

# Intergenerational Justice

*Edited by*  
**Lukas H. Meyer**



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# Intergenerational Justice

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**Intergenerational Justice**

*Lukas H. Meyer*

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# Series Preface

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Justice is one of the most enduring and central concepts within applied philosophy, and generates a vast and varied literature. This six-volume *International Library of Justice* series meets a number of distinct needs. The first volume, *Theories of Justice*, edited by Tom Campbell and Alejandra Mancilla, comprises a selection of some of the most important essays on the general theory of justice published over recent decades. One interesting aspect of this literature is the renewed attention that is being given to the notion of desert within theories of justice. Two further volumes, edited by Larry May and Paul Morrow, and Julian Lamont, respectively, deal with two traditional topics in justice that have undergone significant development in recent years – namely procedural justice, particularly with respect to constitutional law, and distributive justice, taking in important recent work on egalitarianism. Another two volumes, edited by Christian Barry and Holly Lawford-Smith, and Lukas H. Meyer, respectively, focus on the application of justice to less familiar areas, such as global institutions as they bear upon contemporary problems relating to extreme poverty and intergenerational justice. The sixth volume, *Justice and the Capabilities Approach*, edited by Thom Brooks, concentrates on the recent influential work by Amartya Sen and Martha Nussbaum on the relevance the concept of human capabilities in the formulation of policy on distributive justice, especially in developing countries.

Given the political priority that accrues to those matters that are categorized as having to do with justice, there is a tendency to extend the term beyond its distinctive uses and incorporate a very wide range of social values that relate to the proper ordering of social and political relationships. While the editors of each volume have striven to resist this inflation of the term ‘justice’ to cover all aspects of right human relationships, inevitably there is, in each volume, a substantial overlap with the bodies of literature concerned with the ideals of equality, reciprocity and humanity.

One such overlap arises with respect to rights, particularly human rights. Indeed, in some fields the discourse of justice has been largely overtaken by that of rights. The significance of this shift in emphasis within political rhetoric, which is one of the themes that features in *Theories of Justice*, recurs within the subsequent selections, raising interesting questions concerning contemporary political priorities and differing institutional approaches to social order.

The volumes in this series will assist those engaged in scholarly research by making available some of the most important contemporary essays on particular topics within the contemporary discourse of justice. The essays are reproduced in full, with the original pagination for ease of reference and citation.

The editors have been selected for their eminence in the study of law, politics and philosophy. Each volume represents each editor’s selection of the most seminal recent essays in English on an aspect of justice. The Introductions present an overview of the issues in that particular volume, together with comments on the background and significance of the selected essays.

TOM CAMPBELL

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# Introduction

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## Overview

The subject matter of ‘justice between generations’ or ‘intergenerational justice’ is the transgenerational respect for the rights of and the fulfillment of duties vis-à-vis future and past generations. This reflects a broad understanding of justice (see Mill, 1863, ch. 5), according to which justice applies to intergenerational relations if future or past generations can be viewed as holding legitimate claims or rights<sup>1</sup> against present generations, who in turn have correlative duties to future or past generations. All those born within a certain period of time belong to one generation. In the philosophical literature, ‘justice between generations’ typically refers to the relations between non-contemporaries whose lifetimes do not overlap. In contrast, ‘justice between age groups’ refers to the relations of people whose lifetimes do overlap (Laslett and Fishkin, 1992).

One of the legitimate claims of future generations vis-à-vis present generations appears to be a claim of distributive justice: Depending on the understanding of the relevant principles of distributive justice to be applied, if there is an intergenerational conflict of interests, present generations may be obliged by considerations of justice not to pursue policies that create benefits for themselves but impose costs on those who will live in the future. John Rawls first discussed systematically the distributive duties of justice vis-à-vis future generations (Rawls, 1971 and Chapter 2). Rawls refers to the question of the just savings rate investigated by Frank P. Ramsey (1928). Besides Rawls, Jan Narveson (1973 and Chapter 1), Brian Barry (1977, 1989, 1995 and Chapter 9), Derek Parfit (1976, 1982, 1984, 1986 and Chapter 3), and David Heyd (1992, 2009 and Chapter 4) have contributed most to an understanding of the ethics of intergenerational relations.

The philosophical field of research can be divided into three areas: First, considerations concerning the very possibility of intergenerational justice, in particular concerning the question of whether (distant) future people can be bearers of rights vis-à-vis currently living people; second, interpretations of the significance of historical injustice; and, third, investigations into what substantively is owed to future (and past) people and what weight we should give to fulfilling our intergenerational obligations. As considerations of intergenerational justice are of central importance in providing an interpretation of what ought to be done in responding to the global problem of climate change, ‘Climate Justice’ has become a field of applied intergenerational justice. This volume collects essays that, taken together, provide insights into all these fields of research.<sup>2</sup>

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<sup>1</sup> In the following I will speak of moral rights and legitimate claims interchangeably, but nothing hinges on this as long as it is understood that having a legitimate claim implies another person or persons standing under the correlative duty to respond to the claim.

<sup>2</sup> Previously published collections on (aspects of) intergenerational ethics include Sikora and Barry (1978), Partridge (1981b), Fotion and Heller, (1997), Laslett and Fishkin (1992), Dobson (1999),

### **The Non-Identity Problem: Harming Future People**

A central problem of the first area of research noted above is the non-identity problem. The non-identity problem systematically raises doubts about the possibility of currently living people harming future persons' interests and, thus, threatens to undermine the very possibility of future people being bearers of welfare rights vis-à-vis currently living people.<sup>3</sup> A person is treated unjustly if she wrongfully suffers harm by being hindered in the pursuance of basic interests and by having her rights violated. The harmed person may have a just claim to compensation. According to our common understanding of harm – the hypothetical-historical understanding – an action harms a person only if owing to the action she is worse off at some later time than had the action not been carried out. The non-identity problem relies on the claim that currently living people cannot harm future people in that way. Many, if not most, actions carried out by currently living people will affect not only the conditions of life of future people but also the very composition of future people – that is, the number, existence and identity of future people; this is also true for actions that are typically regarded as harmful for future people. However, if not carrying out the seemingly harmful action meant that the seemingly harmed person did not exist, then this person cannot be considered harmed by the action having been carried out. This is at the heart of the non-identity problem (see Parfit, Chapter 3; also: Woodward, 1987; Buchanan et al., 2000; Benatar, 2006). The person who in her very existence depends upon the seemingly harmful action being carried out cannot be considered worse off owing to the action than had the action not been carried out. For then the person would not exist – and for the sake of argument we assume she has a life worth living.

In response to the non-identity problem, some hold that 'contingent future people' – that is, people whose existence as such persons is dependent upon currently living people's actions – cannot be the bearers of rights vis-à-vis currently living people and their carrying out such acts (De George, 1981; Heyd, 1992; Heyd, Chapter 4). Others argue that, while currently living people cannot harm future people, they can violate contingent future people's rights: the violation of some rights of a person may best be understood as not presupposing a setback of her interests (Kumar, Chapter 20). Other philosophers make attempts at reducing the practical significance of the non-identity problem. First, they limit the relevant acts to those which are not only likely but necessary conditions of the existence of the affected person (see, as discussed by Kumar, Roberts, 1998, §§ 3.4 and 3.5; also: Simmons, 1995; Gosseries, 2004b, ch. 2). Second, they make an attempt at delineating a notion of harm for which the non-identity problem does not arise (Shiffrin, Chapter 8). According to the threshold notion of harm, an action is then harmful for a person if as a consequence of the action the person falls below a normatively defined threshold of well-being – this is being understood as a sufficient notion of harm only (Meyer, 2003). The non-identity problem does not arise

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Meyer (2004a), Ryberg and Tännsjö (2004), Miller and Kumar (2007), Gosseries and Meyer (2009), and Roberts and Wasserstein (2009).

<sup>3</sup> Some theorists have denied that future people can have rights (or legitimate claims) vis-à-vis currently living people on different grounds: Owing to the fact that they will live in the future or that currently living people cannot relate to future people as individuals or that non-contemporaries cannot cooperate with each other. Also it has been claimed that, for future people to have rights vis-à-vis us, we would have to ascribe a right to existence to them. For a discussion of these questionable views, see Meyer (2008), § 2.

because, according to the threshold notion of harm, identifying the harm caused does not rely on a hypothetical comparison with the situation in which the harmful act was not carried out. Relying on such a notion of harm will limit the significance of the non-identity problem to differing degrees depending upon how the threshold is substantively defined.

### **Historical Injustices and Their Consequences**

People living today can be considered as indirect victims of injustices committed against other people in the past. Owing to the consequences of these past injustices, the indirect victims suffer harm.<sup>4</sup> The non-identity problem can also threaten to undermine indirect victims' claims to an apology (Thompson, Chapter 8; Brooks, 1999) or to compensation for the consequences of historical injustice committed against other people in the past (Meyer, 2003, pp. 149–58). For these injustices can belong to the (necessary) conditions of the existence and identity of those who today make these claims. Then they cannot be considered harmed by these actions according to the common (the hypothetical-historical) understanding of harm. However, the indirect victims can claim compensation according to the threshold understanding of harm when, owing to the consequences of the historical injustice, they are worse off than they, today, ought to be.

Also, the successors of the original victims can claim compensation for the harm they suffered since conception, namely owing to the consequences of an additional harmful wrong they themselves suffered: the consequences of the fact that the direct victims or previous indirect victims were not (fully) compensated (Sher, Chapter 19). So understood, the indirect claims to compensation can rely on the hypothetical-historical understanding of harm: They would have been better off had their parents or (great-)grand-parents been fully compensated. The flipside of this way of understanding the claims of indirect victims is that the descendants of the perpetrators may be thought to stand under the correlative obligations to provide measures of compensation to the indirect victims. Often the descendants of perpetrators can be considered as beneficiaries of the wrongs committed by their predecessors. '[I]f it is accepted that they ... have rectificatory obligations to others, then they are innocent only insofar as they act reasonably promptly to fulfil the said obligations' (Butt, Chapter 21, p. 467 below). If they fail to fulfill their obligations they commit the additional wrong of not providing compensation to the indirect victim in time.

Further main issues in this second area of research noted above are the supersession of historical claims and the question whether currently living people can have duties vis-à-vis deceased persons. If the validity of property rights (or all moral claim rights, including property rights) depends upon their contributing to their bearers being able to realize certain values (for example, the value of living an autonomous life), then their validity may depend upon the circumstances.<sup>5</sup> Accordingly, the (long-)lasting effects of historical injustices, not the injustices themselves, to be sure, can be justified owing to changed circumstances. For example, even if today's structure of ownership and distribution of property rights were

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<sup>4</sup> For interpretations of the normative significance of the consequences of past wrongs, see also Ackerman (1997) and Pogge (2004).

<sup>5</sup> For an alternative, namely backward-looking and procedural understanding of property entitlements, see Nozick (1974).

correctly interpreted as the result of, *inter alia*, historical injustices, say wrongful takings, today's distribution of property rights may still be considered legitimate if, under current conditions, the distribution can be shown to contribute sufficiently well to the realization of the relevant values (Lyons, Chapter 16). Then the historical injustices would be 'superseded' (Waldron, Chapter 17 and 2004). However, even in the case of distant historical injustices it is very difficult to show that the consequences of these injustices have been superseded owing to changed circumstances; this depends on our understanding of the grounds of property rights, on our understanding of what changes of circumstances are necessary for the supersession to occur and if we find these changes to have occurred (Patton, 2004; Meyer 2007).

### **Duties vis-à-vis Past People**

For the sake of the argument let us assume that an historical injustice has been superseded and that the past wrong has no identifiable harmful effects on currently living or future people. Then nobody stands under any obligations to provide measures of compensation for the historical injustice. Even if that were so, we still face the fact that past people were victims of this injustice. The question then is whether this fact is normatively significant. Many find it intuitively plausible that present generations can have duties to deceased victims owing to the wrongs committed against them (by others) in the past: for example, that currently living people ought publicly to acknowledge them as victims of injustice. Whether this view can be defended – that is, that we have duties to past generations that are grounded in past deeds – seems to depend upon the normative status of deceased persons and, in particular, deceased victims of injustice.

The most straightforward defence would consist of showing that deceased people have rights vis-à-vis currently living people. However, this seems to presuppose that people continue to exist after their physical death and that they may be affected by (and affect) events of this world. These assumptions about the ontological status of previously living people are at least as controversial as their converse (Mulgan, 1999, pp. 54–5). Neither of these assumptions seems qualified to serve as starting points of a philosophical defence of duties vis-à-vis past people.

Some philosophers have argued that we can defend the view without relying on either assumption. Rather, they assume that upon a person's death any causal interaction between her and the physical world as we know it ceases completely. Thus neither can deceased people be bearers of interests or rights, nor can those presently alive harm or wrong deceased people. Nevertheless, currently living people can have duties vis-à-vis deceased people, or so they argue. According to one understanding, people's future-oriented interests that concern what are for them posthumous states of affairs can be violated when these people are alive (Pitcher, 1984; Feinberg, 1984; also: Feinberg, 1977, pp. 301–2; Feinberg 1980; Partridge, 1981a). However, in this explanation the posthumous harm – for example, the posthumous defamation of a past victim of an injustice as having deserved to be treated in that way – must have occurred before the death of the person. This seems to presuppose a deterministic understanding of the occurrence of the harmful action. It is also questionable whether the interpretation is an interpretation of posthumous harm as such rather than of harm to living people that is caused by posthumous events (Waluchow, 1986; Gosseries, 2004b). According to a second explanation, currently living people can have (imperfect) duties vis-à-vis deceased

people without the deceased holding correlative rights. Rather, the future-oriented rights that the deceased had while alive imply the reasons for attributing duties to people living today. These duties survive the deaths of the bearers of the correlative rights (Wellman, 1995; Meyer, Chapter 5, pp. 80–84 below; Meyer 2005, ch. 3). A further question is whether we can plausibly interpret practices of public commemoration of historical injustices at least in part as reflecting surviving duties towards the deceased victims of these injustices (Meyer 2004b; Meyer, 2005, chs 4 and 5; Thompson, 2009, chs 4–7).

### **Saving for Future People**

I now turn to the third area of philosophical research noted above, namely to substantive questions of intergenerational justice. As already mentioned, legitimate claims of future generations vis-à-vis present generations can be understood as claims of distributive justice so that currently living people may not use up all resources for their own sake or simply impose the costs of their undertakings on those who will live in the future. John Rawls first systematically analyzed the distributive duties of justice vis-à-vis future generations. He discusses what we owe to future people as a matter of the just savings rate. Here, savings include all resources to which future people will have access no matter whether currently living people planned to set them aside for them or not. Rawls justifies the savings rate as the result of a decision taken in the hypothetical decision situation, that is, his ‘original position’. Rawls first assumed that all generations are being represented in the original position. However, the relations between non-contemporaries do not reflect the ‘circumstances of justice’ (Rawls, 1971, pp. 148–52): Currently living people cannot cooperate with previously living people; the latter can benefit and harm the former but not the other way around. There are ways to extend the notion of reciprocity to fit the relations between people belonging to differing generations, most obviously when the time spans of the generations overlap (Gosseries, Chapter 12). However, these extensions have their limits and it would be extremely far-fetched to think of all generations standing in a normatively significant relation of reciprocity towards each other. This is the source of what has been dubbed the ‘pure intergenerational problem’ (Gardiner, Chapter 14).

In any case, Rawls suggests an alternative understanding of the intergenerational original position: The representatives all belong to one and the same generation but when their generation will exist they do not know (Rawls, Chapter 2, pp. 18–19 below). For contemporaries the circumstances of justice hold. However, as their representatives in the intergenerational original position so conceived cannot know whether previous generations saved for them, Rawls first stipulated a motivational assumption according to which representatives care about their successors and thus will want to save for them no matter whether previous generations saved for them or not (*ibid.*, p. 19). In his later work Rawls gives up this motivational assumption and understands the problem that previous generations did not fulfill their duties as specified by the just savings principle as a problem of non-ideal theory (Rawls, Chapter 10, esp. pp. 211 and 221–2). For ideal theory strict compliance with the principles as adopted in the original position is assumed. Thus the savings rate as adopted in the original position has ideal validity for all generations (Rawls, 1993, pp. 385–6). To be sure, holding the savings principle to be ideally justified in this sense does not necessarily suffice to motivate an agent to act accordingly and, *a fortiori*, when she knows that past

societies did not and many current societies do not comply with the principle. Rawls does not address the question of what other than the purely moral motivation to do the morally right thing may in fact sufficiently motivate people to care for the well-being of distant future people. Practically speaking, this is the most important issue (Birnbacher, Chapter 9; also: Birnbacher, 1988, pp. 140–79; Jonas, 1979, pp. 63–4).

Rawls distinguishes two phases of societal development for the application of his distributive principle of just savings. Currently living people have reason to save positively for future people (so that future people will have more resources at their disposal than they themselves) if such savings are necessary ‘to establish (reasonably) just basic institutions... and to secure a social world that makes possible a worthwhile life for all its citizens’ (Rawls, Chapter 10, p. 211 below) – in the so-called accumulation phase. When just basic institutions have been established, positive saving is no longer required. Saving then serves the maintenance of just institutions in a sustainable manner (Barry, Chapter 9). In that second stage – known as the steady-state stage – people ought to leave their descendants at least the equivalent of what they received from the previous generation, namely, as Rawls understands it, ‘the conditions needed to establish and to preserve a just basic structure over time’ (Rawls, 2001, p. 159).

Rawls’ savings principle provides us with a particularly sensible substantive interpretation of intergenerational sufficientarianism. Sufficientarianism requires that we ought to be concerned with the absolute level of well-being of persons by giving high priority to fulfilling the claim of all people, including future people, to live under conditions that allow them to have a sufficiently good or decent life (Meyer and Roser, Chapter 11). However, how many people will live in the future needs to be taken into account in determining the just savings rate (Heyd, 1992; Dasgupta, 1994; Casal and Williams, 1995; Gosseries, 2001). A growing population can bring about that if, as Rawls requires of us in that second stage, we were to leave our descendants the equivalent of what we received from the previous generation, future generations may not be able to maintain a just basic structure of institutions: As more people are likely to use up more resources in fulfilling their basic needs, less resources would be left for the preservation of just institutions. One response to this problem is to adjust to the size of the future population how much currently living people ought to hand down to or preserve for future people (Barry, Chapter 9).

The issue of how to understand the significance of the expected size of the future population for specifying obligations of distributive intergenerational justice brings us back to the non-identity problem, this time with respect to the possibility of currently living people benefiting future people: Insofar as their population policies influence people’s procreational choices, do policy-makers have reasons to make an attempt at increasing or decreasing the size of the population out of regard for possible future persons? (Analogously at the individual level: When potential parents make decisions about having children or not, do they have reasons out of regard for the interests of their possible future children to bring them into existence or to refrain from doing so?) Many have contributed to the debate on whether and how an asymmetry of our procreational duties can be justified (Narveson, Chapter 1; Narveson, 1973; Parfit, 1976; Govier, 1979, p. 111; Heyd 1992, pp. 96–7, 102, 105–6, 241–2; Mulgan, 2006, ch. 6). The claimed asymmetry is the following: While prospective parents have no obligation to procreate out of regard for the interests of possible future children, even if they can expect that their would-be children will be very happy, they have an obligation not to beget children who are going to be miserable (and analogously for policy-makers: while out of regard for the

interests of possible future people they have no obligation to increase the number of happy lives, they have an obligation to hinder the bringing into existence of seriously miserable people). There is also a related problem: Many, if not most, of us hold we ought to help people to extend their lives as long as they are worth living or, in other words, that we have an obligation to increase the length of existing happy lives. But it is less than obvious that this claim is compatible with holding that we have no obligation to increase the number of happy lives (Arrhenius, Chapter 13). Whether we can hold both views coherently will depend upon our understanding of the normative relevance of the non-identity problem for benefiting persons: The non-identity problem concerns not only the possibility of harming possible future people but, in an analogous way, the possibility of benefiting possible future people. If benefiting a person means to act in such a way that she is better off at some later time had we not carried out the action, and if not carrying out the seemingly beneficial action means that the seemingly better-off person did not exist, then this person cannot be considered benefited by the action having been carried out. Then out of regard for the interests of possible future people we could not hold an obligation to bring happy people into existence, but out of regard for the interests of existing persons we might hold an obligation to benefit them by, for example, extending their happy lives (Parfit, 1984, pp. 487–90).

Satisfying people's basic needs or protecting their basic human rights can count as a minimal demand of justice. Accordingly the establishment and preservation of conditions under which basic needs can be satisfied is a minimal demand of intergenerational justice (Brundtland et al., 1987, p. 47). Here I will presuppose that future people can legitimately claim that much and that currently living people hold the corresponding duties of justice vis-à-vis future people. However, according to 'pure time preference' temporally distant benefits are less important than temporally close benefits and, normatively speaking, protecting the just claims of future persons is less important than protecting the current or less distant claims of contemporaries (or future persons) even if everything else – except the time of the realization of these claims – remains the same. Thus, even though future people are considered to be bearers of just claims vis-à-vis currently living people, their claims ought to have little or close to no weight in our practical deliberation – how much depends on the 'discount rate' to be applied. Typically, philosophers reject pure time preference since from the perspective of those who ought to count equally, namely the bearers of just claims, nothing seems to speak in favour of holding that, for example, satisfying their basic needs is less important for them when they happen to be in a dire situation in fifty years' time rather than now (see, for example, Parfit, 1984, pp. 480–86; Cowen and Parfit, 1992).

However, we may have reasons for valuing temporally distant benefits less than temporally close ones without implying that this must be so due to pure time preference (Broome, Chapter 6; Parfit, 1984, pp. 487–90; Caney, 2009; Meyer and Roser, 2011). For example, because many commodities are less valuable for wealthy people than for poor people, wealth is a circumstance that affects the value of benefits. If future people really can be expected to be wealthier, then it is this correlation (and not time itself) that explains that we have more reason to confer the commodities to people who are temporally closer to us – and if, in fact, the situation were reversed, we should discount in favour of future people. Discounting based on such a wide understanding of time preference – for which we might have a good number of reasons – is compatible with rejecting pure time preference.

## **Climate Change and Intergenerational Justice**

Intergenerational justice in both time dimensions – namely what currently living people owe to future people and how to interpret the normative significance of what past people did – is of central importance in providing an interpretation of what ought to be done in responding to climate change. Among key features of climate change are the following (IPCC, 2007): So-called greenhouse gases in the atmosphere affect the climate on planet earth. Since industrialization, humankind has added to their concentration significantly, in particular through carbon dioxide emissions. People realize numerous benefits when they engage in emission-generating activities, such as developing infrastructure, producing industrial goods as well as food, driving cars or engaging in deforestation. It is very probable that the effects of the emissions of these human activities will be harmful overall rather than beneficial. As far as the harmful effects are concerned, it does not matter where on the globe the emissions causing them occur. And much of the climate change that is caused by emissions materializes with a time lag of several decades after the occurrence of those emissions. From the perspective of intergenerational justice the most important fact is that, even though industrialization in the developed countries is responsible for a large part of the build-up in greenhouse gases, people in the developing countries – in particular those living in the future – will suffer disproportionately more from climate change. Developed countries, despite hosting a clear minority of the world's population, were responsible for more than three times as many emissions between 1850 and 2002 than developing countries (Baumert et al., 2005, p. 32). At the same time, people of the developing countries – in particular those living in the future – will suffer disproportionately more from climate change. Developing countries are more vulnerable to climate change due to geographical factors (such as higher temperatures, even before climate change), higher reliance on agriculture, which is an especially vulnerable sector, and lower adaptive capacities (IPCC, 2007, esp. § 3.3). We face an asymmetry: the asymmetry of, on the one hand and on the side of the developed countries, having main historical and causal responsibility for climate change as well as large benefits from emission-generating activities and small damages from the resulting climate change and of, on the other hand and on the side of the developing countries, having comparatively little historical and causal responsibility as well as small benefits from emission-generating activities but large (current as well as future) damages from the resulting climate change. This asymmetry suggests that, normatively speaking, the problem of climate change can be understood as a distributive intergenerational problem with a significant historical dimension.

First, let us look at the intergenerational dimension with respect to the future. Here the question of intergenerational justice is concerned with the duties of present generations (of both developing and industrialized countries) towards future generations in view of the fact that the present emissions affect the environmental conditions of the future. This can be understood as a question of distributive intergenerational justice. In order for a question of distributive justice to arise, a certain amount of a given good must be available for distribution. The given good in question here is benefits from emission-generating activities. Emitting itself is not beneficial but rather the activities which have emissions as their necessary by-product. Nature by itself does not set a 'natural' stopping point for our emitting greenhouse gases. This is different in many other cases of distributive justice where the good in question is strictly (or somewhat) limited, such as land or GDP. So, if there is to be a maximum limit on emissions, it has to be

determined by us – it cannot be taken as given. The most straightforward justification of a maximum limit on emissions follows the lines of the section ‘Saving for Future People’ above:<sup>6</sup> Assuming that future people will suffer serious harm in terms of the violation of their basic rights when temperatures rise above a certain level and, further, that currently living people can hinder such temperature rise by limiting their emissions to a certain amount, a global cap on emissions is required for currently living people to be able to fulfil their minimal duties of justice vis-à-vis future generations. In imposing a global cap on emissions, currently living people will help to establish or preserve conditions of life for future people that will allow them to have a sufficiently good or decent life. Of course, this line of reasoning presupposes both that currently living people can harm future people and that the protection of future persons’ basic rights (or the fulfilment of their basic needs) gives them reason to act. That is, justifying a global cap on emissions as a matter of intergenerational justice<sup>7</sup> presupposes a response to the non-identity problem along the lines in the section above on ‘The Non-Identity Problem’ so that future people can have welfare claim rights vis-à-vis currently living people. It also presupposes the rejection of ‘pure time preference’ so that protecting the just claims of future persons cannot be considered to be insignificant, normatively speaking, as explained in the section ‘Saving for Future People’ above.

A second important question of climate justice concerns the division of emission rights (given that they are to be limited) and other burdens and benefits among the present generations, in particular between developing and industrialized countries. On the face of it this is a question of global distributive justice, but it is a question which, some philosophers have argued, must take into account intergenerational relations, namely the differing levels of both past emissions and future vulnerabilities (Caney, Chapter 15). A number of objections have been raised against taking into account past emissions. Colloquially put, some of the important and often raised objections are (see also Posner and Weisbach, 2010, ch. 5): First, I cannot be responsible for the sins of my ancestors; second, my ancestors cannot be blamed for their emissions since until recently people did not know about their harmful effects for future people; and, third, in any case, people living today would not exist as the persons they are had previously living people not engaged in the emission-generating activities as they did and thus nobody is better or worse off owing to the emissions of previously living people. However, it is questionable whether these objections justify not taking into account all past emissions and their consequences from the perspective of distributive justice. If we are concerned with the distribution of benefits from emission-generating activities during the whole lifespan of individual people, then we should take into account currently living people’s benefits from their own emission-generating activities since their birth. Also, and again since their birth or conception, currently living people have benefited from past people’s actions that have emissions as a side-product and, as indicated above, highly unequally so. These ways of taking into account the consequences of (some of the) past emissions is not open to the first and the second objection as stated. Also, the non-identity problem, on which the third objection is

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<sup>6</sup> The following essays in this volume provide detailed analyses to work out the following sketch of an argument: Barry (Chapter 9), Meyer and Roser (Chapter 11), Gardiner (Chapter 14) and Caney (Chapter 15). See also Wolf (2009) and the contributions in Gardiner et al. (2010).

<sup>7</sup> Other considerations, such as considerations of international justice and the significance of the relations between humans and the rest of nature, may play a role in determining such a quota. On the former, see Gosseries (2007); on the latter, see, for example, von der Pfordten (1996).

based, is not relevant as the two ways of taking past emissions into account concern the distributive effects of emission-generating activities since after the identities of people have been determined, namely since their birth or conception (Meyer and Roser, Chapter 22).

While climate change has a historical dimension it can hardly be described as a typical case of historical injustice, as the second objection correctly points out. Climate change does not raise most of the issues we face when we seek adequate ways of responding to typical cases of historical injustices, such as the Nazi genocide committed against the European Jews, the enslavement of millions of Africans in the Americas or the forceful expulsion of indigenous peoples from their territories during the colonization of the Americas and Australia.<sup>8</sup> The case of climate change differs from these standard instances of historical injustice in a number of ways. First, the activity that constitutes the problem (that is, emission-generating activities and their long-term consequences) is not something that is wrong *per se* (such as genocide or slavery), but rather is only wrongful when done excessively. Second, until recently (though it is debatable until when exactly – La Rovere et al., 2002; Gosseries, 2004a<sup>9</sup>) people could not be blamed for not knowing about the long-term harmful consequences of the emissions they generated as a by-product of their activities. Third, in the case of climate change the situation is that earlier (and past) generations of one region (the North) directly affect(ed) something to the detriment of later (and currently living) generations of the other region (the South). When it comes to the harmful consequences of climate change, so far at least we have very few past victims (and indirect victims) and, owing to the first two observations, those harmed are likely not to have been wronged. Fourth, the case of climate change also differs from standard cases of historical injustice in that it is not a problem of people within a limited (and often short) period of time having been wronged and others having committed the wrongs or wrongfully benefiting. Also, those who are mainly responsible for causing climate change and those who suffer under it do not belong to specific political communities. Rather, victims, wrongdoers and beneficiaries are dispersed (but unequally so) among different communities and generations.

As climate change differs from the standard cases of historical injustice, we do not face the main issues of responding to historical injustice as introduced above in the sections ‘Historical Injustices and Their Consequences’ and ‘Duties vis-à-vis Past People’: First, as emissions mostly cause damage with a time lag of many decades and as the normatively relevant damages have materialized recently, or will harm future people, we will not have to investigate the status of so-called indirect victims or the direct victims’ descendants and their claims to compensation and restitution. Also, the issue of supersession – that is, that the consequences of an historical injustice are legitimate today owing to changed circumstances – does not arise. Second, as we have no or, at most, very few past victims of wrong-doing, we do not have to engage with the issue of currently living people’s duties towards them.

However, the normative situation will change if currently living people do not fulfil their intergenerational duties of justice vis-à-vis future people with respect to climate justice. Currently living people have such duties if it is the case that they can be said to know not only

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<sup>8</sup> For detailed philosophical interpretations of historical injustice in general, see Thompson (2003), Meyer (2004a), Meyer (2005) and Schefczyk (2011).

<sup>9</sup> Gosseries lists and discusses some salient dates which might serve as an alternative to 1990: 1840 (as proposed by the Brazilian Proposal), 1896 (first scientific text on the greenhouse effect by Svante Arrhenius), 1967 (first serious modelling exercises) and 1995 (second IPCC report).

about the seriously harmful consequences of their emission-generating activities for future people, but also about effective measures to protect future people's basic rights and if they can implement these policies at reasonable costs to themselves.<sup>10</sup> Failing to fulfil their duties vis-à-vis future people would then constitute harmful wrong-doing. This finding is particularly relevant for the inhabitants of industrialized countries: Almost any argument on climate justice points in the direction of ascribing higher duties of reducing the harmful consequences of climate change to the industrialized countries (for example, Shue, 1993; Singer, 2002, ch. 2; Page, 2006; Caney, Chapter 15; Meyer and Roser, Chapter 22).

## References

- Ackerman, B.A. (1997), 'Temporal Horizons of Justice', *Journal of Philosophy*, **94**, pp. 299–31.
- Barry, B. (1977), 'Justice between Generations', in P.M.S. Hacker and J. Raz (eds), *Law, Morality and Society. Essays in Honor of H.L.A. Hart*, Oxford: Clarendon Press, pp. 268–84.
- (1989), *Theories of Justice. A Treatise on Social Justice, Vol. I*, London: Harvester-Wheatsheaf.
- (1995), *Justice as Impartiality. A Treatise on Social Justice, Vol. II*, Oxford: Clarendon Press.
- Baumert, K., Herzog, T. and Pershing, J. (2005), *Navigating the Numbers: Greenhouse Gas Data and International Climate Policy*, Washington: World Resources Institute.
- Benatar, D. (2006), *Better Never to Have Been. The Harm of Coming Into Existence*, Oxford: Clarendon Press.
- Birnbacher, D. (1988), *Verantwortung für zukünftige Generationen*, Stuttgart: Reclam.
- Brooks, R.L. (ed.) (1999), *When Sorry Isn't Enough. The Controversy over Apologies and Reparations for Human Injustice*, New York and London: New York University Press.
- Brundtland, G.H. et al. (1987), *Our Common Future: The World Commission on Environment and Development*, New York: Oxford University Press.
- Buchanan, A., Brock, D.W., Daniels, N. and Wikler, D. (2000), *From Chance to Choice. Genetics and Justice*, Cambridge: Cambridge University Press.
- Caney, S. (2009), 'Climate Change and the Future. Discounting for Time, Wealth, and Risk', *Journal of Social Philosophy*, **40**, pp. 163–86.
- Casal, P. and Williams, A. (1995), 'Rights, Equality and Procreation', *Analyse und Kritik*, **17**, pp. 93–116.
- Cowen, T. and Parfit, D. (1992), 'Against the Social Discount Rate', in P. Laslett and J.S. Fishkin (eds), *Justice Between Age Groups and Generations*, New Haven and London: Yale University Press, pp. 144–61.
- Dasgupta, P. (1994), 'Savings and Fertility', *Philosophy and Public Affairs*, **23**, pp. 99–127.
- De George, R. (1981), 'The Environment, Rights, and Future Generations', in E. Partridge (ed.), *Responsibilities to Future Generations. Environmental Ethics*, New York: Prometheus Books, pp. 157–66.
- Dobson, A. (ed.) (1999), *Fairness and Futurity. Essays on Environmental Sustainability*, Oxford: Oxford University Press.
- Feinberg, J. (1977), 'Harm and Self-Interest', in P.M.S. Hacker and J. Raz (eds), *Law, Morality and Society. Essays in Honor of H.L.A. Hart*, Oxford: Clarendon Press, pp. 284–308.
- (1980), 'The Rights of Animals and Unborn Generations', in J. Feinberg, *Rights, Justice, and the Bounds of Liberty. Essays in Social Philosophy*, Princeton: Princeton University Press, pp. 159–84.

<sup>10</sup> For an analysis of the economic costs, see, for example, Stern (2007); for philosophical investigations into the ability of currently living people's to fulfill their duties vis-à-vis future people, see Birnbacher (Chapter 7); and see especially Gardiner (2011).

- (1984), *The Moral Limits of the Criminal Law, Vol. 1, Harm to Others*, Oxford: Oxford University Press.
- Fotion, N. and Heller, J.C. (eds) (1997), *Contingent Future Persons. On the Ethics of Deciding Who Will Live, or Not, in the Future*, Dordrecht, Boston and London: Kluwer Academic Publishers.
- Gardiner, S.M. (2011), *A Perfect Moral Storm. The Ethical Tragedy of Climate Change*, Oxford: Oxford University Press.
- Gardiner, S., Caney, S., Jamieson, D. and Shue, H. (2010), *Climate Ethics, Essential Readings*, New York: Oxford University Press.
- Gosseries, A. (2001), 'What Do We Owe the Next Generation(s)?', *Loyola of Los Angeles Law Review*, **35**, pp. 293–354.
- (2004a), 'Historical Emissions and Free Riding', *Ethical Perspectives*, **11**, pp. 36–60.
- (2004b), *Penser la justice entre les générations. De l'affaire Perruche à la réforme des retraites*, Paris: Aubier.
- (2007), 'Cosmopolitan Luck Egalitarianism and Climate Change', *Canadian Journal of Philosophy*, *supp.* vol. 31, pp. 279–309.
- Gosseries, A. and Meyer, L.H. (eds) (2009), *Intergenerational Justice*, Oxford: Oxford University Press.
- Govier, T. (1979), 'What Should We Do About Future People?', *American Philosophical Quarterly*, **16**, pp. 105–13.
- Heyd, D. (1992), *Genethics: Moral Issues in the Creation of People*, Berkeley: University of California Press.
- (2009), 'A Value or an Obligation: Rawls on Justice to Future Generations', in A. Gosseries and L.H. Meyer (eds), *Intergenerational Justice*, Oxford: Oxford University Press, pp. 167–88.
- IPCC (Intergovernmental Panel on Climate Change) (2007), *Climate Change 2007. Synthesis Report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, ed. R.K. Pachauri and A. Reisinger, Geneva: IPCC.
- Jonas, H. (1979), *Das Prinzip Verantwortung. Versuch einer Ethik für die technologische Zivilisation*, Frankfurt: Insel Verlag.
- La Rovere, E., de Valente de Macedo, L. and Baumert, K. (2002), 'The Brazilian Proposal on Relative Responsibility for Global Warming', in K. Baumert, O. Blanchard, S. Llosa and J. Perkaus (eds), *Building on the Kyoto Protocol: Options for Protecting the Climate*, Washington: World Resources Institute, pp. 157–73.
- Laslett, P. and Fishkin, J.S. (eds) (1992), *Justice Between Age Groups and Generations*, New Haven and London: Yale University Press.
- Meyer, L.H. (2003), 'Past and Future. The Case for a Threshold Conception of Harm', in L.H. Meyer, S.L. Paulson and T.W. Pogge (eds), *Rights, Culture, and the Law. Themes from the Legal and Political Philosophy of Joseph Raz*, Oxford: Oxford University Press, pp. 143–59.
- (ed.) (2004a), *Justice in Time. Responding to Historical Injustice*, Baden-Baden: Nomos.
- (2004b), 'Surviving Duties and Symbolic Compensation', in L.H. Meyer (ed.), *Justice in Time. Responding to Historical Injustice*, Baden-Baden: Nomos, pp. 178–82.
- (2005), *Historische Gerechtigkeit*, Berlin: de Gruyter.
- (2008), 'Intergenerational Justice', in E.N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Spring 2008), at <http://plato.stanford.edu/entries/justice-intergenerational/>.
- (2007), 'Historical Injustice and the Right to Return', in E. Benvenisti, C. Gans and S. Hanafi (eds), *Israel and the Palestinian Refugees*, Berlin, Heidelberg and New York: Springer, pp. 295–306.
- Meyer, L.H. and Roser, D. (2011), 'The Timing of Benefits of Climate Policies. Reconsidering the Opportunity Cost Argument', *Jahrbuch für Wissenschaft und Ethik*, **16**, pp. 35–70.
- Mill, J.S. (1969), 'Utilitarianism' (1861), in J.M. Robson (ed.), *Collected Works of John Stuart Mill, Vol. X: Essays on Ethics, Religion and Society*, Toronto: University of Toronto Press, pp. 203–60.

- Miller, J. and Kumar, R. (eds) (2007), *Reparations: Interdisciplinary Inquiries*, Oxford: Oxford University Press.
- Mulgan, T. (1999), 'The Place of the Dead in Liberal Political Philosophy', *Journal of Political Philosophy*, **7**, pp. 52–70.
- (2006), *Future People. A Moderate Consequentialist Account of our Obligations to Future Generations*, Oxford: Clarendon Press.
- Narveson, J. (1973), 'Moral Problems of Population', *The Monist*, **57**, pp. 62–86.
- Nozick, R. (1974), *Anarchy, State, and Utopia*, Oxford: Blackwell.
- Page, E. (2006), *Climate Change, Justice and Future Generations*, Cheltenham: Edward Elgar.
- Parfit, D. (1976), 'On Doing the Best for Our Children', in M.D. Bayles (ed.), *Ethics and Population*, Cambridge: Schenkman, pp. 100–115.
- (1982), 'Future Generations: Further Problems', *Philosophy & Public Affairs*, **11**, pp. 113–72.
- (1984), *Reasons and Persons*, Oxford: Clarendon Press.
- (1986), 'Comments', *Ethics*, **96**, pp. 832–72.
- Partridge, E. (1981a), 'Posthumous Interests and Posthumous Respect', *Ethics*, **91**, pp. 243–64.
- (ed.) (1981b), *Responsibilities to Future Generations. Environmental Ethics*, New York: Prometheus Books.
- Patton, P. (2004), 'Colonization and Historical Injustice. The Australian Experience', in L.H. Meyer (ed.), *Justice in Time. Responding to Historical Injustice*, Baden-Baden: Nomos, pp. 159–72.
- Pitcher, G. (1984), 'The Misfortunes of the Dead', *American Philosophical Quarterly*, **21**, pp. 183–8.
- Pogge, T.W. (2004), 'Historical Wrongs. The Two Other Domains', in L.H. Meyer (ed.), *Justice in Time. Responding to Historical Injustice*, Baden-Baden: Nomos, pp. 117–34.
- Posner E.A. and Weisbach, D. (2010), *Climate Change Justice*, Princeton and Oxford: Princeton University Press.
- Ramsey, F.P. (1928), 'A Mathematical Theory of Savings', *The Economic Journal*, **38**, pp. 543–59.
- Rawls, J. (1971), *A Theory of Justice*, Oxford: Oxford University Press; 2nd rev edn, Cambridge, MA: Harvard University Press, 1999.
- (1993), *Political Liberalism*, New York: Columbia University Press.
- (2001), *Justice as Fairness*, Cambridge, MA: Harvard University Press.
- Roberts M.A. (1998), *Child versus Childmaker: Future Persons and Present Duties in Ethics and the Law*, Lanham: Rowman & Littlefield.
- Roberts, M.A. and Wasserstein, D.T. (eds) (2009), *Harming Future People: Ethics, Genetics and the Nonidentity Problem*, Dordrecht: Springer.
- Ryberg, J. and Tännsjö, T. (eds) (2004), *The Repugnant Conclusion. Essays on Population Ethics*, Dordrecht, Boston and London: Kluwer Academic Publishers.
- Schefczyk, M. (2011), *Verantwortung für historisches Unrecht. Eine philosophische Untersuchung*, Berlin and New York: de Gruyter.
- Shue, H. (1993), 'Subsistence Emissions and Luxury Emissions', *Law and Policy*, **15**, pp. 39–59.
- Singer, P. (2002), *One World: The Ethics of Globalization*, New Haven and London: Yale University Press.
- Sikora R.I. and Barry, B. (eds) (1978), *Obligations to Future Generations*, Philadelphia: Temple University Press.
- Simmons, A.J. (1995), 'Historical Rights and Fair Shares', *Law and Philosophy*, **12**, pp. 149–84, 178–9.
- Stern, N. (2007), *The Economics of Climate Change. The Stern Review*, Cambridge: Cambridge University Press.
- Thompson, J. (2003), *Taking Responsibility for the Past*, Cambridge: Polity.
- (2009), *Intergenerational Justice: Rights and Responsibilities in an Intergenerational Polity*, New York and London: Routledge.

- Von der Pfordten, D. (1996), *Ökologische Ethik. Zur Rechtfertigung menschlichen Verhaltens gegenüber der Natur*, Reinbek bei Hamburg: Rowohlt.
- Waldron, J. (2004), 'Redressing Historic Injustice', in L.H. Meyer (ed.), *Justice in Time. Responding to Historical Injustice*, Baden-Baden: Nomos, pp. 55–77.
- Waluchow, W.J. (1986), 'Feinberg's Theory of "Preposthumous" Harm', *Dialogue*, **25**, pp. 727–34.
- Wellman, C. (1995), *Real Rights*, New York, Oxford: Oxford University Press.
- Wolf, C. (2009), 'Intergenerational Justice, Human Needs, and Climate Policy', in A. Gosseries and L.H. Meyer (eds), *Intergenerational Justice*, Oxford: Oxford University Press, pp. 347–76.
- Woodward, J. (1986), 'The Non-Identity Problem', *Ethics*, **96**, pp. 804–31.
- (1987), 'Reply to Parfit', *Ethics*, **97**, 800–17.

# Part I

## Foundations

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## UTILITARIANISM AND NEW GENERATIONS

BY JAN NARVESON

ONE of the stock objections to utilitarianism goes like this : " If utilitarianism is correct, then we must be obliged to produce as many children as possible, so long as their happiness would exceed their misery." It has always seemed to me that there is a certain air of sophistry about this argument, and in this paper, I shall endeavor to demonstrate this by exposing the fallacies upon which it is founded. I shall also consider in its own right the question of the nature and extent of our duties in the line of procreation, if any, on the utilitarian principle. To this end, three preliminary matters must be explained.

To begin with, there are two radically different questions here, of which the first is the crucial one. On the one hand, there is the question of whether we should produce person X because X would be happy if produced. Let us call this the question of the ' direct effects ' upon the general happiness ; clearly, it is what is in point. The other question is this : should we produce person X, if we can foresee that X's existence will have a favorable effect on the happiness of other people besides X, *e.g.* his parents, or people who might benefit from his activities. Later on, I shall suggest that the appearance of plausibility to the objection probably stems from a subtle confusion between these two different questions. I shall spend most of my time on the first question, reserving the second until the final section of the paper.

In the second place, there is some difference of opinion about the way in which the utilitarian theory is to be formulated. Those who have put the objection are assuming that according to the utilitarian, there is a certain sort of mental state called " pleasure " or " happiness ", of which it is our obligation to produce as much as possible, by whatever means. Let us call this the " greatest total happiness " formulation. But it is obviously not the one which Bentham and Mill had in mind. Their formulations, as everybody knows, have it that the " greatest happiness of the greatest number " is the end of morality. This view Smart and Flew call the " greatest average happiness " view, though as I shall show below this characterization is somewhat misleading. Now, it supposedly follows directly from the " total " view that we have a duty to produce children if they would be happy ; though I am inclined to think that the view involves a further confusion which, if taken account of, might clear even it of this charge to some extent. But at any rate,

it is much less clear that the classical view has any such implication. For that we are to aim at the greatest happiness of the greatest number, does not imply that we are to aim at the greatest happiness *and* the greatest number. In order to make this perfectly clear, note that the classical utilitarians' view may be put this way: everyone should be as happy as possible. Cast into modern logical form, this reads, "For all persons  $x$ ,  $x$  should be as happy as possible", and this is equivalent to, "if a person exists, he should be as happy as possible". This last shows clearly that the classical formulation does not imply that as many happy people as possible should be brought into existence.

The third point is to be clear about the general idea of the utilitarian theory about morality. It is often thought that according to that theory, if we like jam, then we have a duty to eat jam. This is nonsense. The whole point of the utilitarian theory is that people should be permitted, in so far as possible, to do as they please. As in all moral theories, utilitarianism picks out as duties those acts which you should be constrained to do. You may or may not like doing your duty, but if you do not, that is irrelevant. Now, it makes sense to say that you have a duty to do something which you happen to enjoy doing anyway; but it does not make sense to say that you have a duty to do something *on the ground that* you like it. To assert a duty is to deny the permissibility of the opposite. Consequently, if you say that I have a duty to do whatever I like, there is nothing whose permissibility I am denying: if I liked doing A, I still could not have a duty to do A, since I could also do not-A if I liked.

What *is* true is that for the classical utilitarian, the sole ground of duty is the effects of our action on other people, and from this it follows that whenever one has a duty, it *must* be possible to say on whose account the duty arises—*i.e.* whose happiness is in question. In deciding what we are to do, the only consideration which is morally relevant, according to utilitarianism, is how others would be affected. If we cannot envisage effects on certain people which would ensue from our acts, then we have no moral material to work on and we can do as we like.

## II

We are now in a position to throw light on the problem before us. The oddity in this kind of question, of course, consists in the fact that if a person is not born, he does not exist. I am neglecting the question about the point at which a person comes into existence. Those who would wish to consider embryos as a kind of person may simply replace 'born' and 'birth' with 'conceived'

and 'conception' throughout. And as we all know, non-existent people are not just a special kind of people; therefore, unborn people are also not just a special kind of people. Further, "people" are among the things you can point to, see, hear, and so forth. There is no such thing as an "abstract person", though we may indeed talk in the abstract about people (concrete).

Consider now the sentential form, "if x were born, x would be happy; therefore, x ought to be born". We assume the utilitarian principle as the suppressed major premiss. Now, there are two types of logical expression which can be substituted for 'x' in such an argument, namely, proper names and descriptions. Let us examine each in turn. To begin with, no sensible proposition can be formed of the consequent in the minor premiss of an argument of this form, by replacing the blanks (x's) with proper names, since, for example, "Hiram Jones ought to be born" makes no sense. If 'Hiram Jones' refers, then he already is born and there is no open question left as to whether he "ought to be born"; and if, on the other hand, it does not refer, then it is not (logically) a proper name, there being nothing for it to name.

Notice, incidentally, that the point just made does not depend upon the temporality of personal existence. The name 'Hiram Jones' refers, logically speaking, no matter when Jones is alive. But whether or not Jones lives in the future, it is still true of him, whenever he may live, that he was born, and consequently it is in any case nonsense to say that he ought to be born.

Nor am I denying that we may sensibly ask, once he *is* born, whether he *should have been* born. This is in many cases an interesting question, though not a very practical one under the circumstances. Some people should not have been born; and as there are other people whose existence is a good thing, we may say of them that they, in the same sense, "should have been born"; though of course they *were*, and it is not a point of much practical importance so far as it concerns the individual the desirability of whose birth is in question. Hitler should not have been born, Churchill should have been born, and there are other cases where it is debatable—though I admit that all such questions, are, as we say, "merely theoretical". What I am claiming is that, if we regard 'Hitler' and 'Churchill' as proper names, Hitler's mother and Churchill's mother could not have presented themselves, prior to their conceptions, with sensible questions of the form, "ought we to give birth to Hitler?", "Ought we to give birth to Churchill?" The latter appear to be parallel to, "ought I to spank Adolph?", "Ought I to spank Winston?"; but they plainly are not.

Suppose, on the other hand, that we complete the argument-forms by replacing our 'x' with descriptions. Thus we might say, "someone should be born who would bring peace to the world"; and supposing that we could know that *our* boy, if born, would bring peace to the world, we might argue that this is a good reason for bringing him into existence. As indeed it is, but we have shifted our question here, and are no longer answering the one we set out to discuss. For we began by resolving to discuss the question, whether the *direct* effects of bringing someone into the world could be a reason for so doing, and "bringing peace into the world" is not of this kind. I said at the outset that the distinction between direct and indirect effects in reference to this question was a vital one, and I am about to show why. So far, then, the question is whether we could argue as follows: "our boy, if born, would be very happy; therefore we ought to produce him." In order to show why this argument is not sanctioned by the principle of utility, whereas the former perhaps is, we must turn again to the third point argued above.

### III

Three possible outcomes of an act are of interest from the utilitarian point of view. The act either will (1) increase the general happiness, (2) decrease the general happiness, or (3) have no effect on the general happiness. Neglecting such interesting but here irrelevant questions as how you decide which in fact will result, there is an important question as to just which of the three is such as to give rise to a duty, if any; but let us say for purposes of the present discussion that, in cases where the different things we can do would some of them eventuate x in (1), others in (2), and others in (3), it is our duty to avoid (2) and prefer (1). In other words, it is only with increases and decreases in the general happiness that we are morally concerned if we are utilitarians. And this means that when we specify the individuals who would be affected by our actions, as we must on the utilitarian view, the characteristic about those people with which we are morally concerned is whether their happiness will be increased or decreased. If an action would have no effects whatever on the general happiness, then it would be morally *indifferent*: we could do it or not, just as we pleased. Hence whether to do it or not would be a non-moral question, which could only be solved by non-moral considerations. If I were to have a candy bar, this would normally have no effect on the happiness of others; hence whether I am to do it or not is entirely a question, according to the utilitarians, of whether I want to or not, which is not a question about what I

morally ought to do but rather one about what I *like* to do. Now, to which of these types does our present question belong : is it a moral or a non-moral one? I will show that it is ordinarily a *non-moral* one, and that in the case where it is a moral one, then it is because of its indirect effects. "Direct effects," I shall show, can only give rise to the duty *not* to have children and can never give rise to a duty to have them. Having children, in other words, is normally a matter of moral indifference. Let us see why this is so.

In order to show that the general happiness would be increased by our having a child, the argument would have to go as follows. Imagine that the total number of people is  $N$ , and that the total happiness is  $H$ , the average happiness therefore being  $N/H = 1$ . Now suppose that we have good evidence that any child produced by us would be twice as happy as that, giving him a value of 2.

Then the average happiness after he is born will be  $\frac{N + 2}{H + 1}$ , which

would be somewhat larger, therefore, than before. Does this give us a moral reason to produce children? No. We have committed a fallacy.

Suppose that we live in a certain country, say, Fervia, and we are told by our king that something is about to happen which will greatly increase the general happiness of the Fervians : namely that a certain city on Mars, populated by extremely happy Martians will shortly become a part of Fervia. Since these new Fervians are very happy, the average happiness, hence the "general happiness" of the Fervians will be greatly increased. Balderdash. If you were a Fervian, would you be impressed by this reasoning? Obviously not. What has happened, of course, is simply that the base upon which the average was calculated has been shifted. When the Fervians are told that their happiness will be affected by something, they assume that the happiness of those presently understood by them as being Fervians will be increased. The king has pulled the wool over their eyes by using, in effect, a fallacy of four terms : 'Fervians' refers to one group of people on one occasion—"The general happiness of the Fervians<sub>1</sub> will be increased",—and another on another occasion—"Hence, the general happiness of the Fervians<sub>2</sub> has been increased". Because the Fervians<sub>2</sub> are a different group from the Fervians<sub>1</sub>, although including the latter, it is a mere piece of sophistry to say that an increase in the happiness of the Fervians has come about as a result of this new acquisition of Martian citizenry. The fraud lies in the fact that no *particular* Fervian's

happiness has been increased ; whereas the principle of utility requires that before we have a moral reason for doing something, it must be because of a change in the happiness of some of the affected persons.

The argument that an increase in the general happiness will result from our having a happy child involves precisely the same fallacy. If you ask, " whose happiness has been increased as a result of his being born? ", the answer is that nobody's has. Of course, his being born might have indirect effects on the general happiness, but that is quite another matter. The " general populace " is just as happy as it was before ; now, what of our new personnel? Remember that the question we must ask about *him* is not whether he is happy, but whether he is happier as a result of being born. And if put this way, we see that again we have a piece of nonsense on our hands if we suppose that the answer is either " yes " or " no ". For if it is, then with whom, or with what, are we comparing his new state of bliss? Is the child, perhaps, happier than he used to be before he was born? Or happier, perhaps, than his alter ego? Obviously, there can be no sensible answer here. The child cannot be happier as a result of being born, since we would then have a relative term lacking one relation. The child's happiness has not been increased, in any intelligible sense, as a result of his being born ; and since nobody else's has either, directly, there is no moral reason for bringing him into existence.

#### IV

But, you say, would not the world be better off than it was before, even though in your sense the general happiness has not been increased as a result of his being born? As Smart has put it, . . . would you be quite indifferent between (a) a universe containing only one million happy sentient beings, all equally happy, and (b) a universe containing two million happy beings, each neither more or less happy than any in the first universe? Or would you, as a humane and sympathetic person, give a preference to the second universe? I myself cannot help feeling a preference for the second universe. But if someone feels the other way I do not know how to argue with him. It looks as though we have yet another possibility of disagreement within a general utilitarian framework.<sup>1</sup>

This being the remark of one of the few thorough-going proponents of the utilitarian theory extant, it is in order to point out what is wrong here. It is true, of course, that utilitarianism is supposed

<sup>1</sup> J. J. C. Smart, *Outline of a System of Utilitarian Ethics* (Melbourne, 1961), p. 18.

to appeal to "sympathetic and benevolent" men (—as well as everyone else!). And no doubt a person who was sympathetic and benevolent by nature might be inclined to prefer Smart's second universe to his first. But I suggest that if he does, the inclination is morally irrelevant; and the reason Smart would not know how to argue with a person preferring the first or being indifferent, is that there is no moral argument at issue here. How large a population you like is purely a matter of taste, except in cases where a larger population would, due to indirect effects, be happier than the first, the latter possibility to be discussed below. And having children is also purely a matter of taste, for the same reason, and with the same exception.

Consider what a person who would claim that the larger universe is the better "because there is more happiness in it", is asserting. According to utilitarianism, as I pointed out earlier, all obligations and indeed all moral reasons for doing anything must be grounded upon the existence of persons who would benefit or be injured by the effects of our actions. From this it follows that a man's objective moral goodness is a function of the number of people whom he benefits or injures, for any given population of the universe. But the man who says "the more happiness, the better" is going far beyond this view. For he is saying that if the universe does not contain the possibility of your doing good or harm, then it is your duty to go out of your way to create situations in which you *could* do good (or harm). To put it another way: the existence of duties and of moral reasons for doing things depends, in the utilitarian conception, upon the existence of people. Consequently, one can increase the number of situations in which one has duties and moral reasons, as opposed to merely personal reasons, for doing things by increasing the population. But on whose view of morality is it our duty to go out of the way to create duties for ourselves? We believe that it is our duty to keep promises; must we also insist that, as a corollary, we must make as many promises as possible?

Such a view, incidentally, might lead to some weird consequences. Imagine a universe in which everyone is perfectly happy on account of his own efforts, so that nobody ever has a moral reason to do anything therein. Our so-called "utilitarian" who argues that we must increase the population for moral reasons, would have to say that such a universe is less desirable than one in which many people could be made happier by the efforts of others, and this in turn would, I suppose, have to be reckoned a worse one than one in which there were some sufferers whose suffering could be relieved by others! But that such is

not the utilitarian view should, I think, be perfectly evident. Quite the contrary : given a universe, it follows from utilitarianism, at least as Mill and Bentham construed it, that it would be best off if everyone in it were perfectly happy by his own efforts, and worse off if people had to constrain themselves from self-seeking by assisting others.

It must always be borne in mind that I am not arguing that there is no reason of *any* kind for preferring larger to smaller universes or vice versa. In the first place, within suitable limits, a larger population has a better chance for securing happiness to all than a smaller one owing to the necessities of industrialization and economic organization, and other such things. And in the second place, there is no reason on earth why people cannot *like* larger universes better than smaller ones. I am only pointing out that we must not confuse matters of taste with matters of morality. Those who argue that if they like larger populations better than small ones and therefore have a moral duty to make the population as large as possible, are in fact saying that they have a duty to make *themselves* happier : for the reason they must give for their actions is that the effect of them is to get something that they like. And this, as argued earlier, is wrong. There can be no question, on utilitarian principles, of a "duty" to do what one likes.

## V

On the other hand, however, I now wish to argue that it does follow from utilitarian principles that, if we could predict that a child would be miserable if born, then it is our duty *not* to have it. This result, I admit, will look rather peculiar in view of my preceding argument ; but the peculiarity can be overcome if we consider certain logical points about duty-fulfilling and duty-transgressing.

As is generally accepted today, every statement describing a particular duty on a particular occasion must be backed up by a general principle of some kind, from which the particular one follows by application. Such is certainly the case with utilitarianism, at any rate. Now let us suppose, as is plausible, that two of our utilitarian duties are to avoid inflicting misery on people, and to reduce misery where it exists. The first of these is a general principle which might be put into logically precise form in some such manner as this : "each person  $x$  is such that for each person  $y$ ,  $x$  should not inflict suffering on  $y$ ", while the second would be, "each person  $x$  is such that for each person  $y$ , if  $y$  is suffering, then  $x$  should reduce  $y$ 's suffering". Now, as we

know, all general statements of a hypothetical form “ $(x) Fx \supset Gx$ ”, are equivalent to universal disjunctions, “ $(x) (- Fx \vee Gx)$ ”. And this means that there are two ways of acting in accordance with either of these duties : either there is no person  $x$  upon whom to inflict suffering, or if there is, then to avoid inflicting it on him, in the first case ; and in the second, either  $x$  is not suffering, or we reduce his suffering. I am, of course, neglecting complications such as supervening duties ; also I am assuming that a duty to reduce suffering is a duty to *try* to reduce it.

On the other hand, there is only one way in which such a principle may be infringed, and that is by the occurrence of a state of affairs described by a true existentially quantified statement. Thus, I can infringe the first duty if the following statement is true : “there is someone on whom I have inflicted misery”, and in the other case, “someone<sub>x</sub> is suffering and someone<sub>y</sub> has failed to reduce  $x$ 's suffering”.

From this analysis, it will again be evident that we cannot have a duty to produce children just because the latter would be happy. For even if it were our duty to make everyone as happy as possible, we would be guilty of no transgression of it if we were not to add to the population, though we would transgress it by making somebody less happy than he otherwise might have been. In other words, the duty being “each  $y$  is such that for each  $x$ ,  $y$  should make  $x$  as happy as possible” ; and if, say, “the son of Jones” does not exist, then it is not the case that Jones is failing to make his son as happy as possible. Or, to sum it up : true affirmative existential statements are not necessary to fulfil duties, but *are* necessary to *infringe* them.

Now let us suppose that we are contemplating having a child, who would, we know, be miserable. For example, suppose that, we know he would have a hereditarily-acquired painful disease all his life ; or that we are poverty-stricken unemployables living in a slum. In both these cases, we can reasonably predict that any child of ours would be miserable. Now, these miseries will be unavoidable if we produce the child ; and consequently, a counter-instance to a duty statement will be true, namely : “a child of Smith's is miserable and the Smiths could have prevented this.” This would violate the second duty. But quite likely it would violate the first too, for although one does not inflict pain on someone by giving birth to him even though he is in pain ever after, since if you cannot make someone happy by bearing him, you also cannot make him miserable by doing so, nevertheless in many such cases, *e.g.* the slum-dwelling case, you will actually

have inflicted misery on the child, by underfeeding him, exposing him to disease, filth, and ugliness, making him associate with equally wretched persons, and so forth, and thus you will also have transgressed the first duty. And in both cases, you could have avoided these evils by not having the child in question.

If, therefore, it is our duty to prevent suffering and relieve it, it is also our duty not to bring children into the world if we know that they would suffer or that we would inflict suffering upon them. And incidentally, I think this also is a strong argument against those who think that it is our *duty* to make everyone as happy as possible. For this is a duty we could infringe by having a child who we know would not be as happy as possible. And of how many people can't *this* be foreseen? Frankly, I do not think there is any such duty on utilitarian principles, but it is something to think about for those who do.

## VI

Finally, we may briefly consider the moral relevance of indirect effects on the "general happiness". Clearly, it will often be the case that we can foresee good or bad effects on the existing population by the production of new people. If we assume, as seems reasonable enough to me, that an advanced civilization is likely to be happier than a primitive one, and that industrialization is necessary to advanced civilization, then it is obvious that a fairly substantial population will be necessary to achieve these desirable ends. On the other hand, as we also know, too large a population tends to have adverse effects from the agricultural point of view. With too much pressure on food supply, inferior lands have to be put into cultivation, and yield per man-hour tends to go down; withal, if the pressure is too severe, as it is in some parts of the world today, one of two evils will set in: either some people will starve or be severely shorted in their diets while others have enough, so that the various evils resulting from inequality will set in, or everyone will have less than enough. In all likelihood, there is an optimum population for any particular piece of land at a given state of advancement in agricultural technology, as the economists tell us. A further consideration is the aesthetic effects of over- or under-population. If population is very dense, people will be crowded together, and will have little solitude. Further, little land will be available for parks and natural scenery. If it is too thin, on the other hand, human intercourse is much reduced, and the interesting by-products of cities, such as the ability to maintain art galleries and concert halls, and the support of architecturally interesting buildings, will be missed.

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Now it seems to me clear that all of these considerations are of the sort which will provide what, in the narrowest sense, may be called "utilitarian" reasons for changing the sizes of populations. The only question of interest is which of these would give rise to genuine duties, and which merely to something less. My final suggestions, which the reader may take or leave, follows here.

Many critics of utilitarianism will object that according to this latest turn, we have a right to increase slave populations in order to benefit the rest. This is false, I believe, but the discussion of it would occupy too much space to be included here. Other objections of the same kind also seem to me misguided.

It is obvious that there can be good reasons for producing children, and also that there can be good ones for not producing them. But when are these sufficiently stringent to give rise to a duty rather than merely to a moral inducement? My own answer, which I cannot defend here, would be that whenever the production of new children would either result in misery for them, or would result in substantial decreases in the happiness of other people, it is one's duty not to have them. If, for example, one's child would be a burden upon the public, then it seems to me one has no right to produce him. It therefore seems to me that the public has the right to prohibit the having of children in such cases.

Is it *ever* one's duty to have children? I can think of only one case where it might. If it can be shown that the populace will suffer if its size is not increased, then it seems to me that one could perhaps require efforts in that direction, and punish those who could comply but do not. But I am inclined to think that such a situation is exceedingly rare.

There is one final question which might bring the whole issue into a sort of focus. This is : is there any *moral* point in the existence of a human race, as such? That is to say, would a universe containing people be morally better off than one containing no people? It seems to me that it would not be, as such, at any rate on utilitarian grounds. We might *prefer*, like Smart, a universe containing people to one that does not contain them, particularly since we presumably would not be able to occupy the second one ourselves ; but is this, then, a moral preference? It seems to me, again, that it is not, and that the effort to make it one is a mistake. Given people to have them toward, there will be duties ; but if we are not given them, questions of duty will not arise. And it is not a question of duty whether we should create new duties. Our duty is to fulfil them, once they are raised.

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## DISTRIBUTIVE SHARES

John Rawls

### THE PROBLEM OF JUSTICE BETWEEN GENERATIONS

We must now consider the question of justice between generations. There is no need to stress the difficulties that this problem raises. It subjects any ethical theory to severe if not impossible tests. Nevertheless, the account of justice as fairness would be incomplete without some discussion of this important matter. The problem arises in the present context because the question is still open whether the social system as a whole, the competitive economy surrounded by the appropriate family of background institutions, can be made to satisfy the two principles of justice. The answer is bound to depend, to some degree anyway, on the level at which the social minimum is to be set. But this in turn connects up with how far the present generation is bound to respect the claims of its successors.

So far I have said nothing about how generous the social minimum should be. Common sense might be content to say that the right level depends upon the average wealth of the country and that, other things equal, the minimum should be higher when the average increases. Or one might say that the proper level is determined by customary expectations. But these suggestions are unsatisfactory. The first is not precise enough since it does not say how the minimum depends on average wealth and it

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overlooks other relevant aspects such as distribution; while the second provides no criterion for telling when customary expectations are themselves reasonable. Once the difference principle is accepted, however, it follows that the minimum is to be set at that point which, taking wages into account, maximizes the expectations of the least advantaged group. By adjusting the amount of transfers (for example, the size of supplementary income payments), it is possible to increase or decrease the prospects of the more disadvantaged, their index of primary goods (as measured by wages plus transfers), so as to achieve the desired result.

Now offhand it might seem that the difference principle requires a very high minimum. One naturally imagines that the greater wealth of those better off is to be scaled down until eventually everyone has nearly the same income. But this is a misconception, although it might hold in special circumstances. The appropriate expectation in applying the difference principle is that of the long-term prospects of the least favored extending over future generations. Each generation must not only preserve the gains of culture and civilization, and maintain intact those just institutions that have been established, but it must also put aside in each period of time a suitable amount of real capital accumulation. This saving may take various forms from net investment in machinery and other means of production to investment in learning and education. Assuming for the moment that a just savings principle is available which tells us how great investment should be, the level of the social minimum is determined. Suppose for simplicity that the minimum is adjusted by transfers paid for by proportional expenditure (or income) taxes. In this case raising the minimum entails increasing the proportion by which consumption (or income) is taxed. Presumably as this fraction becomes larger there comes a point beyond which one of two things happens. Either the appropriate savings cannot be made or the greater taxes interfere so much with economic efficiency that the prospects of the least advantaged in the present generation are no longer improved but begin to decline. In either event the correct minimum has been reached. The difference principle is satisfied and no further increase is called for.

These comments about how to specify the social minimum have led us to the problem of justice between generations. Finding a just savings principle is one aspect of this question.<sup>20</sup> Now I believe that it is not

20. This problem is often discussed by economists in the context of the theory of economic growth. For an exposition see A. K. Sen, "On Optimizing the Rate of Saving," *Economic Journal*, vol. 71 (1961); James Tobin, *National Economic Policy* (New Haven, Yale University Press, 1966), ch. IX; and R. M. Solow, *Growth Theory* (New York, Oxford University Press, 1970), ch. V. In an extensive

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possible, at present anyway, to define precise limits on what the rate of savings should be. How the burden of capital accumulation and of raising the standard of civilization and culture is to be shared between generations seems to admit of no definite answer. It does not follow, however, that certain significant ethical constraints cannot be formulated. As I have said, a moral theory characterizes a point of view from which policies are to be assessed; and it may often be clear that a suggested answer is mistaken even if an alternative doctrine is not ready to hand. Thus it seems evident, for example, that the classical principle of utility leads in the wrong direction for questions of justice between generations. For if one takes the size of the population as variable, and postulates a high marginal productivity of capital and a very distant time horizon, maximizing total utility may lead to an excessive rate of accumulation (at least in the near future). Since from a moral point of view there are no grounds for discounting future well-being on the basis of pure time preference, the conclusion is all the more likely that the greater advantages of future generations will be sufficiently large to outweigh most any present sacrifices. This may prove true if only because with more capital and better technology it will be possible to support a sufficiently large population. Thus the utilitarian doctrine may direct us to demand heavy sacrifices of the poorer generations for the sake of greater advantages for later ones that are far better off. But this calculus of advantages, which balances the losses of some against benefits to others, appears even less justified in the case of generations than among contemporaries. Even if we cannot define a precise just savings principle, we should be able to avoid this sort of extreme.

Now the contract doctrine looks at the problem from the standpoint of the original position and requires the parties to adopt an appropriate savings principle. It seems clear that as they stand the two principles of justice must be adjusted to this question. For when the difference principle is applied to the question of saving over generations, it entails either

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literature, see F. P. Ramsey, "A Mathematical Theory of Saving," *Economic Journal*, vol. 38 (1928), reprinted in Arrow and Scitovsky, *Readings in Welfare Economics*; T. C. Koopmans, "On the Concept of Optimal Economic Growth" (1965) in *Scientific Papers of T. C. Koopmans* (Berlin, Springer Verlag, 1970). Sukamoy Chakravarty, *Capital and Development Planning* (Cambridge, M.I.T. Press, 1969), is a theoretical survey which touches upon the normative questions. If for theoretical purposes one thinks of the ideal society as one whose economy is in a steady state of growth (possibly zero), and which is at the same time just, then the savings problem is to choose a principle for sharing the burdens of getting to that growth path (or to such a path if there is more than one), and of maintaining the justice of the necessary arrangements once this is achieved. In the text, however, I do not pursue this suggestion; my discussion is at a more primitive level.

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no saving at all or not enough saving to improve social circumstances sufficiently so that all the equal liberties can be effectively exercised. In following a just savings principle, each generation makes a contribution to those coming later and receives from its predecessors. There is no way for later generations to help the situation of the least fortunate earlier generation. Thus the difference principle does not hold for the question of justice between generations and the problem of saving must be treated in some other manner.

Some have thought the different fortunes of generations to be unjust. Herzen remarks that human development is a kind of chronological unfairness, since those who live later profit from the labor of their predecessors without paying the same price. And Kant thought it disconcerting that earlier generations should carry their burdens only for the sake of the later ones and that only the last should have the good fortune to dwell in the completed building.<sup>21</sup> These feelings while entirely natural are misplaced. For although the relation between generations is a special one, it gives rise to no insuperable difficulty.

It is a natural fact that generations are spread out in time and actual economic benefits flow only in one direction. This situation is unalterable, and so the question of justice does not arise. What is just or unjust is how institutions deal with natural limitations and the way they are set up to take advantage of historical possibilities. Obviously if all generations are to gain (except perhaps the earlier ones), the parties must agree to a savings principle that insures that each generation receives its due from its predecessors and does its fair share for those to come. The only economic exchanges between generations are, so to speak, virtual ones, that is, compensating adjustments that can be made in the original position when a just savings principle is adopted.

Now when the parties consider this problem they do not know to which generation they belong or, what comes to the same thing, the stage of civilization of their society. They have no way of telling whether it is poor or relatively wealthy, largely agricultural or already industrialized, and so on. The veil of ignorance is complete in these respects. But since we take the present time of entry interpretation of the original position (§24), the parties know that they are contemporaries; and so unless we modify our initial assumptions, there is no reason for them to agree to any saving

21. The remark of Alexander Herzen is from Isaiah Berlin's introduction to Franco Venturi, *Roots of Revolution* (New York, Alfred Knopf, 1960), p. xx. For Kant, see "Idea for a Universal History with a Cosmopolitan Purpose," in *Political Writings*, ed. Hans Reiss and trans. H. B. Nisbet (Cambridge, The University Press, 1970), p. 44.

## 44. Justice between Generations

whatever. Earlier generations will have either saved or not; there is nothing the parties can do to affect that. So to achieve a reasonable result, we assume first, that the parties represent family lines, say, who care at least about their more immediate descendants; and second, that the principle adopted must be such that they wish all earlier generations to have followed it (§22). These constraints, together with the veil of ignorance, are to insure that any one generation looks out for all.

In arriving at a just saving principle (or better, limits on such principles), the parties are to ask themselves how much they would be willing to save at each stage of advance on the assumption that all other generations have saved, or will save, in accordance with the same criterion. They are to consider their willingness to save at any given phase of civilization with the understanding that the rates they propose are to regulate the whole span of accumulation. It is essential to note that a savings principle is a rule that assigns an appropriate rate (or range of rates) to each level of advance, that is, a rule that determines a schedule of rates. Presumably different rates are assigned to different stages. When people are poor and saving is difficult, a lower rate of saving should be required; whereas in a wealthier society greater savings may reasonably be expected since the real burden of saving is less. Eventually, once just institutions are firmly established and all the basic liberties effectively realized, the net accumulation asked for falls to zero. At this point a society meets its duty of justice by maintaining just institutions and preserving their material base. The just savings principle applies to what a society is to save as a matter of justice. If its members wish to save for other purposes, that is another matter.

It is impossible to be very specific about the schedule of rates (or the range of rates) that would be acknowledged; the most that we can hope from these intuitive considerations is that certain extremes will be excluded. Thus we may assume that the parties avoid imposing very high rates at the earlier stages of accumulation, for even though they would benefit from this if they come later, they must be able to accept these rates in good faith should their society turn out to be poor. The strains of commitment apply here just as before (§29). On the other hand, they will want all generations to provide some saving (excluding special circumstances), since it is to our advantage if our predecessors have done their share. These observations establish wide limits for the savings rule. To narrow the range somewhat further, we suppose the parties to ask what is reasonable for members of adjacent generations to expect of one another at each level of advance. They try to piece together a just savings sched-

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ule by balancing how much they would be willing to save for their more immediate descendants against what they would feel entitled to claim of their more immediate predecessors. Thus imagining themselves to be fathers, say, they are to ascertain how much they should set aside for their sons and grandsons by noting what they would believe themselves entitled to claim of their fathers and grandfathers. When they arrive at the estimate that seems fair from both sides, with due allowance made for the improvement in circumstances, then the fair rate (or range of rates) for that stage is specified. Once this is done for all stages, the just savings principle is defined. Of course, the parties must throughout keep in mind the objective of the accumulation process, namely, a state of society with a material base sufficient to establish effective just institutions within which the basic liberties can all be realized. Assuming that the savings principle answers to these conditions, no generation can find fault with any other when it is followed, no matter how far removed they are in time.

The question of time preference and matters of priority I shall leave aside until the next sections. For the present I wish to point out several features of the contract approach. First of all, while it is evident that a just savings principle cannot literally be adopted democratically, the conception of the original position achieves the same result. Since no one knows to which generation he belongs, the question is viewed from the standpoint of each and a fair accommodation is expressed by the principle adopted. All generations are virtually represented in the original position, since the same principle would always be chosen. An ideally democratic decision will result, one that is fairly adjusted to the claims of each generation and therefore satisfying the precept that what touches all concerns all. Moreover, it is immediately obvious that every generation, except possibly the first, gains when a reasonable rate of saving is maintained. The process of accumulation, once it is begun and carried through, is to the good of all subsequent generations. Each passes on to the next a fair equivalent in real capital as defined by a just savings principle. (It should be kept in mind here that capital is not only factories and machines, and so on, but also the knowledge and culture, as well as the techniques and skills, that make possible just institutions and the fair value of liberty.) This equivalent is in return for what is received from previous generations that enables the later ones to enjoy a better life in a more just society.

It is also characteristic of the contract doctrine to define a just society as the aim of the course of accumulation. This feature derives from the

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fact that an ideal conception of a just basic structure is embedded in the principles chosen in the original position. In this respect, justice as fairness contrasts with utilitarian views (§41). The just savings principle can be regarded as an understanding between generations to carry their fair share of the burden of realizing and preserving a just society. The end of the savings process is set up in advance, although only the general outlines can be discerned. Particular circumstances as they arise will in time determine the more detailed aspects. But in any event we are not bound to go on maximizing indefinitely. Indeed, it is for this reason that the savings principle is agreed to after the principles of justice for institutions, even though this principle constrains the difference principle. These principles tell us what to strive for. The savings principle represents an interpretation, arrived at in the original position, of the previously accepted natural duty to uphold and to further just institutions. In this case the ethical problem is that of agreeing on a path over time which treats all generations justly during the whole course of a society's history. What seems fair to persons in the original position defines justice in this instance as in others.

The significance of the last stage of society should not, however, be misinterpreted. While all generations are to do their part in reaching the just state of things beyond which no further net saving is required, this state is not to be thought of as that alone which gives meaning and purpose to the whole process. To the contrary, all generations have their appropriate aims. They are not subordinate to one another any more than individuals are and no generation has stronger claims than any other. The life of a people is conceived as a scheme of cooperation spread out in historical time. It is to be governed by the same conception of justice that regulates the cooperation of contemporaries.

Finally, the last stage at which saving is called for is not one of great abundance. This consideration deserves perhaps some emphasis. Further wealth might not be superfluous for some purposes; and indeed average income may not, in absolute terms, be very high. Justice does not require that early generations save so that later ones are simply more wealthy. Saving is demanded as a condition of bringing about the full realization of just institutions and the equal liberties. If additional accumulation is to be undertaken, it is for other reasons. It is a mistake to believe that a just and good society must wait upon a high material standard of life. What men want is meaningful work in free association with others, these associations regulating their relations to one another within a framework of just basic institutions. To achieve this state of things great wealth is not

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necessary. In fact, beyond some point it is more likely to be a positive hindrance, a meaningless distraction at best if not a temptation to indulgence and emptiness. (Of course, the definition of meaningful work is a problem in itself. Though it is not a problem of justice, a few remarks in §79 are addressed to it.)

We now have to combine the just savings principle with the two principles of justice. This is done by supposing that this principle is defined from the standpoint of the least advantaged in each generation. It is the representative men from this group as it extends over time who by virtual adjustments are to specify the rate of accumulation. They undertake in effect to constrain the application of the difference principle. In any generation their expectations are to be maximized subject to the condition of putting aside the savings that would be acknowledged. Thus the complete statement of the difference principle includes the savings principle as a constraint. Whereas the first principle of justice and the principle of fair opportunity are prior to the difference principle within generations, the savings principle limits its scope between them.

Of course, the saving of the less favored need not be done by their taking an active part in the investment process. Rather it normally consists of their approving of the economic and other arrangements necessary for the appropriate accumulation. Saving is achieved by accepting as a political judgment those policies designed to improve the standard of life of later generations of the least advantaged, thereby abstaining from the immediate gains which are available. By supporting these arrangements the required saving can be made, and no representative man in any generation of the most disadvantaged can complain of another for not doing his part.

So much, then, for a brief sketch of some of the main features of the just savings principle. We can now see that persons in different generations have duties and obligations to one another just as contemporaries do. The present generation cannot do as it pleases but is bound by the principles that would be chosen in the original position to define justice between persons at different moments of time. In addition, men have a natural duty to uphold and to further just institutions and for this the improvement of civilization up to a certain level is required. The derivation of these duties and obligations may seem at first a somewhat far-fetched application of the contract doctrine. Nevertheless these requirements would be acknowledged in the original position, and so the conception of justice as fairness covers these matters without any change in its basic idea.

# [3]

## THE NON-IDENTITY PROBLEM

Derek Parfit

THERE is another question about personal identity. Each of us might never have existed. What would have made this true? The answer produces a problem that most of us overlook.

One of my aims in Part Four is to discuss this problem. My other aim is to discuss the part of our moral theory in which this problem arises. This is the part that covers how we affect future generations. This is the most important part of our moral theory, since the next few centuries will be the most important in human history.

### 119. HOW OUR IDENTITY IN FACT DEPENDS ON WHEN WE WERE CONCEIVED

What would have made it true that some particular person would never have existed? With one qualification, I believe

*The Time-Dependence Claim:* 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.

This claim is not obviously true. Thus one woman writes:

It is always fascinating to speculate on who we would have been if our parents had married other people.<sup>1</sup>

In wondering who she would have been, this woman ignores the answer: 'No one'.

Though the Time-Dependence Claim is not obviously true, it is not controversial, and it is easy to believe. It is thus unlike the Reductionist View about personal identity over time. This is one of several competing views, and is hard to believe. The Time-Dependence Claim is not about personal identity over time. It is about a different though related subject: personal identity in different possible histories of the world. Several views about this subject are worth discussing. But the Time-Dependence Claim is *not* one of these views. It is a claim that is true on *all* of these views.

As I have said, the claim should be qualified. Each of us grew from a particular pair of cells: an ovum and the spermatozoon by which, out of millions, it was fertilized. Suppose that my mother had not conceived a child

at the time when in fact she conceived me. And suppose that she had conceived a child within a few days of this time. This child would have grown from the same particular ovum from which I grew. But even if this child had been conceived only a few seconds earlier or later, it is almost certain that he would have grown from a different spermatozoon. This child would have had some but not all of my genes. Would this child have been me?

We are inclined to believe that any question about our identity must have an answer, which must be either Yes or No. As before, I reject this view. There are cases in which our identity is indeterminate. What I have just described may be such a case. If it is, my question has no answer. It is neither true nor false that, if these events had occurred, I would never have existed. Though I can always ask, 'Would I have existed?', this would here be an empty question.

These last claims are controversial. Since I want my Time-Dependence Claim not to be controversial, I shall set aside these cases. The claim can become

(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.

I claim that this is *in fact* true. I do *not* claim that it is *necessarily* true. The different views about this subject make competing claims about what is necessary. It is because I claim less that my claim is not controversial. Those who disagree about what *could* have happened may agree about what *would in fact* have happened. As I shall argue, the holders of all plausible views would agree with me.

These views make claims about the *necessary properties* of each particular person. Some of a person's necessary properties are had by everyone: these are the properties that are necessary to being a person. What concerns us here are the *distinctive* necessary properties of each particular person. Suppose I claim that *P* is one of Kant's distinctive necessary properties. This means that Kant could not have lacked *P*, and that only Kant could have had *P*.

According to

*The Origin View*, each person has this distinctive necessary property: that of having grown from the particular pair of cells from which this person in fact grew.<sup>2</sup>

This property cannot be *fully* distinctive. Any pair of identical twins *both* grew from such a pair of cells. And any fertilized ovum might have later split, and produced twins. The Origin View must be revised to meet this problem. But I need not discuss this revision. It is enough for my purposes that, on this view, Kant could not have grown from a different pair of cells.

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It is irrelevant that, because there can be twins, it is false that *only* Kant could have grown from this pair of cells.

Holders of the Origin View would accept my claim that, if Kant had not been conceived within a month of the time when he was conceived, he would in fact never have existed. If he had not been conceived in that month, no child would in fact have grown from the particular pair of cells from which he grew. (This claim makes an assumption both about the distinctive necessary properties of this pair of cells, and about the human reproductive system. But these assumptions are not controversial.)

According to certain other views, Kant could have grown from a different pair of cells. On

*The Featureless Cartesian View*, Kant was a particular Cartesian Ego, which had *no* distinctive necessary properties.

On this view, a person's identity has no connections with his physical and mental characteristics. Kant might have been me, and vice versa, though, if this had happened, no one would have noticed any difference. It is at worst mildly controversial to claim, as I did, that we should reject *this* version of the Cartesian View.

Two other views are closely related. On

*The Descriptive View*, 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.

In the case of Kant, these properties would include his authorship of certain books. One version of this view does not claim that Kant must have had *all* these properties. Anyone with most of these properties would have been Kant.

On

*The Descriptive Name View*, every 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 this person's name.

Both this and the Descriptive View might be combined with the other version of Cartesianism. Kant might be claimed to be the Cartesian Ego whose distinctive necessary properties include the authorship of certain books. But the two Descriptive Views need not add this claim.<sup>3</sup>

One objection to the Descriptive Views is that each person's life could have been very different. Kant could have died in his cradle. Since this is possible, the authorship of certain books cannot be one of Kant's necessary properties.

One reply to this objection retreats to a weaker claim. It could be said:

Though this property is not necessary, it is distinctive. Kant might not have written these books. But, in any possible history in which a single person wrote these books, this person would have been Kant.

I need not discuss whether this, or some other reply, meets this objection. Even if the objection can be met, my Time-Dependence Claim is true.

On both Descriptive Views, Kant could have grown from a different pair of cells, or even had different parents. This would have happened if Kant's mother had not conceived a child when she conceived him, and some other couple had conceived a child who later wrote the *Critique of Pure Reason*, etc. On the Descriptive Views, this child would have been Kant. He would not have been *called* Kant. But this does not worry holders of these views. They would claim that, if this had happened, Kant would have had both different parents and a different name.

Though they believe that this might have happened, most holders of the Descriptive Views would accept my claim that it would *not in fact* have happened. If they claim that it *would* have happened, they must accept an extreme version of Tolstoy's view, stated in the epilogue of *War and Peace*, that history does not depend on the decisions made by particular people. On this view, if Napoleon's mother had remained childless, history would have provided a 'substitute Napoleon', who would have invaded Russia in 1812. And, if Kant's mother had remained childless, history would have provided another author of the *Critique of Pure Reason*. This view is too implausible to be worth discussing.

There is another way in which holders of the Descriptive Views might reject my claim. They might claim that Kant's necessary properties were far less distinctive. They might for instance merely be: being his mother's first child. This claim meets the objection that each person's life might have been very different. But this claim is also too implausible to be worth discussing. I am the second of my mother's 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.

Consider next the possible history in which the Descriptive Views seem most plausible. Suppose that Kant's mother had not conceived a child when she conceived him, and that one month later she conceived a child who was exactly like Kant. This child would have grown from a different pair of cells; but by an amazing coincidence, of a kind that never actually happens, this child would have had all of Kant's genes. And suppose that, apart from the fact and the effects of being born later, this child would have lived a life that was just like Kant's, writing the *Critique of Pure Reason*, etc.

On the Descriptive Views, this child would have been Kant. Holders of the Origin View might object:

Kant was a particular person. In your imagined possible history, you have not shown that you are referring to *this* particular person. In this imagined history, there would have been someone who was *exactly like*

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this person. But exact similarity is not the same as numerical identity, as is shown by any two exactly similar things.

These remarks explain why the Origin View refers to the particular pair of cells from which a person grew.

A fifth view also makes such a direct reference. On

*The Backward Variation View*, this reference need not be to the point of origin, or to the cells from which a person grew. The reference can be made at any time in this person's life. By making such a reference, we can describe how this person might have had a different origin.

Consider a holder of this view who, in 1780, is attending one of Kant's lectures. This person might claim:

Kant is the person standing *there*. Kant might have had different parents, and lived a different life up until the recent past. For this to have been what happened, all that is needed is that this different life would have led Kant to be now standing there.

This view must make some further claims. But it meets the objection that, to justify a claim of identity, we need more than similarity. Holders of the Origin View therefore need a different objection to the Backward Variation View. For my purposes, I need not decide between these views.

On the Backward Variation View, Kant might have had a different origin. But holders of this view would accept my claim that, in fact, this would not have happened. They would agree that, if Kant had not been conceived within a month of the time when he was conceived, he would in fact never have existed.

I have now described all of the views about our identity in different possible histories.<sup>5</sup> I discuss in endnote 6 how these views are related to the different views about our identity over time. On all of the plausible views, my Time-Dependence Claim is true. This claim applies to everyone. You were conceived at a certain time. It is in fact true that, if you had not been conceived within a month of that time, *you* would never have existed.

## 120. THE THREE KINDS OF CHOICE

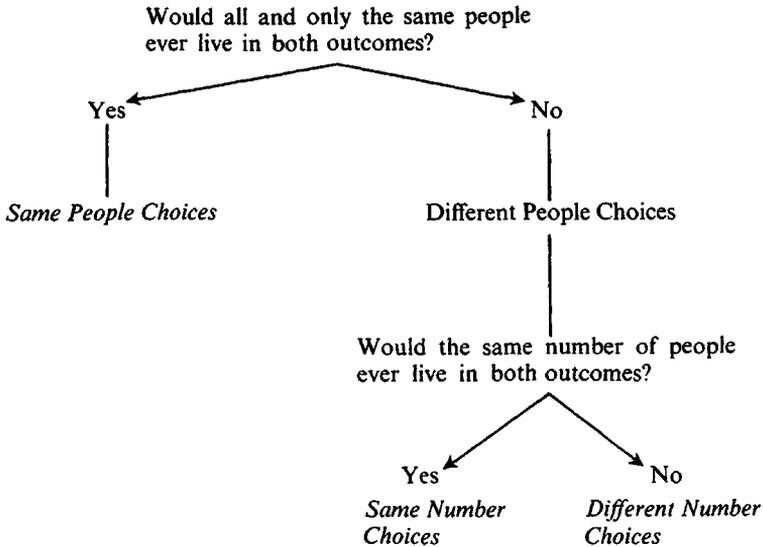
Unless we, or some global disaster, destroy the human race, there will be people living later who do not now exist. These are *future people*. Science has given to our generation great ability both to affect these people, and to predict these effects.

Two kinds of effect raise puzzling questions. We can affect the identities of future people, or *who* the people are who will later live. And we can affect the number of future people. These effects give us different kinds of choice.

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*The Non-Identity Problem*

In comparing any two acts, we can ask:



Different Number Choices affect both the number and the identities of future people. Same Number Choices affect the identities of future people, but do not affect their number. Same People Choices affect neither.

**121. WHAT WEIGHT SHOULD WE GIVE TO THE INTERESTS OF  
FUTURE PEOPLE?**

Most of our moral thinking is about Same People Choices. As I shall argue, such choices are not as numerous as most of us assume. Very many of our choices will in fact have some effect on both the identities and the number of future people. But in most of these cases, because we cannot predict what the particular effects would be, these effects can be morally ignored. We can treat these cases as if they were Same People Choices.

In some cases we can predict that some act either may or will be against the interests of future people. This can be true when we are making a Same People Choice. In such a case, whatever we choose, all and only the same people will ever live. Some of these people will be future people. Since these people will exist whatever we choose, we can either harm or benefit these people in a quite straightforward way.

Suppose that I leave some broken glass in the undergrowth of a wood. A hundred years later this glass wounds a child. My act harms this child. If I had safely buried the glass, this child would have walked through the wood unharmed.