

Contingent Future Persons, edited by Nick Fotion and Jan C. Heller (Dordrecht: Kluwer Academic Publishers, 1997), 216 pp., available from amazon.com for \$97 (U.S.) in hardback. Contributors: R. M. Hare, Michael Lockwood, Cynthia B. Cohen, Ingmar Persson, David Heyd, Jan C. Heller, Nick Fotion, Clark Wolf, Avner de-Shalit, Lukas K. Meyer, Robert Elliot, Carol A. Tauer, William P. George

Does procreation benefit the procreated? Can I rightfully complain that past environmental mismanagement has diminished my well-being, if better stewardship would have resulted in my not existing? Should we secure a lavish future for the unborn? Such questions subject “any ethical theory to severe if not impossible tests,” writes Rawls, while Nozick says that, in population ethics, “eptness is hard to come by.”¹

Thirteen writers struggle with these and related problems in *Contingent Future Persons*, an anthology in the tradition of *Obligations to Future Generations* and *Responsibilities to Future Generations*.² Most essays in this volume are written for philosophers, but three target a theological audience. For those readers I recommend Heyd’s essay interpreting *Genesis* from a Jewish perspective and Heller’s more philosophical piece probing the traditional Christian view of value.

Several authors in *Contingent Future Persons* consider the fundamental, vexing question, Is the fact that someone would be happy a reason to create her? In “When Does Potentiality Count? A Comment on Lockwood,” Hare answers yes, since someone would benefit from the creation; people who are happy can be “glad and grateful” that they came to be. (p. 11) Wolf argues, against Hare, that preferring to have been born has its source in “nebulous worries about *what it*

¹ John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 284; Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Basil Blackwell, 1974), p.41.

² *Obligations to Future Generations*, R. I. Sikora and Brian Barry, eds. (Philadelphia: Temple University Press, 1978); *Responsibilities to Future Generations*, E. Partridge, ed. (Buffalo, N.Y.: Prometheus Books, 1981).

would have been like for them had they never been born. Since there is *nothing* that it would have been like *for them* if they had never been born, such sources would render this purported preference poorly formed or poorly articulated.” (pp. 108-109) But my preference need not have that shaky basis; I might prefer to have been born, not because the alternative seems bleak and empty, but because I like life. For the same reason, I might be glad that I awoke from a coma.

In “Hare on Potentiality: A Rejoinder,” Lockwood agrees that we have reason to create people who would flourish (p. 23), but he thinks, in opposition to Hare, that “the obligation one has towards an actual individual, not to prevent its potentiality for a worthwhile human life from being realised, is far stronger than any obligation one has to bring into existence, or not to prevent from coming into existence, an otherwise merely possible individual with a similar potentiality.” (p. 24) So, for Lockwood, our reason to foster potential well-being becomes strong when “a human life begins” or “an individual arrives on the scene” (p. 22, p. 23) Of course, Lockwood’s view comports with many of our prereflective intuitions—for example, we care more about saving adults than saving gametes—but one wants to know *why* the beginning of a human life *per se* matters with regard to potentiality. According to Lockwood, this is because, once a life has begun, there exists an actual interest in that life continuing, since that individual will be the flourishing adult. (pp. 22-23) People disagree (strongly!) about when human life begins, but consider the thesis that I came into existence four months into my mother’s pregnancy. On this view, I am the same individual as that fetus at five months but am not the same individual as any three month old fetus. Is this a metaphysical fact of moral significance, or is this an insignificant linguistic fact about how one applies the predicate, “same individual as?” Lockwood, it seems, believes the former, while Hare believes the latter.

Persson begins “Person-Affecting Principles and Beyond” by considering the principle PAN, according to which one outcome is better than another just in case it is better for people who exist non-contingently, that is, no matter what one does. (p. 41) Heller describes the Christian view in terms equivalent to PAN. (p. 82) By focusing only on lives worth living, these authors overlook that PAN is

plainly false. For suppose that God, gazing into the void, wonders whether to create Heaven or Hell, where these worlds would have no overlapping members (and so, everyone's existence is contingent on God's choice). Plainly, Heaven would be a better outcome than Hell (and more worthy of choice) because Hell's denizens would suffer.

Persson argues, against PAN, that contingent happy people can improve an outcome. After sketching a preference theory of value, he says, "it can be good for people to be caused to have desires which are promptly satisfied." (p. 46; Wolf makes a similar point on p. 110, criticizing Fehige's anti-frustrationist theory of value.) So, he wonders, why wouldn't it be good to create someone whose desires will be satisfied?

. . . the end-product can be the same in both cases, a subject or a person with satisfied desires, so how can what was done in the former, but not the latter, case be good for its subject? . . .

Hence, I conclude that it can be good for persons to be caused to exist, and that this contributes to the value of an outcome. (p. 47)

Of course, it *is* good for a being, who has been created, to have her desires satisfied; but this does not show that *creating her* is good for her (even knowing that her desires would be satisfied). Moreover, even if having been created did benefit her (as Hare believes), some might say, "We have no reason to benefit people in *that way*." Getting to the conclusion, "it is good to make happy people" is hard work.

Perhaps Persson's other argument for the same conclusion is better: "in some cases . . . killing a person would be bad for her . . . merely because it deprives her of a worthwhile life. . . . Just as it can be extrinsically bad for an individual to be deprived of her further existence, so, I submit, it can be extrinsically bad for her to be deprived of her entire existence." (pp. 47-48) Parfit gave a similar argument in terms of an analogy between whole lives and

parts of lives.³ Many will respond as follows: “The difference between being deprived of one’s *further* existence, and being deprived of *any* existence, is that in the former case alone an actual person is deprived of something. Hence, only the former case has moral import.” This reply, however, assumes a “person-affecting morality,” which only values “whether our acts will be good or bad for those people whom they affect.”⁴ Parfit’s *Non-Identity Problem* weighs against that view. If a fourteen year old conceives a child now, let’s assume, her child would have a life worth living, but if she waits, her child would be much better off. Also suppose that nothing else is relevant to her decision; she, and other people, won’t be happier if she waits to conceive. The young woman should wait to conceive, according to Parfit, but person-affecting principles cannot explain why, for conceiving now wouldn’t be bad for any actual people; her child would not be identical with the better-off child she could have had.⁵

Five of our authors discuss the Non-Identity Problem, but disappointingly, those who suggest that we have no impersonal reason to procreate ignore it. (Wolf, pp. 108, 111, 118; Meyer, p. 138; Tauer, p. 182) Let me propose the following, Parfitian argument:

1. It is better for the 14 year old to have her child later.
2. Since conceiving now would harm no one, the best explanation for why she shouldn’t is that waiting would result in more happiness.
3. Therefore, we have reason to promote happiness as such.
4. Therefore, we have impersonal reason to procreate (assuming our children would have worthwhile lives).

Critics of this argument might say: "the 14 year old has no reason to wait, given the unrealistic stipulation that waiting wouldn't benefit any non-

³ See Derek Parfit, *Reasons and Persons* (Oxford University Press, 1984), p. 487; also see Stuart Rachels, “Is it Good to Make Happy People?” *Bioethics*, Vol. 12, No. 2 (April 1998), pp. 105-106.

⁴ Derek Parfit, *Reasons and Persons*, p. 363.

⁵ See *ibid.*, pp. 357-361.

contingent persons." This position is defensible, but I don't know of anyone who advocates it, aside from Schwartz.⁶ Such a critic may continue: "If this seems wrong, it's because, in the real world, young teenagers are *much* better off waiting."

Elliot elegantly extends the Non-Identity Problem in his mostly critical paper, "Contingency, Community and Intergenerational Justice." On de-Shalit's view, he says, "there are special obligations, expressible in the language of rights and justice, that extend only to, or at least more weightily to, members of one's own community." (p. 166) These are additional to human rights, which apply to all. Given that one's community can extend to future generations (who share "a commonality of core values"), Elliot calls de-Shalit's view "communitarian intergenerational justice." And Elliot says:

Even if we restrict our considerations to justice within the transgenerational community, a variant of the non-identity problem arises. For the choices we make in the present determine whether future people are members of our transgenerational community. . . . In particular, we may elude any requirement of communitarian justice to the further future by making choices that ensure that the people in that future are not members of our intergenerational community. (p. 167)

I like this observation but wonder whether communitarians might comfortably accept its conclusion. After all, on their view, I won't have communitarian obligations to most future people anyway (since most future people, no matter what we do, won't be part of my community); so, it may seem unimportant whether that list of outsiders grows.

⁶ See Thomas Schwartz, "Obligations to Posterity," *Obligations to Future Generations*, R. I. Sikora and Brian Barry, eds. (Philadelphia: Temple University Press, 1978) and "Welfare Judgments and Future Generations," *Theory and Decision* 11 (1979), pp. 181-194.

If it is good to create additional happy people, then perhaps we should adopt a total principle of utility, according to which states of affairs are more choiceworthy insofar as they contain more happiness. Total utilitarianism, however, seems to entail Parfit's *Repugnant Conclusion*:

For any possible population of at least ten billion people, all with a very high quality of life, there must be some much larger imaginable population whose existence, if other things are equal, would be better, even though its members have lives that are barely worth living.⁷

As Parfit says, "The greatest mass of milk might be found in a heap of bottles each containing only a single drop."⁸

The Repugnant Conclusion asserts one state of affairs to be better than another: a very large population of lives barely worth living (= Z) is better than a much smaller, but still significant, flourishing population (= A). Throughout most of his article on the Repugnant Conclusion, however, Fotion interprets the Repugnant Conclusion as a claim about choice: that we ought to strive to bring about the very large population. Hence, he emphasizes the transition costs of massively increasing the human population, which are irrelevant to comparing A and Z. (pp. 87-91) Moreover, by the time Fotion finishes describing the larger population, it seems clear that, unlike the members of Z, they would *not* have lives worth living. "Life might still be worth living in the sense that many people would still do all they can to stay alive, but it would be 'poor, nasty, brutish and short,' though certainly not solitary." (p. 89)

Fotion's point, in the end, can be put in the form of a dilemma: if we interpret the Repugnant Conclusion consistently with human nature, then Z won't be better than A in terms of total utility. On the other hand, if we imagine

⁷ Derek Parfit, *Reasons and Persons*, p. 388. Authors before Parfit charged total utilitarianism with entailing what he calls the Repugnant Conclusion. See John Rawls, *A Theory of Justice*, pp. 162-163 and J. Brenton Stearns, "Ecology and the Indefinite Unborn," *The Monist*, Vol. 56, No. 4 (October, 1972), pp. 616-617.

that the creatures in Z are not like human beings as we know them, then “it would be difficult to imagine what kind of life these changed people would have, and thus to imagine just how repugnant or unrepugnant such a life would be.” (pp. 94-95) Is imagining Z so hard? Through misfortunes, I can imagine my life being, on average, drab or barely worth living. And I can easily suppose that many other people exist whose lives are of the same quality. So far I haven’t described a total state of affairs, to put it mildly. But if these are the only facts that matter in evaluating Z, need I go on? Or should I? The details of Z, I would think, could only mislead our intuitions, given that we already know the pertinent facts (and, in deciding what else would be true in Z, we would be guided by the desire *not* to alter Z’s overall value). And can’t we compare Z to A irrespective of whether, in the complete description of Z, human nature would be different than it is? Fotion says that “never-never land” examples “should not be the norm when it comes to engaging in criticism of ethical theories. After all, such theories are supposed to help us deal with practical, that is, real life problems.” (p. 96) However, Parfit uses the Repugnant Conclusion to criticize a principle of total utility that is not meant to be practical (unlike intuitive-level rules of conduct); and since the principle is understood to apply universally, it applies to many “never-never lands.”

Persson avoids the Repugnant Conclusion by asserting that the values in the smaller population differ qualitatively from those in the larger; so, no number of lives barely worth living can be as good as ten billion of very high quality. However, he also believes that small differences in quality can be overcome by a sufficient difference in quantity. These two beliefs, he sees, entail the intransitivity of “better than,” a result he embraces. (pp. 50-52) I have defended this argument elsewhere and won’t dwell on it here, except to say that I admired Persson’s treatment of it.⁹

⁸ Derek Parfit, *Reasons and Persons*, p. 388 (parentheses removed).

⁹ This argument was first presented in Stuart Rachels, “A Theory of Beneficence” (Oxford University undergraduate thesis, unpublished, 1992). Later the argument appeared in Larry Temkin, “A Continuum Argument for Intransitivity,” *Philosophy and Public Affairs* 25 (1996)

Wolf's essay is one of the best in the volume. He sketches and defends the "Impure Consequentialist Theory of Obligation" (ICTO), which consists in two principles:

1. *Negative Principle of Obligation* [NPO]: Actions that reduce (or minimize) misery are prima facie obligatory.
2. *Positive Principle of Beneficence* [PPB]: Actions are good if they increase well-being. Actions are better or less-good depending on their propensity to promote well-being: better when they do so more effectively, less good when they do so less effectively. (p. 114)

The negative principle is understood as obligation-generating, while the positive principle is not. For this reason, ICTO closely resembles negative utilitarianism. ICTO, however, is not a complete moral theory; it just covers the domain of well-being. (p. 115)

Wolf trumpets a number of ICTO's virtues and effectively rebuts some important criticisms. (pp. 114-119) However, ICTO seems open to two serious objections: (i) Is one *never* obliged to promote well-being? Suppose I could make a group of children *much* happier at no cost to myself. Wouldn't I be obliged to do so? Wouldn't I be—as Wolf puts it—a *schmuck* not to? (p. 113) (ii) On Wolf's theory, minimizing misery takes lexical precedence over promoting well-being. This sounds plausible because "misery" typically refers to suffering, great unhappiness or serious emotional distress. However, by "misery" Wolf means "whatever makes life go ill." (pp. 105-106) Is it plausible to suppose that minimizing ills takes lexical precedence over promoting well-being? Standing in a long line at the grocery store dampens down my day. Would your obligation to open up a new cash register be stronger than your obligation to make all the pleasures in the world sweeter (supposing this could be easily achieved)?

and Stuart Rachels, "Counterexamples to the Transitivity of *Better Than*," *Australasian Journal of Philosophy* Vol. 76, No. 1 (March, 1998). Persson discovered it independently.

Contingent Future Persons contains several nice things I won't discuss properly. I'll mention two. Those interested in the ethics of embryo research should read Tauer's "Bringing Embryos into Existence for Research Purposes." No matter what moral status preimplantation embryos have, she argues, there are no good reasons for permitting research on spare, surplus embryos while forbidding it on embryos dedicated for research. Also, Meyer fills a valuable niche by urging that our obligations regarding future generations are often obligations to respect the valuable projects of our predecessors. Such respect, he thinks, is "in the interest of past people since the success of some of their projects critically depends on the prospect of inter-generational cooperation in pursuing the projects or on the possibility of more remote future people being among the beneficiaries of their efforts and sacrifices." (p. 149) Of course, not everyone agrees; Persson (among many others) seems to regard the idea of posthumous interests as "absurd." (pp. 42-43)

Contingent Future Persons contains several fine papers, all of them new contributions to the literature (except for the decade-old papers by Hare and Lockwood). However, regrettably, Michael Tooley's first-rate essay "Potential Persons" is never taken into account by our authors, nor is Robert M. Adams' "Must God Create the Best?" despite the book's attention to theology.¹⁰

Stuart Rachels

¹⁰ "Potential Persons" is chapter 6 of *Abortion and Infanticide* (Oxford University Press, 1983). "Must God Create the Best?" appeared in *Philosophical Review* 81, No. 3, July 1972.