Chapter 5
Do Future Persons Presently Have Alternate Possible Identities?

Clark Wolf

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

Keywords Personal identity · Definite descriptions · Possible worlds · Vagueness.

5.1 The Erewhon Hypothesis

In the novel *Erewhon*, Samuel Butler describes a fictional world where people believe in life before birth.[1] The Erewhonians believe that unborn souls constantly flutter around eligible parents, "giving them no peace either of mind or body until they have consented to take them under their protection" by giving birth to them. In order to be born, an Erewhonian soul must commit a kind of suicide, abandoning the felicitous advantages of the unborn to exchange them for the troubles and cares of life after birth. The exchange is not a good one: the unborn cannot be unhappy, and post-partum life is risky at best and tragically miserable at worst. So bad is the bargain of post-birth existence, that the very fact that one of the unborn desires to be born is taken as evidence that the individual's mind is not sound and that the choice may thus be involuntary. Any unborn soul wishing to be born must endure an extended court proceeding to prove that the choice is free and fully informed. Those who are able to win their case must take a potion to "destroy their memory and sense of identity. They must go into the world helpless, and without a will of their own; they must draw lots for their dispositions before they go, and take them,

C. Wolf (✉)
Philosophy and Bioethics, Iowa State University, IA, USA
e-mail: jwcwolf@iastate.edu

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such as they are, for better or worse." After birth, the infant is held to be entirely responsible for any disadvantages it may endure and for all the risks it must incur. The birth parents compel the newborn to sign (by proxy) a document in which the infant accepts full responsibility and absolves its parents of all liability for any of the damaging or disappointing incidents of life.[2]

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

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

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

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

5.2 Variations on a Theme by Parfit

It will be useful to consider just a few problematic moral choices that exemplify the problem in question. Readers of Derek Parfit's *Reasons and Persons* will immediately recognize the following examples as variations on themes from that book.

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

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

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

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

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

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

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

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

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

Harm. While it might seem that willful choice of policies that lead to environmental and human disaster are harmful to those who suffer, it has sometimes been argued that "harm" involves a counterfactual condition: A harms B only if A's wrongful action makes B worse off than B would have been if A had acted as he should have, instead of as he did.[5] Thus it would seem that those disadvantaged by the depletionary policy are not harmed by it, nor can Beth claim to have been harmed by the negligent physician whose faulty action led to her disability. Here the non-identity problem has had practical legal implications: U.S. Courts have been led by non-identity arguments to conclude that children who suffer disadvantage or disability as a result of malpractice cannot claim compensation if they would not have existed but for the malpractice in question.

Millian Liberalism. More broadly, those who find John Stuart Mill's conception of liberalism, as defended in *On Liberty*, might reasonably find the non-identity problem disturbing. According to Mill, it is wrong to limit liberties except to prevent harm to others.[6] Policies to mitigate damage due to climate change will limit

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

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

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

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

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

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

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

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

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

5.3 The No-Difference Thesis

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

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

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

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

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

5.4 Identity-Determining Choices and Identity-Determining Characteristics

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

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

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

Claim 1: "Any child my parents might have conceived that had the same genetic makeup as mine would have been *me*, even if other things were substantially different."
Claim 2: "Any individual with different genetic makeup from my genetic makeup would be a different person from the person I am."
Claim 3: "If the child my parents conceived had had a different genetic makeup from mine, that child would have been a different child—a different person—from the child I was."

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

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

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

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

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

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

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

automatically implies that our "identities," in the relevant sense of that word, are determined by our genetic makeup.

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

5.5 Ambiguous "Identities"

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

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

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

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

Note that C might be an individual property, or a collection of essential properties that make P the person she is. IP captures the idea that the identities of future persons depend on the properties they will possess, not on some kind of psychological connectedness among possible persons.

5.6 Vague "Identities"

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

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

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

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

ID: P is the same person after the change in C as she was before.
NI: After the change in C, P is no longer the same person P was before the change in C.

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

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

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

5.7 Alternative Conceptions of "Identity"

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

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

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

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

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

5.8 Future Persons as Vague but Identifiable Objects of Present Obligations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Obviously Gimel has an obligation not to roll boulders down the mountain. But to whom is this obligation owed, and by what criterion should we identify the claimants? The most plausible criterion is itself somewhat indeterminate: the obligation is owed not just to Deleth, but to *anyone who might be walking on the path below.* If there is no one on the path, then Gimel is lucky and his wrongful action will not cause anyone harm. But the characteristics that we use to identify the right-bearer, in this case, do not identify claimants by their personal physical characteristics or by their "identities" in the sense of identity over time. The class of individuals who might be on the path below is large and varied. Gimel's obligation is to any member of that class of people who might be affected by his reckless behavior.[16]

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

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

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

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

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

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

5.9 Parfit and "The Descriptive View"

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

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

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

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

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

This is not to deny that there are many reasonable ways to use the concept "identity" for which TD and TD2 are true. It is thus the ambiguity of the concept that leads us wrongly to think that TD and TD2 are both (i) obviously and uncontroversially true, and (ii) that their truth creates a problem for morality (the non-identity

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

Parfit then discusses "the descriptive view." He offers two different versions of this view:

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

> *The Descriptive Name View* [DNV]*:* Each person's name means "the person who. . ." For us now, "Kant" means "the person who wrote the *Critique of Pure Reason,* etc." A particular person's necessary properties are those that would be listed when we explain the meaning of the person's name.[21]

Parfit rejects both of these views on the ground that they have implications that are "too implausible to be worth discussing." For example, he writes of DNV, "I am the second of my mothers' three children. This claim implies absurdly that, if my mother had conceived no child when she in fact conceived me, I would have been my younger sister."[22]

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

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

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

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

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

5.10 Return to Erewhon

In Butler's Erewhon, nonexistent future people have identities in a conventional sense: they exist before conception and are connected, in relevant ways, to the people they will be when they are born. What is peculiar about the Erewonian world is that the novel describes a world in which our standard concept of "identity," the conception employed in most discussions of "identity over time," really does apply to nonexistent future persons. In Erewhon, the non-identity problem might be thought not to arise because there are continuously existing Cartesian souls who can be made worse or better off, and who will exist (though perhaps with radically different properties) in all of the different alternative possible worlds our choices might determine or select. Some people believe that our world is something like

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

But if they are wrong—that is, if we are not reincarnated beings nor Erewhonian souls—the identity problem is *still* a mistake. The non-identity problem wrongly invites us to apply a particular conception of "identity" in contexts where that conception is singularly inappropriate and misleading. We should politely decline.[23]

Notes

1. Butler (1910).
2. I would like to take this opportunity to thank Derek Parfit for the many hours of pleasure his work has provided for me. Although the view defended here implies that we should not distinguish between the author of *Reasons and Persons* and the Parfits who might have existed if things had gone differently, it does permit us to be pleased that things turned out the way they did.

   The discussion of the World of the Unborn is in Chapters 18–20 of Butler's work.
3. Dawkins (2006).
4. De Shalit (1995).
5. Feinberg (1986).
6. Feinberg (1984), Mill (1980).
7. Broome (1997, 2004); Priest (2000, 2001).
8. I felt squeamish the first time I encountered the idea that truth might come as a matter of degree, but it passed after several years of thought about the problem. I have now completely recovered my composure and I'm quite comfortable with degrees of truth. But at least one former colleague of mine regards this comfort as evidence of a moral or intellectual failing on my part. For this reason, I will not rely on this view of truth or vagueness in the argument that follows.
9. Velleman (2008), p. 237.
10. Maclean (1983), p. 196.
11. See Reiman (2007) and Hare (2007).
12. Hare (2007).
13. Hare (2007), p. 523.
14. In Wolf (1993) I defended a similar solution for the non-identity problem.
15. Maclean (1983), p. 196.
16. The set of individuals to whom Gimel has this obligation may even include some non-actual persons who might have existed and might have been walking on the path below. We need not think of non-actual persons as Erewhonian souls to consider that they might be involved in a theory of obligation in this way.
17. Parfit (1982), pp. 351–353.
18. Parfit (1982), p. 351.
19. Parfit (1982), p. 252.
20. Parfit (1982), p. 353.
21. Parfit (1982), p. 353.
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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