child she  
 20 is carrying to have a certain handicap. A simple treatment would prevent this effect. If a  
 21 woman has Condition K when she conceives a child, this will cause this child to have the  
 22 same particular handicap. Condition K cannot be treated, but always disappears within two  
 23 months. Suppose next that we have planned two medical programmes, but there are funds  
 24 for only one; so one must be canceled. In the first programme, millions of women would be  
 25 tested during pregnancy. Those found to have Condition J would be treated. In the second  
 26 programme, millions of women would be tested when they intend to try to become pregnant.  
 27 Those found to have condition K would be warned to postpone conception for at least two  
 28 months, after which this incurable condition will have disappeared. Suppose finally that  
 29 we can predict that these two programmes would achieve results in as many cases. If there is  
 30 Pregnancy Testing, 1,000 children a year would be born normal rather than handicapped. If  
 31 there is Preconception Testing, there would each year be born 1,000 normal children rather  
 than 1,000 different handicapped children. (Parfit 1984, p. 367)

32 The only difference between the choice to fund treatment for Condition J, and  
 33 the choice to fund treatment for Condition K is that in the former case, we would  
 34 be benefiting people who would have existed anyway, while in the latter case we  
 35 would be causing different persons to come into existence than would have existed  
 36 otherwise. If we choose to fund treatment of condition J, it would seem that there are  
 37 no potential complainants. That is, those who are born deformed as a consequence  
 38 of our choice can not rightly say "but for your choice, I would be better off than I  
 39 currently am." If we had chosen to fund condition K, those children would not have  
 40 existed at all. On the other hand, if we choose to fund treatment for Condition K, the  
 41 children who are born deformed because their mothers had Condition J *could* say  
 42 that but for our choice they would have been better off, since they would have existed  
 43 in any case. If we believed that the problem of non-identity had moral significance,  
 44 this should lead us to the conclusion that we have an important moral reason to fund  
 45 treatment of Condition J rather than Condition K. But most people find it obvious



01 that there is no moral difference between the two choices: the consequences of either  
02 choice are the same in all morally relevant respects. This is precisely what the no-  
03 difference thesis states: The fact of identity does not matter from the moral point  
04 of view.

05 Parfit's account of the no-difference thesis, and the supporting example he offers,  
06 are highly persuasive. For my own part, I find the case for this thesis entirely com-  
07 pelling. Thus for the purposes of this paper, I will assume that the no-difference  
08 thesis is *true* and will consider what conceptual resources can be marshaled to  
09 resolve the non-identity problem where the no-difference thesis is treated as a con-  
10 straint. Identity may matter quite a lot in some contexts, but it does not matter in  
11 the way that would lead us to judge that one of Parfit's procedures is superior, from  
12 the moral point of view, to the other. As I will argue, the *non-identity* cases, includ-  
13 ing those described above, are problematic from the start because they stretch the  
14 concept of "identity" beyond its meaningful application.

#### 16 5.4 Identity-Determining Choices and Identity-Determining 17 Characteristics

18  
19  
20 To address the non-identity problem, I propose that we should carefully examine  
21 the concept of identity employed in the examples in which this problem arises. We  
22 need to consider more carefully what features of ourselves influence our identity,  
23 and just how they might do that. In this interest, I will introduce the idea of "iden-  
24 tity determining choices and acts." An *identity determining choice* is a choice that  
25 determines that one person or group of people will exist instead of another person  
26 or group that might have existed. As we have seen, the non-identity problem arises  
27 in the cases above because there are identity determining choices that seem to cause  
28 disadvantages for those who come to exist as a result. In the most problematic cases,  
29 we may have a negligent party whose faulty act is the cause of impairment or serious  
30 disadvantage for someone who would not have existed otherwise. Under ordinary  
31 circumstances, this would be sufficient to support a *prima facie* complaint on behalf  
32 of the sufferer, against the faulty actor responsible for her predicament. But when  
33 the act in question is an *identity determining* act, then the actor seems to have an  
34 effective response: But for the faulty action in question, the person who is supposed  
35 to have been harmed would not have existed at all. If there are identity-determining  
36 choices, they are choices that determine that one person (or set of persons) will exist  
37 instead of another.

38 *Which Are the Identity Determining Characteristics?* What are the characteristics  
39 that have this effect, determining our identities and our existence in this way? It is  
40 often assumed that one's genetic makeup determines one's identity. Indeed, some-  
41 thing like this assumption is implicit in what Dawkins says in the passage quoted  
42 earlier: "If you think about all the different ways in which our genes could be per-  
43 muted," he suggests, "you and I are quite grotesquely lucky to be here." Apparently,  
44 he and many other philosophers believe that we would have been among the much  
45 less lucky non-existent people if our genes had been permuted in the relevant way.

01 What is the relationship between our genes and our identities? We might consider  
02 the following claims:

03 Claim 1: “Any child my parents might have conceived that had the same genetic  
04 makeup as mine would have been *me*, even if other things were substantially  
05 different.”

06 Claim 2: “Any individual with different genetic makeup from my genetic  
07 makeup would be a different person from the person I am.”

08 Claim 3: “If the child my parents conceived had had a different genetic makeup  
09 from mine, that child would have been a different child—a different person—  
10 from the child I was.”  
11

12 Claim 1 is obviously false. Identical twins, for example, have the same genetic  
13 makeup but they are different individuals.

14 Claim 2 is also false. If a person were given a genetic therapy that changed the  
15 DNA in each of his cells but left other of his characteristics unchanged, we would  
16 not regard him as having become a different person. Genetic therapy of this sort  
17 would not, for example, imply that the resultant individual no longer owned property  
18 that was owned by the person who chose to undergo the procedure, or that the person  
19 who left the operation would not be contractually bound to pay for it (since another  
20 person chose to undergo it!). If Claim 2 were true, hospitals would need to collect  
21 payment for such genetic therapies in advance.

22 Is there reason, then, to believe Claim 3? Many writers have argued that Claim 3,  
23 or something very much like it, is true. For example, Parfit defends the  
24 following

25 *Time Dependence Claim [TDC]:* If any particular person had not been conceived when he  
26 was in fact conceived, it is *in fact true* that he would never have existed. (Parfit 1982, p. 351)  
27

28 Parfit’s *Time Dependence Claim* is not the same as Claim 3 above, but they are  
29 related. Parfit uses considerations like those articulated in Claim 3 to support the  
30 TDC. So if Claim 3 is questionable, then the TDC may be questionable as well.

31 Is Claim 3 true? Consider the child born to your parents on your birthday.  
32 Imagine a child exactly like you in all respects except one: the imaginary child  
33 had a different genetic makeup from your genetic makeup. The difference in the  
34 genetic makeup of the imaginary child, we can imagine, does not determine any  
35 phenotypic differences, so this child looks and acts exactly like you. The physical  
36 difference between this imaginary child your parents might have had, and the  
37 child they did have are real physical differences, but they can only be detected by a  
38 genetic test.

39 Would this imagined child be you, or would it be a different child? Why should  
40 we think that an irrelevant physical difference in genetic makeup would make this  
41 imagined child a different child from the child your parents actually did have? We  
42 don’t think of other minute physical differences as “identity determining” in this  
43 way: for example, if you had been born with a differently shaped nose or belly  
44 button, we would not regard these characteristics as determining that you are a dif-  
45 ferent person from the person you are. There is nothing magic about our genes that

01 automatically implies that our “identities,” in the relevant sense of that word, are  
02 determined by our genetic makeup.

03 The examples given above are intended to coax us away from the assumption that  
04 our “identities” (again, in the relevant sense of the concept “identity”) are deter-  
05 mined by our genes. But even if we are effectively coaxed, we might regard our  
06 genetic makeup as *relevant to* if not *uniquely determinative of* our identities. For  
07 example, our genetic makeup might be one among several different characteristics  
08 that combine to make you the person you are. Your genetic makeup might be suffi-  
09 cient to limit the range of persons you could possibly have been. This possibility is  
10 consistent with the thought that changing the genetic makeup (and nothing else) of  
11 an already existent person might leave him or her the same person after all.

## 14 5.5 Ambiguous “Identities”

16 In order to resolve this problem, we need to think more deeply about the way  
17 in which the properties we possess make us the people we are. Every one of us  
18 has formative experiences that have shaped and changed us, and we may even say  
19 that these experiences have influenced our *identities* in important ways. While the  
20 sense of “identity” we employ when we say this may be different from sense of  
21 “identity” that generates the non-identity problem, it is instructive to recognize  
22 that we use the term in a variety of different senses, and it is not obvious which  
23 sense will be the relevant one to use in different contexts. Even trivial experiences  
24 leave their mark on us and change us slightly. We don’t usually think of these small  
25 changes as the kinds of changes relevant to the non-identity problem, because we  
26 view ourselves as maintaining our identity through time. We are psychologically  
27 connected with our pasts: we remember these life-changing experiences and we  
28 remember what we were like before they shaped us. But notice that the sense of  
29 “identity” involved in this more classic problem of identity over time is different  
30 in relevant respects from the problem of “identity” involved in the non-identity  
31 problem.

32 In philosophical contexts, psychological connectedness is often considered a fun-  
33 damental and perhaps a necessary condition of continued identity over time, but  
34 this part of our concept doesn’t apply to contingent future persons at all. When  
35 we say that one individual would come to exist rather than another, as the result  
36 of an identity-determining procreative choice, we do not simply mean that there is  
37 no psychological connectedness among the putatively different persons who might  
38 come into existence depending on the choice made. Except in an Erewhonian world,  
39 it is *impossible* to be psychologically connected with people who don’t exist, or for  
40 possible but non-existent people to be psychologically connected to people who will  
41 later exist. What we presumably mean is that the individuals who will exist will have  
42 different properties, and that the properties in question are sufficiently important, or  
43 essential, or constitutive. When these properties are changed, the resultant person  
44 is so fundamentally different that we should regard her (him?) as a different person  
45 entirely.

01 But which characteristics are so essential to our identities that we would have  
 02 been different people if these characteristics had been different? We should be able  
 03 to discover whether some characteristic is an identity determining characteristic by  
 04 considering whether an existing person's identity would change if that characteristic  
 05 were to change. Here is a principle that captures this intuitive idea:

06 *Identity Principle [IP]:* If characteristics  $C$  are identity determining for person  $P$ , then any  
 07 child born with characteristics different from  $C$  would have been a different person from  $P$   
 08 (even if all other characteristics were the same).

09 Note that  $C$  might be an individual property, or a collection of essential properties  
 10 that make  $P$  the person she is. IP captures the idea that the identities of future per-  
 11 sons depend on the properties they will possess, not on some kind of psychological  
 12 connectedness among possible persons.  
 13  
 14  
 15

## 16 5.6 Vague "Identities"

17  
 18 The identity principle encourages us to consider which properties of ourselves (or  
 19 others) might determine that we are the person we are instead of some other person  
 20 we might have been. But if these properties (whatever they are) may be possessed  
 21 in greater or lesser degrees, then we need to consider the possibility that our "iden-  
 22 tities" may be vague. Consider the characteristics  $C$  that are regarded to be identity  
 23 determining for a possible person  $P$ . That is, if the child is born with  $C$ , then that  
 24 child will be  $P$ , but if the child is born without  $C$ , then the child will be a different  
 25 person from  $P$ . It seems most plausible to think that  $C$  must be a set with multiple  
 26 members, since we may think of our identities as dependent on more than one of our  
 27 characteristics. In what follows, I will assume that  $C$  is a set, but I do not believe that  
 28 my argument depends in any central way on this assumption. If  $C$  is a set of char-  
 29 acteristics, then there will be many different ways in which the members of that set  
 30 might be slightly perturbed, leaving  $P$  the same person, or *almost* the same person.  
 31 Even if (by definition) these characteristics  $C$  are identity determining, it need not  
 32 follow that even imperceptibly minute changes in  $C$  would result in the existence  
 33 of a different person from  $P$ . But as we imagine increasingly radical changes in  
 34 these characteristics, eventually we might judge that the changes are sufficient to  
 35 determine that a different person exists from the one who might have existed. We  
 36 might express one important part of this thought as follows:

37 *Non-Identity Principle [NIP]:* If  $C$  are the identity determining characteristics for  $P$ , and if  
 38  $C1$  is a member of  $C$ , then  $P$ 's identity will not survive radical perturbations of  $C1$ .  
 39

40 If  $C1$  were to change *enough*, then  $P$  would not exist, and a different person would  
 41 exist instead. But what if the child isn't born *without*  $C$ , but with an imperceptibly  
 42 slight variant on  $C$ ? We might think that there is a range of changes such that as  
 43 long as characteristics  $C$  varies only slightly, within this specified range, then the  
 44 identity of the child will not change. Within this range, the child born will still be  $P$ ,  
 45 not some other child with a different identity.

01 On this view, it is plausible to think that our identities may be vague: where C  
 02 changes slightly, it might slightly change our identities, though not so much that  
 03 we could properly be identified as entirely different people. So where C changes in  
 04 this way, the claim that P is the same person P would have been may vary as well.  
 05 And perhaps at some threshold level P's identity will utterly change as a result of  
 06 changes in C. Where P's identity is determined by C, and C is a property or set of  
 07 properties that can vary by degrees, P's identity will can be vague. Where C contains  
 08 N characteristics, we might represent the range of possibilities as an N-dimensional  
 09 array with P at the origin. As one moves from the origin in any direction, P's identity  
 10 "fades out" as it approaches the boundary or threshold beyond which her identity  
 11 will be utterly different. Consider the following statements, ID for "identity," and  
 12 NI for "non-identity":

13  
 14 *ID*: P is the same person after the change in C as she was before.

15 *NI*: After the change in C, P is no longer the same person P was before the  
 16 change in C.

17  
 18 On one view of vagueness, ID will become "less and less true" over small per-  
 19 turbations of property C, and "increasingly true" over increasing perturbations.<sup>7</sup>  
 20 Over this same range of changes, NI would become "increasingly true." And once C  
 21 has changed sufficiently, ID will eventually become false and NI will become true.  
 22 Some theorists are uncomfortable with the idea that truth might come in degrees,  
 23 and other theories of vagueness will have slightly different implications concerning  
 24 the identity of P. I must admit that this way of thinking about vague predicates  
 25 seems right to me, but I understand the reasons that give many people discomfort  
 26 with "degrees of truth."<sup>8</sup> My argument here will in no way depend on any such  
 27 controversial account of vagueness or truth, since other theories of vagueness have  
 28 relevantly similar implications for identity.

29 When we consider the most minor perturbations in C, it is easy to think that such  
 30 changes will not alter P's identity. Still, when we consider further minor changes,  
 31 there may come a point when we are unsure whether P's identity has been changed.  
 32 If so, then P's identity would seem to be *vague*. If "identity" is vague, we can  
 33 make the concept precise by stipulating bright-line definitions that identify precisely  
 34 which changes in which characteristics will change P's identity in the relevant, stip-  
 35 ulated sense. At one extreme, we have the strictest conception of identity, according  
 36 to which C will include all of P's properties and any change in C will constitute  
 37 a complete change of P's identity. Less strict conceptions of "identity" will tol-  
 38 erate broader changes before P's "identity," in the relevant sense, is changed. For  
 39 example, one conception might identify genetic makeup as an identity-determining  
 40 characteristic so that a child conceived at time T1 under circumstances C1 will be  
 41 different from a child conceived at T2 under circumstances C2, since different sperm  
 42 and ova would meet in the two cases. Another conception of this child's (these  
 43 children's) identity might give us no ground to distinguish the two possibilities as  
 44 children with two different identities: For example, the child conceived under either  
 45 of these circumstances might be identified as "John and Mitzi's fourth child."

01 Depending on the purpose we have in mind when we identify this child, it will be  
02 appropriate to use different criteria to individuate him or her. For example, if we are  
03 trying to determine whether this child can rightly inherit property under the terms  
04 of a will, her identity as “John and Mitzi’s fourth child” might be all that we need. If  
05 we have different purposes in mind, we may need to consider other features of this  
06 child to fix his or her “identity” in the relevant sense. Once again, it is worth noting  
07 that “identity” is not a univocal concept. Reflection on the vagueness of “identity”  
08 thus reveals yet another range of different conceptions of identity. When we employ  
09 the term, it will be crucial to identify what is relevant about identity in the particular  
10 context so that we will use the *right* concept of identity, and not the wrong one.  
11 There is no single concept of “Identity” that we can appropriately employ in all  
12 circumstances.

## 15 5.7 Alternative Conceptions of “Identity”

17 When does the non-identity problem arise? The answer will be different depending  
18 on what conception of “identity” we employ. At one extreme, we can consider the  
19 strictest conceptions of identity. On the strictest conception, object A is identical  
20 with object B just in case A and B have all properties in common. When this  
21 strict conception is applied to the identities of objects or persons across alternate  
22 possible worlds, it implies that all events that influence and change us, even in  
23 infinitesimal ways, are identity determining. Thus, on this strictest conception, each  
24 of our properties—every property we now possess or ever will possess—is identity-  
25 determining. On this conception, I would be a different person if I had stubbed my  
26 toe on the way home from work, from the person I would have been in the world  
27 where I didn’t stub my toe, even if everything else about my life and the world were  
28 the same.

29 Of course this strictest conception is not the one we usually employ when think-  
30 ing about the problem of personal identity, nor is it the concept that is usually  
31 assumed by those who discuss the non-identity problem. It is certainly not the con-  
32 ception we apply in moral contexts, to identify the objects of our obligations: if I  
33 borrow books from my friendly, hopeful friends, they may become bitter and cynical  
34 if I don’t give them back. But it would be wrong for me to argue later that I didn’t  
35 owe the books to the bitter cynical people but only to the friendly hopeful ones I  
36 borrowed them from. As I decide whether or not to return their books, the facts  
37 about my friends’ identities that are relevant from the moral point of view do not  
38 include the changes that would arise in their personalities as a result of my failure  
39 to do so. What *is* relevant is that they are the ones who will suffer disadvantage  
40 if I fail to keep my obligations, that they are psychologically continuous with the  
41 persons from whom I borrowed the books, and perhaps other related characteristics.  
42 Which characteristics? Psychological connectedness is often regarded as a neces-  
43 sary condition for personal identity over time, we have noted above that it is clearly  
44 not relevant when we consider alternative possible future persons. It is not clear

01 what it could mean for one possible future person to be psychologically connected  
02 to another.

03 In discussions of the non-identity problem, it is frequently assumed that our identities  
04 are somehow fixed by our genetic code. But as we have seen above, we can  
05 reasonably question whether our genes determine identity in this way. In some cases  
06 where we need to identify the objects of present obligations, the relevant conception  
07 of a person's identity is not the one that naively associates identity with genetic  
08 makeup: for example, one might include provisions in a will for one's "fourth child,  
09 if any such exist." People with identical genetic makeup need not be the same person  
10 (they might be twins), and changes in genetic makeup need not imply changes  
11 in identity. Genetic differences are like any other physical difference we might  
12 have possessed. If we have no reason to regard those other physical differences as  
13 identity determining, at least in cases where they would not cause other significant  
14 differences, then we should regard genetic differences in the same terms.

15 What is the concept of "identity" that we should employ in non-identity cases? If  
16 we want to individuate the person in question for moral reasons—for the purpose of  
17 assigning responsibility or blame, for example, over the class of persons responsible  
18 for her or his existence—then this is not simply a problem in metaphysics. It is  
19 essentially a problem for moral theory. In this case, we need to find the relevant  
20 conception of "identity" by considering the use to which we intend to put it, and the  
21 theory we are applying when we employ it. Where the question involves responsibility,  
22 our theory concerning the identity-determining characteristics of future persons  
23 should capture what is significant about them from the *moral* point of view, and  
24 this may be quite different from other senses of identity that we use to individuate  
25 persons for other reasons, or within other theories and projects.

## 28 5.8 Future Persons as Vague but Identifiable Objects 29 of Present Obligations

31 Suppose that I am stranded on a desert island and I launch a bottle containing a note that  
32 says "if you find this message and bring it to my wife in New York, she will reward you  
33 with \$10,000." To whom does "you" refer in the context of my note? It refers to whoever  
34 finds the note. (If the note is never found, my use of "you" fails to refer.)<sup>9</sup>

36 On the Daily Show, on 13 March 2008, Kristen Schaal made a video message  
37 for "the first woman president of the United States." At the time, it was reasonable  
38 to suppose that the relevant recipient of this message might be Hillary Clinton, who  
39 was still a contender for the Democratic nomination. At present, we can identify the  
40 addressee of this video message by a definite description, we have no idea which  
41 person will come to fill that definite description. If the United States never elects a  
42 woman to the office of president, then as David Velleman suggests in the passage  
43 above, it will simply turn out that Schaal's message won't come to be addressed to  
44 anyone at all.

01 In the examples above, we can identify the person in question with some precision:  
 02 The finder of Velleman's bottle; the first woman President of the United States.  
 03 Sometimes a description like this will capture everything that is relevant about an  
 04 individual from the moral point of view. In fact, it might sometimes be *exactly* what  
 05 is relevant. The finder of Velleman's bottle, identified only by that description, will  
 06 be owed \$10,000. In a similarly ambiguous vein, I can refer to *you*: to the present  
 07 reader of this paper, where "*present*" refers to your "now," the time when you are  
 08 reading these words. As I wrote these words, of course, I didn't know who you  
 09 would be, or when your "present reading" of these words would take place. As an  
 10 author, I may hope for multiple referents, but I can still assure you that my words  
 11 now refer to *you*, and not to any of the other readers. Your identity is fixed as the  
 12 present reader of these words, as the person to whom they are addressed, and as the  
 13 individual to whom they refer.

14 Shortly after the publication of Parfit's book, Douglas MacLean considered a  
 15 novel criterion for identifying the future persons to whom our obligations are owed:

16  
 17 Perhaps we should insist on a person-affecting criterion for harm but a place-holder criterion  
 18 for wrong. Thus a person is wronged by an action if he is identified by a definite description  
 19 and is worse off than another action would make a person picked out by the same definite  
 20 description. This analysis may... seem artificial, but... it attempts to save two intuitions.  
 21 The first is that the identity problem should not matter to the moral evaluation of an act.  
 22 Who the members of a future generation turn out to be should not matter to the moral  
 23 assessment of our actions that determine their environment, opportunities, and quality of  
 24 life. Parfit would agree. The second intuition is that those who bear the consequences of  
 25 our reckless or selfish choices have a ground for complaint against us. Parfit goes to great  
 26 lengths to try to undermine this intuition and to expose its incoherence.<sup>10</sup>

27 As I understand it, MacLean's suggestion is that we should pick out future individuals  
 28 by a definite description that uniquely identifies the place they will occupy  
 29 when they come into existence. As MacLean urges, this view accommodates the  
 30 no difference thesis, while allowing that those who bear the consequences of our  
 31 bad choices have ground for complaint. MacLean articulated this view with some  
 32 precision, but did not develop it further and relegated it to a long (and fascinating)  
 33 footnote. Perhaps he was skeptical that his proposal could be effectively carried  
 34 through.

35 More recently, Jeffrey Reiman and Caspar Hare have made similar suggestions.<sup>11</sup>  
 36 Reiman suggests that choices involving future individuals should be made behind  
 37 a veil of ignorance that blinds us to the specific identities of those who will come  
 38 into existence and experience the consequences of our choices. Hare offers decisive  
 39 arguments against "moral actualism," the view that only the interests of *actual* people  
 40 (and not possible) are relevant for determining the moral status of an action.<sup>12</sup>  
 41 But Hare also articulates a conception of *de dicto betterness*, according to which  
 42 we should identify the future claimants (beneficiaries or victims) of present actions  
 43 according to a definite description. Hare considers an example in which Mary conceives  
 44 a damaged child, Mariette, when she could, by waiting, have conceived a  
 45 (different?) healthy child. Hare writes:



01 [Y]ou may have a feeling, as I do, that Mary’s wrongdoing is in a certain way personal—in  
 02 the way that there’s a special kind of relationship between Mary and Mariette. Mariette has  
 03 special grounds to feel aggrieved by what Mary did. But if Mary does wrong by making  
 04 the world worse, then this is mysterious. After all, nobody has a special complaint against  
 05 here. Everybody can complain “You have made things worse.” Nobody can complain “You  
 06 have made things worse for me.” The *de dicto* concern account puts a finger on Mariette’s  
 07 special grievance. Mariette alone can say, “You failed to show appropriate *de dicto* concern  
 08 for your child, and I am your child.”<sup>13</sup>

09 MacLean’s “place-holder criterion,” Reiman’s account of choice behind a veil  
 10 of ignorance, and Hare’s *de dicto betterness* all have the same general implication  
 11 for moral choice and decision making, and for identifying the victims of present  
 12 “identity determining” choices.<sup>14</sup> Indeed, I think these different suggestions are, for  
 13 the most part, different ways of articulating the same correct view. The difficulty,  
 14 as MacLean noted in his early paper, is to identify “a nonarbitrary way of knowing  
 15 when to apply a principle of wronging placeholders rather than persons.”<sup>15</sup>

16 To see what non-arbitrary criterion will work best, it is well to reflect on the  
 17 features that make the non-identity problem paradoxical: The problem is that  
 18 the identity problem seems to show that something that should not matter from  
 19 the moral point of view—the different possible identities of future persons—seems  
 20 to have great significance after all. Once we recognize that the articulation of the  
 21 problem employs a very specific concept of “identity,” and recognize in addition  
 22 that different conceptions of “identity” are appropriate in different circumstances,  
 23 we have new resources to address this problem. To find a non-arbitrary criterion, we  
 24 need to identify the conception of “identity” that is appropriately employed in cases  
 25 where the non-identity problem seems to arise.

26 My suggestion is a simple one. The paradoxical features are associated with the  
 27 normative and moral implications of these cases. Therefore it is our *moral* theory  
 28 that should determine the conception of identity that is relevant for these contexts. In  
 29 non-identity cases, our concern is to identify the victims, complainants, and perpe-  
 30 trators, and our normative intuitions should be an essential guide in these cases. We  
 31 have good reason to accept the no-difference thesis, and to assert that the alternate  
 32 possible identities of future persons are not relevant from the moral point of view.  
 33 So the appropriate conception of identity must be a conception that supports the  
 34 no-difference thesis. The only conception of “identity” that does this is the mini-  
 35 mal conception of identity (or the range of minimal conceptions) that prevents us  
 36 from individuating future individuals as possessing different identities in putative  
 37 non-identity cases.

38 If the no-difference thesis is true, then distant future generations will have a valid  
 39 complaint against us, members of the present generation, if we needlessly destroy  
 40 the resources they will need. But our obligation is to them not because of their  
 41 genetic makeup or their personalities or other characteristics that will be determin-  
 42 ing features of their “identities” once they exist. They will have “identities,” in some  
 43 important senses of that term, only after they come into existence. What picks them  
 44 out as the objects of our present obligations (and as our victims, should we fail to  
 45 meet our obligations) is simply the relationship that stands between their interests

01 and our choices. In this case, the “they” of “their interests” should be understood to  
 02 refer to their identities as given by a general “place-holder” description, as MacLean  
 03 suggests, not by their genetic makeup, or by their identities as particular Cartesian  
 04 egos, or by other characteristics of personality or person they may come to possess.

05 The place-holder conception suggested here is minimalist and vague, but in this  
 06 context it is both all we need, and exactly what we need. To see this, it helps to  
 07 consider the characteristics that identify people as victims and claimants in several  
 08 more conventional cases:

09 *The Boulder Roller:* Gimel is walking on a high path, rolling boulders down the mountain  
 10 for fun. There is a path below, and Gimel cannot tell whether there is anyone walking on  
 11 it. But his boulder-rolling imposes a serious risk of harm on anyone who might be hiking  
 12 there. In this particular instance, Gimel’s activity imposes unreasonable risks on Daleth,  
 13 who happens to be hiking on the path below. Her foot is crushed under one of the boulders  
 14 Gimel has recklessly sent down the mountain.

15 Obviously Gimel has an obligation not to roll boulders down the mountain.  
 16 But to whom is this obligation owed, and by what criterion should we identify  
 17 the claimants? The most plausible criterion is itself somewhat indeterminate: the  
 18 obligation is owed not just to Daleth, but to *anyone who might be walking on the*  
 19 *path below*. If there is no one on the path, then Gimel is lucky and his wrongful  
 20 action will not cause anyone harm. But the characteristics that we use to identify  
 21 the right-bearer, in this case, do not identify claimants by their personal physical  
 22 characteristics or by their “identities” in the sense of identity over time. The class of  
 23 individuals who might be on the path below is large and varied. Gimel’s obligation  
 24 is to any member of that class of people who might be affected by his reckless  
 25 behavior.<sup>16</sup>

26 What picks out Daleth as the object of Gimel’s obligation is that Daleth (i) is  
 27 among those whose interests are threatened by Gimel’s reckless behavior, and (ii)  
 28 that Daleth is in fact at risk, since she is on the path below Gimel. It is not Daleth’s  
 29 “identity” in most standard senses of that term, that pick out Daleth as an object  
 30 of Gimel’s obligations, it is a much more general sense of Daleth’s identity as “a  
 31 person who is put at risk by the behavior in question.” We should draw the same  
 32 conclusion in other “different person choices:” the characteristics that are relevant  
 33 for individuating future persons from the moral point of view do not include their  
 34 genetic makeup or other specific characteristics they may possess. But we can still  
 35 identify a definite description that uniquely picks out the persons to whom we have  
 36 obligations: they are simply “*the class of persons whose interests will be influenced*  
 37 *as the consequences of our present choices.*” Individuating future persons in this  
 38 way effectively smudges over the confusing conceptions of identity that generate the  
 39 *non-identity problem*. The putatively different possible people we might bring into  
 40 existence are *all the same* from the moral point of view. Just as it would be morally  
 41 wrong for me to distinguish the cynical bitter people my friends might become after  
 42 my broken promises from the happy hopeful people to whom I made my promises,  
 43 it is similarly wrong to distinguish between the different populations that might  
 44 come into existence as a result of our present choices. To make such a distinction  
 45 is simultaneously to make two different mistakes: One is a moral mistake, since the

01 criteria are moral criteria. But it is also a linguistic mistake, since it involves the  
02 articulation of a distinction where there is no relevant underlying difference.

03 While this suggestion may seem odd, it is not unfamiliar. There are many con-  
04 texts in which the persons who are the subjects of obligations are appropriately  
05 identified by similarly broad criteria that apply broadly to people who fit a given  
06 description. Consider the obligation not to shoot bullets into the woods when one  
07 cannot see whether there is anyone there, or the obligation to care for one's brakes  
08 in case one needs to stop suddenly for a pedestrian. These are ordinary obligations.  
09 In both cases, we identify the claimants by a general criterion, and any individual  
10 who fits the criterion has a valid complaint if the obligation is violated. "Anyone in  
11 the woods" has a claim against the shooter; and "Any pedestrian crossing the street  
12 in front of your car" has a claim against you if you failed to keep your brakes in  
13 good repair. And "anyone on the path below" has a claim against Gimel the boulder  
14 roller.

15 In the case of future persons, we cannot separate "the criteria by which we iden-  
16 tify future claimants" from "the criteria we use to identify our obligations to them."  
17 This is what it means to say that the concept of "identity," in these cases, is theory  
18 dependent. The relevant concept is the one that fits best in our moral theory, making  
19 best sense of other concepts that apply in these cases. Actions that are "identity  
20 determining" are said to change the properties or characteristics of future persons.  
21 But in non-identity cases, it is not just the persons who change. The concept of  
22 identity will also change as we apply it in different contexts.

23 *Stable "Identities" Across Alternate Possible Characteristics.* Note that some  
24 characteristics of future persons are stable across the kinds of cases most often  
25 identified as different person choices: If Mitzi and John conceive a child today, it  
26 might be identified as "Mitzi and John's fourth child." If they were to conceive  
27 a child two months from now, it would still be *their fourth child*. There is thus  
28 a definite description (*Mitzi and John's fourth child*) that uniquely identifies that  
29 individual, regardless of the difference in makeup that individual would have if *their*  
30 *fourth child* were conceived at different times. Before conception, there are many  
31 possible sets of properties that *their fourth child* might have: it might be male or  
32 female, it might or might not carry genes for baldness or shortness or blondness  
33 or brown eyes or any characteristic with a genetic link. As long as this child is  
34 a *person*, however, it is plausible to think that our obligations to this individual  
35 have everything to do with the characteristics that are stable (it would be *our* child  
36 whom we are responsible for bringing into existence) and little to do with other  
37 specific properties or characteristics it might possess. Like the general criterion that  
38 identifies the claimants and potential victims of Gimel's boulder rolling, the crite-  
39 ria that identify this individual as a person to whom we have special obligations  
40 do not in any way refer to his or her "identity" in the traditional philosophical  
41 senses of "identity." In the morally relevant sense—that is, the sense of "iden-  
42 tity" that we should use in considering our obligations to this person whom we  
43 might bring into existence—this child is the same child regardless of its genetic  
44 makeup, sex, or many other variable characteristics he or she may or may not  
45 possess.

01 If the future people are badly off because we deplete the earth of the resources  
 02 they will need, then in the relevant sense they are worse off than they (the future  
 03 people) would have been if we had behaved more responsibly. Of course, if we  
 04 had behaved more responsibly the persons who would have experienced the con-  
 05 sequences of our choices would have had different properties and different genetic  
 06 makeup. But in the relevant sense, from the moral point of view, this set of persons  
 07 is the same population.  
 08  
 09

## 10 5.9 Parfit and “The Descriptive View”

11  
 12 In his original discussion of the non-identity problem, Derek Parfit considers and  
 13 rejects a view that he calls “The Descriptive View.”<sup>17</sup> He does not devote much space  
 14 to this view, as he apparently regarded it as too obviously wrong-headed to consider  
 15 seriously. Parfit’s argument is in two main parts: First, he argues for a principle he  
 16 calls *The Time Dependence Claim*. Then he provides several arguments against what  
 17 he calls *The Descriptive View*. Since the *Descriptive View* is a very close relative of  
 18 the view I have described here, it will be important to consider Parfit’s objections to  
 19 it. Parfit first considers the following claim:

20 *The Time Dependence Claim* [TD]: If any particular person had not been conceived when  
 21 he was in fact conceived, it is *in fact* true that he would never have existed.<sup>18</sup>  
 22

23 Parfit notes that this claim is not obviously true, but he urges that it is non-  
 24 controversial and “easy to believe.” He refers to the physical continuity between  
 25 the ovum from which we developed and our present selves in support of this claim.  
 26 Parfit also articulates a more minimal principle, which he calls “TD2.”

27 *Time Dependence Claim 2* [TD2]: If any particular person had not been conceived within a  
 28 month of the time when he was in fact conceived, he would in fact never have existed.<sup>19</sup>  
 29

30 These claims are both associated with Parfit’s conviction that our identities are  
 31 fixed by the ovum from which we developed, and perhaps by our genetic makeup. It  
 32 is sufficient to note that the position defended in this paper does indeed reject Parfit’s  
 33 time dependence claim in both of its versions. It is, however, a *qualified* rejection of  
 34 this claim: I have argued that the concept “identity” is ambiguous, and that different  
 35 conceptions apply in different contexts, appropriate for different uses and functions.  
 36 I need not (and do not) claim, therefore, that the time dependence claim is *false*.  
 37 My claim is rather that there is a significant conception of “identity” for which the  
 38 claim is false, and that that this conception one that is often relevant from the moral  
 39 point of view. In point of fact, this conception is relevant in many contexts where  
 40 the non-identity problem arises, because the stricter conceptions of “identity” do not  
 41 pick out what is relevant from the moral point of view.

42 This is not to deny that there are many reasonable ways to use the concept “iden-  
 43 tity” for which TD and TD2 are true. It is thus the ambiguity of the concept that  
 44 leads us wrongly to think that TD and TD2 are both (i) obviously and uncontroversi-  
 45 ally true, and (ii) that their truth creates a problem for morality (the non-identity

01 problem itself). I have argued that the conception of “identity” that is relevant from  
 02 the moral point of view typically picks out (individuates) persons according to their  
 03 morally salient qualities. These qualities may be shared among the members of a  
 04 large class of possible and actual persons. When they are, it is quite appropriate for  
 05 us to identify actual individuals with other persons in this class, even if some of  
 06 these other persons have (or would have had) radically different properties.

07 Parfit then discusses “the descriptive view.” He offers two different versions of  
 08 this view:

09  
 10 *The Descriptive View* [DV]: Each person has several distinctive necessary properties. These  
 11 are this person’s most important distinctive properties, and they do not include having grown  
 12 from a particular pair of cells.<sup>20</sup>

13  
 14 *The Descriptive Name View* [DNV]: Each person’s name means “the person who. . .” For us  
 15 now, “Kant” means “the person who wrote the *Critique of Pure Reason*, etc.” A particular  
 16 person’s necessary properties are those that would be listed when we explain the meaning  
 17 of the person’s name.<sup>21</sup>

18 Parfit rejects both of these views on the ground that they have implications that  
 19 are “too implausible to be worth discussing.” For example, he writes of DNV, “I am  
 20 the second of my mothers’ three children. This claim implies absurdly that, if my  
 21 mother had conceived no child when she in fact conceived me, I would have been  
 22 my younger sister.”<sup>22</sup>

23 The view I have articulated in this paper is different from the descriptive view, but  
 24 is obviously related. The view I have described here does not imply that Derek Parfit  
 25 would in fact have been his younger sister. But it does imply that Parfit’s identity as  
 26 “the second of his mother’s three children” may be a significant aspect of his identity  
 27 in some contexts. This aspect of his identity, for example, would relevantly identify  
 28 him as the appropriate beneficiary of a codicil of any will if his mother mentioned a  
 29 “second child” as a beneficiary. But more strongly, it also implies that that it would  
 30 be appropriate for Parfit to identify himself with that role in any context where  
 31 this aspect of his identity is morally significant. Thus in the *Negligent Physician*  
 32 case described above, it is appropriate for Beth to identify with the non-disabled  
 33 child who might have been conceived, and appropriate to recognize her as having a  
 34 grievance against the physician whose wrongful behavior resulted in her disability.

35 In his objections to DV and DNV, Parfit fails to consider the possibility that  
 36 different conceptions of “identity” might appropriately apply in different contexts.  
 37 On the view I have described, different properties might distinctively identify an  
 38 individual depending on the conception of “identity” we are employing in different  
 39 circumstances. And this is just what we do in ordinary circumstances: If we are  
 40 trying to assign authorship credit for the *Critique of Pure Reason*, for example,  
 41 the relevant property for individuating the person who should receive credit is the  
 42 property of being the person who wrote the *Critique*. Analogously, when we’re con-  
 43 sidering who will be harmed by our *depletory policies* the relevant property is  
 44 that of being a future person who suffers from a disadvantageous condition that was  
 45 caused by our policy choice.

01 In articulating the various versions of TD and DV, Parfit never considers a view  
 02 of the kind proposed here. In fact, in spite of the vigorous attack on standard con-  
 03 ceptions of “identity” which Parfit pursues in Part III of *Reasons and Persons*, in  
 04 Part IV of the book Parfit seems to revert to an understanding of “identity” that is  
 05 strikingly similar to those he rightly takes himself to have overthrown in his earlier  
 06 arguments. Parfit was right to argue in Part III of *Reasons and Persons* that there  
 07 is no “deep further fact” about identity that makes us the individuals we are or  
 08 accounts for our persistence in time. When we consider the identities of persons  
 09 who do not yet exist at all, our tenuous natural language concept of “identity” is  
 10 simply stretched beyond the breaking point, applied to a context quite different  
 11 from the context in which this concept grew. It seems clear that the concept of  
 12 “identity” is complex, vague and ambiguous. This should make it less surprising to  
 13 find that our concept can’t simply be applied, without prior analysis, to new kinds of  
 14 problems.

15 Does the place-holder view ask the impossible? The view recommended here  
 16 does imply that Parfit’s mother should have identified her prospective child in broad  
 17 terms that would not distinguish between alternative possible children she might  
 18 have had. From that perspective and that time, she should not have distinguished  
 19 between the girl she might have conceived, and Derek Parfit himself. Does this mean  
 20 that Parfit would have been that child, if things had been different? In asking Derek  
 21 Parfit to identify with the child who might have existed if things had been different,  
 22 does the place-holder view ask something that is impossible or unreasonable?

23 I hope and believe that it does not. The truth of the claim “Parfit would have been  
 24 that child” turns out to depend on the conception of identity we employ when we  
 25 answer it. On some conceptions it is true, and on other conceptions it is false. The  
 26 situation is exactly the same with other ambiguous concepts we might employ, once  
 27 we specify the concept in a precise way that distinguishes among the ambiguous  
 28 meanings. Is it impossible to identify oneself with the relevant alternative people “one  
 29 might have been,” on this view? Again, I think not. To do so is simply to identify the  
 30 features we possess in common with these relevant alternatives, and to recognize  
 31 these features as the ones that are relevant from the moral point of view.

## 32 33 34 **5.10 Return to Erewhon**

35  
36 In Butler’s Erewhon, nonexistent future people have identities in a conventional  
 37 sense: they exist before conception and are connected, in relevant ways, to the peo-  
 38 ple they will be when they are born. What is peculiar about the Erewhonian world is  
 39 that the novel describes a world in which our standard concept of “identity,” the con-  
 40 ception employed in most discussions of “identity over time,” really does apply to  
 41 nonexistent future persons. In Erewhon, the non-identity problem might be thought  
 42 not to arise because there are continuously existing Cartesian souls who can be  
 43 made worse or better off, and who will exist (though perhaps with radically different  
 44 properties) in all of the different alternative possible worlds our choices might deter-  
 45 mine or select. Some people believe that our world is something like Erewhon, and

01 that babies are born with souls that exist in advance to be reincarnated. If they are  
 02 right about this, then the non-identity problem is a mistake, since the same souls  
 03 are waiting to be incarnated. Different futures may contain different individuals, but  
 04 these individuals would be the continuation of the same reincarnated souls.

05 But if they are wrong—that is, if we are not reincarnated beings nor Erewhonian  
 06 souls—the identity problem is *still* a mistake. The non-identity problem wrongly  
 07 invites us to apply a particular conception of “identity” in contexts where that  
 08 conception is singularly inappropriate and misleading. We should politely decline.<sup>23</sup>

## 10 Notes

- 11 1. Butler (1910).
- 12 2. I would like to take this opportunity to thank Derek Parfit for the many hours of pleasure  
 13 his work has provided for me. Although the view defended here implies that we should not  
 14 distinguish between the author of *Reasons and Persons* and the Parfits who might have existed  
 15 if things had gone differently, it does permit us to be pleased that things turned out the way  
 16 they did.  
 17 The discussion of the World of the Unborn is in Chapters 18–20 of Butler’s work.
- 18 3. Dawkins (2006).
- 19 4. De Shalit (1995).
- 20 5. Feinberg (1986).
- 21 6. Feinberg (1984), Mill (1980).
- 22 7. Broome (1997, 2004); Priest (2000, 2001).
- 23 8. I felt squeamish the first time I encountered the idea that truth might come as a matter of  
 24 degree, but it passed after several years of thought about the problem. I have now completely  
 25 recovered my composure and I’m quite comfortable with degrees of truth. But at least one  
 26 former colleague of mine regards this comfort as evidence of a moral or intellectual failing on  
 27 my part. For this reason, I will not rely on this view of truth or vagueness in the argument that  
 28 follows.
- 29 9. Velleman (2008), p. 237.
- 30 10. Maclean (1983), p. 196.
- 31 11. See Reiman (2007) and Hare (2007).
- 32 12. Hare (2007).
- 33 13. Hare (2007), p. 523.
- 34 14. In Wolf (1993) I defended a similar solution for the non-identity problem.
- 35 15. Maclean (1983), p. 196.
- 36 16. The set of individuals to whom Gimel has this obligation may even include some non-actual  
 37 persons who might have existed and might have been walking on the path below. We need not  
 38 think of non-actual persons as Erewhonian souls to consider that they might be involved in a  
 39 theory of obligation in this way.
- 40 17. Parfit (1982), pp. 351–353.
- 41 18. Parfit (1982), p. 351.
- 42 19. Parfit (1982), p. 252.
- 43 20. Parfit (1982), p. 353.
- 44 21. Parfit (1982), p. 353.
- 45 22. Parfit (1982), p. 354.
23. It is worth noticing that the view defended here raises problems of its own: in particular,  
 there is a question about the way in which the place-holder criterion would apply in the case  
 of different-number choices, where different numbers of people will exist depending on our  
 present choice. I believe that there is a natural way to accommodate this problem, but cannot  
 articulate it here.

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