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I and the Non-Identity Problem

A reply to Parfit

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1 Introduction to the non-identity problem

We typically think that we have a duty not to harm persons that depend on us, including persons who are not yet existing. It seems morally wrong not to care about the conditions of living we may impose on future generations, like depleting the planet of scarce natural resources, lastingly polluting the environment, or irreversibly changing the climate. There are however cases where it seems unclear on what moral ground such obligations towards future generations may be based. Such cases occur when the existence of particular future persons is tied to a type of acts that seems at the same time harmful for that person. If the person who is affected nevertheless lives a life worth living, it has been argued that there is nobody who is made worse off, and thus seemingly no harm done. This is so because the person considering to commit such a type of act (that I will from now on refer to as *questionable act*) seems to have only two options: Either, by commission, to bring into existence a person *A* who is affected by a questionable act, or by omission, to bring a *non-identical* person *B* into existence who is thus not affected. It seems however impossible to bring person *A* into existence without negatively affecting her by the questionable act. As *A*'s life is overall still worth living despite the negative effects of the questionable act, there seems to be no ground to say that *A* has been made worse off. As the

problem arises because the questionable act is in some way tied to the identity of the person, Derek Parfit, who introduced the problem, called this the *non-identity problem* [Parfit, 1984a].

Children of persecuted ethnic groups may constitute such a case. Being persecuted seems to be a bad thing to live through. However, the fact that being persecuted very likely shook up the social structure of the affected community, there is a strong possibility that the persecution influenced when children were born, and to which parents. If there had been no persecution, other children would be born. Thus, the children born into the persecuted ethnic group seem to owe their particular existence to the fact that the group is persecuted. If they still consider their life worth living, it thus seems that they have not been made worse of by persecuting the ethnic group they belong to.

There are various well-taken replies to the non-identity problem as Parfit presented it, and some of them will be presented below. In the present essay, I will attempt to develop another line of arguments to answer the non-identity problem. This line of argument is based on the observation that what defines the identity of someone (the intension of the identity of this someone) varies substantially depending on whether a first-person or a third-person perspective is chosen, but that it is primarily the first-person understanding of being someone that yields the moral foundation of the value of being a person. But what defines the identity of someone from a third-person perspective is not significantly different from what defines the identity of inanimate things and may thus be morally insufficiently informative. Thus, as the non-identity problem is based on a understanding of personal identity that is derived from such a third-person perspective, it may be no surprise that it does not yield the morally correct answers. I will furthermore try to show that arguing towards persons affected by the questionable acts in the way that the non-identity problem seems to justify constitutes itself an additional harmful act towards these persons: The speaker thereby systematically undermines what constitutes the moral status of the affected being. Finally, I will argue that this line of arguments parallels other solutions to the non-identity problem that are based implicitly on taking the first-person perspective of personal identity into account.

2 A prototypical case

Parfit has illustrated the non-identity problem with a series of prototypical examples. One example that I find particularly useful for the purpose of this essay is the following:

“The 14-Year-Old Girl. This girl chooses to have a child. Because she is so young, she gives her child a bad start in life. Though this will have bad effects throughout this child’s life, his life will, predictably, be worth living. If this girl had waited for several years, she would have had a different child, to whom she would have given a better start in life.” [Parfit, 1984a, p. 358]

Imagine now that the child (let’s call her Claire) has reached an age where she notices that she is systematically and significantly worse off than her peers, and that this is likely to be exhaustively explained by the age of her mother at the time she was born. She has a feeling that this is not fair towards her, and complains to her mother Martha. Martha, who happens to be familiar with Parfit’s line of arguments, rejects that complaint. She explains to Claire that if she had not had her at the age of 14, she would not exist at all, but someone else. Martha tells Claire that at the age of 14, when she decided to have a child, she was well aware of the difficulties that the child would be facing because of her young age. But then, she also knew that

her child that will happen to be born with these difficulties could only come into existence under the conditions that necessarily entailed these difficulties. In other words, while bringing *Claire* into existence, these difficulties were *unavoidable*, and if she had waited with having a child until the conditions had improved, not Claire, but someone else would have been born. Thus, she argues, from Claire's perspective, she only had the choice between either bringing Claire into existence with those difficulties, or not bringing Claire into existence at all.

Martha then asks Claire if her existence is so bad that she regrets being born at all. As Claire denies that, Martha concludes that for Claire, the good contained in the fact of being born outweighs the harm of being born into those difficult but unavoidable conditions. Therefore, after all, Claire ought rather be grateful to her for making that decision at the age of 14 instead of complaining about it. Actually, she should rather be ashamed about complaining to her, as she has benefited her more than she has harmed her. Thus, she never wants to hear those complaints again. This is, she remarks in addition, something that she takes as a sign of ingratitude towards her own mother as the most important benefactor for Claire, and that it is Claire who is to be blamed now for trying to make that point, but not herself. Claire, she concludes, has no right to complain about her behavior at the time. In addition, she angrily points out, as no-one else has been affected, no-one has a right to complain at all. In brief, she concludes, there is nothing wrong with the choice she made when bringing Claire into existence at the age of 14.

Claire is puzzled. She does find her life worth living, and does not regret being born. But somehow, the “sting” that she senses when seeing her peers having a better life than hers seems to be immune to this. While the argument that Martha presented to her seemed to be conclusive, she finds it at the same time very conceivable and natural to think that her life *could* have been easier, and that the fact that this is not the case was caused by Martha's decision. In fact, the more she thinks about this, the more she gets the feeling that the way Martha was arguing with her was in itself hurting her.

At that point, I think we may begin to feel sorry for her. Is she really bound to accept the argument? Are the difficulties that she is facing something she should consider like a fate that is an a-priori part of how she must understand her existence? And should she even be grateful for that fate?

I think there are answers to Martha's arguments that come in support of Claire's complaint. And I think there is one type of answer that matters particularly for Claire, and that makes the arguments made by Martha something that is unjust specifically for Claire. The argument is based on how the non-identity problem presents itself for Claire as the eventual victim of harmful behavior committed by Martha. This type of answer may thus also be particularly well suited to explain those feelings of compassion towards Claire that we may have experienced during her dispute with Martha.

3 Third- and first-person views on identity

3.1 The third-person view

The non-identity problem as Martha has employed it to defend her action is based on the tie between acts that have detrimental consequences for a person and the identity of the person who is affected: Choosing an alternative to the questionable act can then only affect a non-identical person. This makes it seemingly impossible to wrong the affected person. But in order to evaluate the above argument further, we need to get a good grip on what defines the identity

of a person. In general, we may say the following: To say that person *A* is identical to person *B*, it is necessary and sufficient to show that all relevant properties of person *A* are also properties of person *B*, and the other way around. For these properties to be relevant, it is, as Parfit notes [Parfit, 1984a, p. 353] necessary that they are connected to a persons particular physical or mental characteristics. As a *Cartesian Ego* does not meet these criteria, he limits the scope of the potentially relevant properties that may serve to define personal identity to what can be observed from outside, i.e. to physical features.

Thus, from this point of view, these relevant properties must all be determinable objectively, and may, we can tentatively propose, be grounded in a particular set of genes and their interactions with the environment. Thus, significant alterations to this set of genes or the environment alter what defines the identity of a person from a third-person perspective. This objective approach to the identity a person is common sense, as it is very useful to define a particular person in a social and legal sense where we often rely on individual, maximally stable physical or even genetic traits of the person. Our passports have a picture of a persons face and a digital copy of her fingerprints, and can thereby serve as an official carrier of the identity of that person over time, and gene traces often serve to identify persons in criminal investigations.

But for Parfit to pose the non-identity problem as he did, it is only necessary to make a statement that is sufficient to assert the identity of a person in a way that contains a time-dependency of the properties that are relevant for the definition of the persons particular identity. For this purpose, these properties need to satisfy two conditions: They need to be *necessary* (i.e. with any those property missing, the identity of the person would not be sufficiently defined), and they need to be *distinct* (i.e. they cannot all be the same for two different persons) [Parfit, 1984a, p. 352].

The following time-based statement seems to satisfy these two conditions:

“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” [Parfit, 1984a, p.352].

Given a case where the above statement is true, the identity of a person thus depends on a particular procreative act.

3.2 The first-person view

However, what defines personal identity may be very different from a first-persons perspective. Searle, to name someone making this point, distinguished what he called the *first-person ontology* and the *third-person ontology* [Searle, 2000, p. 561].

From that subjective point of view, the relevant properties I rely on to identify with myself are, I tentatively propose here in line with e.g. Gallagher [2000], primarily a continuous, direct and pre-reflective experience of bodily sensations and voluntary bodily actions that I am the subject of. This is, to counter eventual objections here up front, and in agreement with Parfitts concern, not suggesting that we base the identity of a person on an immaterial Cartesian ego. The proposal is, as I will also argue later, perfectly compatible with views that posit a necessary connection between material properties of the body and the subjective experiences made being that body. But by changing the sensations produced by that body, or even by drastically changing essential properties of that body itself, “I” may still be the subject of the sensations and actions my body forms, and thus be, in this subjective sense, the same subject.

Thomas Nagel has made this point as follows:

“When I consider my own individual life from inside, it seems that my existence in the future or the past — the existence of the same ‘I’ as this one — depends on nothing but itself ... My nature then appears to be at least conceptually independent not only of bodily continuity but of all other subjective mental conditions, such as memory and psychological similarity. It can seem, in this frame of mind, that whether a past or future mental state is mine or not is a fact not analyzable in terms of any relations of continuity, psychological or physical, between that state and my present state.”
[Nagel, 1986, p. 33]

The contrast to Parfit’s statement is obvious: If, in some strange world, I woke up one morning and, when looking in the mirror, I would by some mystery see Tina Turner, “I” would now probably be Tina Turner. But at the same time, “I” would still be the same subject that has been Thomas König the evening before.

But while those mysteries don’t happen, it is not necessarily so that nothing of this kind takes place at all, and when we carefully observe our selves, there is a plethora of subtle dissociation between our objective and our subjective identity: Think for example of how your body changed with age while you always felt being the same subject. Or consider for a moment the feeling of an anesthetized limb that strangely felt as not being part of your self, as you were, for the time of the action of the anesthetics, not the subject of the sensations and actions that limb may have produced. An outside observer on the contrary has no reason *not* to consider the limb as a part of your person, but may not recognize you as the same person if your physics has substantially changed.

Insisting on this point is not an exotic position. The fact that we have this “minimal phenomenal selfhood” has meanwhile developed into full-fledged research domains that encompass neuroscience as well as philosophy of mind [Blanke and Metzinger, 2008]. John Searle considers what he called the first-person ontology [Searle, 2000, p. 561] as a constitutive element of any conscious experience, and the biological evidence gathered so far suggests that we sense our self in a way that is comparable to how we sense other things like color and taste. This sensing of “self” has now been systematically linked to brain processes that integrate information across intero- and exteroceptive input, representations of motor intentions, and memory [Blanke, 2012]. And like with all other senses, our subjective experience of self turns out to be constantly changing, plastic, highly adaptive, and prone to failures and illusions. Experimenters are meanwhile able to introduce an inanimate object into the body-scheme of an experimental subject (e.g. during the so called rubber-hand illusion) or induce out-of-body experiences, and some of the most severe disturbances of our sense of self, as e.g. observed in patients with schizophrenia, are well-explained by experimentally and biologically supported models of faulty self-perception processes. The “I”, in this view, and in contrast to a Cartesian Ego, is thus a process and not a thing, and we may tentatively understand it as information that is integrated in such a way that the conscious quality of its experiential content is a sense of self [Tononi, 2004].

Based on these observations, I want to make the following statement:

“Our subjective and embodied sense of identity with our self is not necessarily identical to the particular material identity of the body that we experience as being our self.”

3.3 Two views on the same person

It is not the aim of this essay to resolve the ongoing debate among competing definitions of personal identity. But I think we can safely claim that the link between the objective and the subjective definition of identity is the link between a complex information integration process and the material substrate of that process, and that a reduction of the functional and experiential aspects onto its material base is likely to be problematic¹.

What matters to me here is that these definitions of personal identity are not the same, and that probably neither can account for everything that we may want to account for: Ontologically, the materialistic dimension certainly precedes the subjective one (in the case of an embryo with a not yet functional nervous system), but the subjective experiential aspect of selfhood is likely to precede the objective one in an epistemological sense (in the case of a young child that has a stable minimal phenomenal selfhood, but does not yet have a sense of constancy of itself and others as persons). And there are of course interesting, but non-trivial connections that often matter in practice, like when holding a person to responsible for a past act: This requires a non-accidental co-presence of subjective and objective identities, as we want to hold responsible the person who is objectively identical to the person who committed the act, and that person must be expected to feel identical with the subject who committed the act in order to be considered as morally responsible.

For the aim of this essay, it is however interesting to work out some important differences between the two definitions. I present the following:

- **Countability and comparability:** In the third-person ontology, persons behave like most other object, in the sense that they can be quantified, there is a plural form of the noun, and that it is therefore possible that two persons can be compared. However, in the first-person ontology, the term “I”, has no plural, as there is always just one subject of a particular bodily sensation or bodily action. It is thus not possible to compare two instances of an “I”. In a first-person ontology, the “I” is not defined in contrast to another “I”, but by constantly assessing (and this can be read both in a ontological and in a neurobiological sense) whether some event coincides in a non-accidental way with the experience of a bodily sensation (resolving whether I have been affected or not), or whether some events match the expected consequences of my actions (resolving whether I have been the author of the events) [Gallagher, 2000]. What an “I” compares against is thus not another “I” but merely “alien” or “not me”.
- **Possibility of non-existence:** In a third-person ontology, statements like the one Parfit made about persons can also be made for inanimate objects as long some of their defining properties depend on their time of creation. We can for example think of wine. A corresponding statement then may look sound this: Because wine is different each year, if no Merlot del Ticino has been produced in 2014, then “Merlot del Ticino 2014” does not exist. But interestingly, we cannot make a similar statement from the subjective perspective. The sentence “If I wasn’t conceived in October 1966, I don’t exist.” is in itself false, because there is nobody who can reasonably deny his or her own existence as a sentient being.

¹See e.g. Jackson [1986] for a classical argument against physicalistic explanations of experiential phenomena. And Parfit himself, and in the same book where he presented the non-identity problem, has claimed that personal identity may not be necessarily defined by the material identity of our body [Parfit, 1984b].

- **Value:** The third-person ontology of a person is equal to how we could define the identity of most other objects. If we damage such an object, say a shoe, this is only morally problematic in an indirect way, as the shoe is probably no subject who can perceive the damage as painful or as an obstacle to its intended actions. The shoe may of course be of instrumental value for someone who can walk better with the shoe being intact, but it is only through this someone that we may have reasons not to damage the shoe. However, given that we maintain such basic moral tenets towards others as reducing harm and helping, the moral value of this type of actions seems to require at one point in time a subject who directly experiences pain when being harmed, and who experiences agency when being helped. Harming nobody is simply not harming at all, and helping nobody is not helping at all, and the “body” that makes harming and helping relevant is making such actions relevant by forming, I suggest, experiences of bodily sensations and basic intentional actions. General moral tenets like reducing harm and helping others thus require at least the possibility of the presence, at one point in time, of somebody who can say “This affects my self”. It is thus the subjective, but not the objective understanding of personal identity that can account for values that we typically consider as intrinsic ².

4 Taking sides

In order to show why the way the non-identity problem is presented gives the wrong answers to some morally relevant questions, it is not necessary to show that it is wrong from all points of view. It is enough to show that for each case of a non-identity problem, there at least one case where the argument behind the non-identity problem is morally problematic for someone. This someone, I suggest, is the being who’s identity (understood in the objective sense) depends on the behavior that produced the foreseeable harm, but who evaluates the effects of the behavior from her own subjective point of view. As these two perspectives differ significantly in how they compare identities and in whether or not they permit non-existence, and as the way we assess identity and existence are premises of the non-identity problem, the conclusions drawn from the non-identity problem depend on the perspective we choose. And as the two perspectives differ in their access to normative values, we may have reasons to choose one perspective over the other when it comes to evaluating certain conclusions that the non-identity problem suggests are true. In the next three subsections, I will thus discuss the choice between the two alternative perspectives from an epistemic, an evaluative, and a practical point of view.

4.1 Why we ought to refer to subjects, and not to persons

In this subsection, I will develop an argument that we necessarily have to make reference to a first-person ontology to morally evaluate actions in general. The argument runs as follows:

P1: All actions that factually or potentially affect a sentient being are potentially morally relevant.

P2: The morally relevant content of being affected by something consists of bodily sensations or the (im)possibility to voluntarily³ act in certain ways. I will term this content of being

²Within the ongoing debate about the nature of practical reasons, the position of the so-called “reason internalism” similarly claims that access to (private) motivational states, and thus a subjective first-person perspective, is necessary in general for what constitutes a reason for someone to do something [Manne, 2014, Schroeder, 2007].

affected *subjective experiences*.

- C1:** \therefore From **P1** \wedge **P2** follows that if we want to morally evaluate an action that affects another being, we necessarily need to refer to the experience of the affected subject.
- P3:** Being the subject of ones subjective experiences is not necessarily identical to being a particular material person⁴.
- C2:** \therefore From **C1** \wedge **P3** follows that we must refer to the subject of experiences, and not to particular persons when we evaluate an action that potentially affects a sentient being.
- P4:** The non-identity problem, as Parfit has formulated it, refers to material persons, and not to subjects.
- C3:** \therefore From **P4** \wedge **C2** follows that in the way Parfit formulated the non-identity problem we cannot expect morally informative conclusions.
- P5:** The full content of subjective experiences is accessible solely to the subject of the experiences, i.e. it is private.
- P6:** Subjective experiences can be communicated by the subject of those experiences from the first-person perspective.
- C4:** \therefore From **P5** \wedge **P6** \wedge **C2** follows that insight into moral questions needs to refer to what affected sentient beings (as least assumingly) communicate⁵. For this referring to subjective experiences that are being communicated by other sentient beings, I will use the term *empathy*. And it comes as no surprise that intuitively, we often consider a lack of empathy as a profound *moral* deficit of character. An empathetic referring to another subject is a perspective taking that requires the attempt, as good as it is possible, to perceive things as if one were experiencing it as the other being.

4.2 What matters to subjects, and what does not matter

In this subsection, I will argue that it is the subjective, and not the material understanding of being that bears value to a sentient being. I will thus examine some relevant aspects of what defines us as being a subject, and what defines our material existence as person in terms of values that these aspects may, or may not convey for a sentient being.

³I understand the term “voluntary” as the property of being caused by something that some sentient beings attributes to its conscious self. This does neither imply nor exclude that what is being attributed to this self may at the same time obey the rules of physics and have a physical substrate.

⁴We can in fact observe dissociations in either way: A person who suffers from agnosia after a stroke may for example not recognize parts of her or his body as “self” (personal identity of the body part persisting in the absence of the subjective experience that the body part is also part of the self), or a person with a complete retrograde amnesia may not be able to identify her self with the person she is explained she has been in the past (thus, we have a sense of self persisting independently of personal identity).

⁵This coincides why we habitually work on interpersonal moral questions by asking one party to “put itself into the shoes” of the other.

4.2.1 Hedonistic values

Bodily experiences are traditional candidates for theories of moral values. They range from, to name just two version, the Epicurean view that a good life consists essentially of the absence of fear and pain to particular forms of utilitarian theories like the one proposed by John Stuart Mill [Mill, 1863]. And while there are strong arguments against the view that such hedonistic theories may be sufficient for a complete theory of moral values (see e.g. Nozick's thought experiment of the experience machine [Nozick, 1974]), the avoidance of pain and the gain of pleasurable feeling are undoubtedly basic pro-tanto reasons for the being affected by these experiences to value particular alternatives in a given situation.

Beyond this hedonistic aspect, there are traditionally “continental” and scientifically fruitful positions that argue that pre-reflective experience of bodily sensations matter because they are our primary means of understanding both of our selves and of our outer world. Gernot Bohme for example coined the term of the “birth of the subject through pain”, as the subjective experience of pain is something that undoubtedly informs the subject that there is something that is in a direct and not further deducible way about her or his self [Böhme, 2008]. Mirroring John Searles term of a first-person ontology that is part of any conscious experience, being a subject is thus from these positions in a fundamental way identical to being the subject of particular private and subjective experiences. If others make reference to the subjective sensations of a sentient being, they thus validate something that is essential for this being. If others bypass these experiences, they act in a way that is oblivious to a basic quality of this being in a way that, as I will argue below, is per-se harmful.

4.2.2 Agential values

Given that the experiences we talk about are subjective and may therefore individually vary, it follows that valuing these experiences implies that we ought to have freedom of action: For Mill, who endorsed a hedonistic moral theory that aimed at maximizing the overall experience and of pleasure and the overall minimization of pain, the issue of what these pleasures and pains consisted of, and how they ought to be weighted was not set commonly for all. He thus proposed that “there should be individual experiments of living” [Mill, 1859, ch. 3], and that in fact individuality is “one of the principle ingredients of human happiness, and quite the chief ingredient of individual and social progress.” Therefore, for Mill, “it is desirable [...] that in things which do not primarily concern others, individuality should assert itself.” This implied for him that “men should be free to act upon their opinions — to carry these out in their lives, without hindrance, either physical or moral, from their fellow-men, so long as it is at their own risk and peril” [Mill, 1859, ch. 3]. And while the scope of this argument may be limited to the range of situations where a hedonistic moral theory gives reasonable answers, freedom of actions is by no accident a basic constitutional right in probably any modern legal system.

But again, there are more reasons than hedonism to value being the subject of voluntary bodily actions. Intuitively, this connects to valuating the agential basis of personal autonomy, i.e. “being the master in one’s own house”. It is this type of experiences that permits us to perceive our selves and others as more than merely passive perceivers of events taking place in a merely physicalistic world, and as beings that are being able to act upon things we care about. So again, if others make reference to the subjective experience of agency of a sentient being, they validate something that is essential for this being. Bypassing these experiences is, as I will argue below, a potentially harmful act against something that constitutes the core of

the affected being.

4.2.3 There is no value in existing per se

Can a subject value existing as such? I think the answer is no, simply because not to exist is something that no subject will ever experience. Existence is, in other words, for all sentient beings an a-priori given fact, and it seems in general futile to argue about the value of something in the absence of any possible alternative. For the same reason, a subject cannot reasonably regret existing per se in the first place, as existing is a necessary condition for being able to regret at all.

Note also that based on the way Parfit laid out the non-identity problem, I think he would have to agree with this conclusion. This is so because the idea that a person may value her own existence implicitly endorses a dualistic position: The notion that “giving” a physical existence to someone is a choice that is beneficial for this someone implies that there is the possibility not to do that. But if that alternative shall exist, the potential beneficiary must be separable from the benefit, and thus, in the particular case we are dealing with, from its own physical existence. Making such a claim thus coincides with the standard definition of dualism and would therefore require something like a Cartesian Ego that already exists as beneficiary before being born as the person who benefits. But this is an option that Parfit explicitly needs to reject [Parfit, 1984b, p.353], as this would falsify the non-identity premise of his argument. Thus, Parfit cannot reasonably assume that there is any value in existence per se.

The only other benefit of existing that we are left with is thus the benefit of existing as a particular person, which is what I address next.

4.2.4 There is no value in being a particular person

Can a subject value the fact that it is born as a particular person? Again, I think the answer is no. Given that we do not endorse theses like a reincarnation under some Karma, the defining facts about the person whose body we are the subject of are probably best considered as largely due to a large series of quite random coincidences. And while these coincidences may obviously determine to a large extent what subjective experiences we make, how we make these experiences, and how valuable these experiences will be for us, it is these experiences that are up for evaluation, and not the fact that we are the subject of these experiences as a particular person. Therefore, there is no particular benefit that we can expect from existing as a particular person, apart from benefits and harms that apply to all persons born into a sufficiently similar particular time and place, and with sufficiently similar biological and evaluative predispositions. For the same reasons, we can strictly speaking also not be expected to regret or not to regret existing as a particular person. The rational way of formulating regret in this context is that we may or may not regret being made the subject of certain beneficial or harmful subjective experiences. Thus, in the range that it is feasible for others (like Martha) to affect the causes of these experiences, standard ethical views like the notion that we have a right to be spared of experiencing avoidable harm imply that others have corresponding duties to prevent this from happening.

4.3 Why we sometimes must disregard the third-person ontology

The following section addresses the practice we apply when we interact with sentient beings on morally relevant issues, and clarifies the question whether this practice essentially refers to the

first-person or the third-person ontology. I will argue in favor of the former being the essential one. At the same time, it is also the former one that is incompatible with the thesis that the non-identity problem is a conclusive argument against the rights of future generations. The reason for favoring the first-person ontology in the practice of moral reasoning lies in the observation that arguing about practical reasons with another person commonly contains an imaginary change of personal identity in the third-person sense in order to approach the subjective identity of the being we address. We use sentences like “If I would be you, and considering the set of further facts F , I would rather ϕ than χ .”, or “If you would be me, what do you think would it mean to me when you χ instead of ϕ ?” Assuming that Parfit formulated the non-identity problem correctly, such sentences would not never be meaningful at all, as their antecedens (“If I would be you” or “If you would be me”) would always be false. Therefore, we would be confronted with the quite unwanted conclusion that nothing specific could ever follow from such sentences.

It is interesting here that in the domain of theories of practical reasons, a recent proposal of what practical reasons are is based on exactly such a perspective taking talk to others: Kate Manne defined practical reasons as “those considerations which would ideally be apt to be cited in favor of that action, when we are reasoning with her about what she ought to do” [Manne, 2014, p.97]. Importantly, the person citing these considerations (whom she calls *ideal advisor*) must necessarily interact with the advisee in a mode that she calls (taking up a terminology introduced by P.F. Strawson) the interpersonal mode. This mode is defined by “... treat[ing] them [the advisees] as a human being much like ourselves” [Manne, 2014, p.95] and is opposed to what she calls the objective mode where “we view the individual as a kind of human object to be managed, cured, or navigated around” [Manne, 2014, p.95]. Given that we grant Manne’s proposal plausibility, it follows that a purely objective understanding of other beings is unsuited to address important issues about practical reasons (and thus also about the ethical considerations regarding procreative acts). It is on the contrary necessary to cross the borders between different objective personal identities to actually be able to practically address probably most ethical issues.

Finally, I think it is safe to say that thinking beyond the borders of one’s own particular existence is a necessary conditions for an empathetic understanding of others. Carl Rogers, and expert in emotion focused psychotherapy, defined empathy as the ability to see completely through the eyes of the other, and to adopt the others frame of reference [Rogers, 1995, p.85]. And we intuitively, and probably for reasons similar to the ones presented here, consider a significant lack of empathy of someone as a trait that is per se morally problematic.

4.4 Harming others by disregarding the first-person ontology

Apart from the previous observation that the third-person ontology is epistemically in many ways deficient when it comes to understand values and practical reasons, I think we also have reasons to belief that using arguments based on the non-identity problem against victims of the relevant acts constitutes itself *another* harmful act.

One reason why arguing in this sense is harmful is because the way the non-identity problem is formulated, it attributes value to existing, thus to something that cannot be otherwise *for the affected subject*. But something that cannot be otherwise seems to be unsuited to carry any moral weight, and to provide justifications in favor or against certain acts. In a first-person ontology, this is an important, but a-priori and trivial, but not a moral fact for the affected subject. At the same time, in the logic of the non-identity problem, this factually “empty” value of existing is understood by Parfit as a benefit that compensates for some harm being done.

The putative compensation of existing is something that is intrinsically already and always part of the subject, and thus not something that can be considered as being given in return for the harm, unless, and against Parfit's own view, we would endorse a dualistic understanding of a person. Thus, one reason why the arguing with the non-identity problem is harmful is because it seems to justify a foul deal.

A further reason why this type of arguments is harmful is that based on the foul deal we have discovered, they exert a pressure on those who experience the consequences of unnecessarily harmful procreative acts not to speak up and testify about the bad consequences of a questionable act. In the example of Martha and Claire, Martha makes use of this pressure to blame Claire for her complaining and thereby silencing her. We may thus consider the usage of this line of arguments against the those experiencing the consequences of the questionable acts special cases of what has been called *testimonial injustice* [Fricker, 2007]. Testimonial injustice is, in Fricker's words, the "... idea is to explore [...] as a distinctively epistemic injustice, as a kind of injustice in which someone is wronged specifically in her capacity as a knower." [Fricker, 2007, p.20]. In the way the argument behind the non-identity problem silences the victim, such testimonial injustice is particularly harmful, as it is wronging the subject experiencing the harm, and thus our primary source of access to the morally relevant negative subjective experiences that the questionable act has entailed.

5 Related responses to the non-identity problem

I hope the previous sections have helped to show that the way Parfit presented the non-identity problem is not a reason that make harmful acts toward future generations permissible if these acts modify the material identity of the persons affected by those acts. Parfit's argument gives value where none is to be found (i.e. to existing as such (4.2.3), and to existing as a particular person (4.2.4)), and omits referring to those dimensions of our existence that we typically value, namely hedonistic (4.2.1) and agential (4.2.2) qualities of finally subjective experiences. In a more formal sense, I hope I could show that Parfit's argument fails because it contains a hidden, and unresolved ambiguity between monistic and dualistic conceptions of what it is to be a person, and neither conception can be shown to be compatible with Parfit's argument. The monistic view (that Parfit endorses) cannot explain why there should be any value in existence per se, or in the existence per se as a particular person, while the dualistic conception defines identity in a way that is not affected by procreative acts.

To finish this essay, I will now briefly present two other positions (one by Elizabeth Harman and one by Rahul Kumar) that presented arguments against the troublesome conclusions that the non-identity problem seems to permit. It is interesting, in a metaethical sense, that both replies can be seen to be based on the observation that we cannot reasonably posit a putative benefit of existing as a particular person to outweigh the harm produced by a wrongful procreative act. Elizabeth Harman's paper achieves this by noting that an act may be harmful, and thus potentially morally wrong, even if the victim ends up being better off as a result of the act. Rahul Kumar, who employs a contractualist's approach, notes that moral rules (like avoiding harm) hold between certain *groups* of persons (i.e. between creditors and a debtors), and are therefore independent of the particular identity of the group members.

5.1 Wrongfully harming while benefiting

Elizabeth Harman [Harman, 2004] addressed the non-identity problem by elaborating that harm does not necessarily imply the absence of a benefit. First, she noted that we can harm someone while benefiting. Harming, she thus argues, does not necessarily make someone worse off. The paradigmatic case she presents is the one of a surgeon: A surgeon may unavoidably need to inflict a certain amount of harm (i.e. pain) to a patient in order to avoid that the patient suffers much greater harm by a medical condition that will be eliminated by the surgery. This seems to be uncontroversial⁶, as the harm that the patient would suffer without the surgery largely outweighs the harm inflicted by the surgery. The patient, despite being harmed, is thus made better off by the surgery. Nevertheless, the harm inflicted to the patient remains something bad, and should therefore be minimized. But similarly, persons may benefit from suffering harm that is impermissible. Harman offers the case of a woman who gave birth to a child that she conceived while being raped. While she loves her child, and never regretted having it, no-one would consider this benefit to her as something that made the rape permissible [Harman, 2004, p.99]. Similarly, according to Elizabeth Harman, Claire does not necessarily need to regret being born for finding the act of Martha morally impermissible.

Harman also directly applies this line of thought to cases like the one of Martha and Claire. Her criticism of questionable acts like the one committed by Martha runs as follows: At the age of 14, Martha had the choice between having a child now, or postponing her motherhood. At the age of 14, she also knew that having the child now will inflict serious difficulties to a child to be born, while postponing her motherhood would avoid those difficulties to a child born later. She also knew that the expected benefits of being born would be about equal for her child, no matter if it was born now or only later. Thus, by choosing to have a child later, she could have provided equal benefits to her child, while avoiding all the harm associated with having the child now. This is what makes her choice of having the child now wrong [Harman, 2004, p. 94-95].

5.2 Contractualism and types of persons

Rahul Kumar's approach to respond to the NIP is a contractualist one [Kumar, 2003, p. 105-108]. Contractualism, briefly explained, posits the existence of certain legitimate expectations among persons that regulate our interpersonal conduct. What these legitimate expectations include may vary as a function of the types of persons and the types of contexts these interactions take place. But given that there is a certain type of persons, and that there is a certain type of context, these expectations work like laws in a legal system; they fix what is morally required, permissible and impermissible in general terms and for everyone involved. There is for example the generally accepted rule that persons of the type "parent" have special duties of care towards any persons that are of the type "their children". Avoiding unnecessary harm is a rule that applies to everyone who is of the type "person", and wrongful procreative acts do harm to someone who is of the type "person". This makes these acts morally wrong.

⁶This is strictly speaking only uncontroversial if the person who is harmed gives informed consent. In procreative acts, this is not the case, which may yield rather different conclusions (see e.g. [Shiffrin, 1999] for an in depth discussion of the issue).

6 Conclusion

Let me now finish this text with helping Claire to justify and flesh out in words, from the point of view of practical philosophy, why the “sting” that she felt in her situation is pointing to something morally meaningful. Claire could reply to Martha that while it is true that her life is overall worth living, this is not due to the fact that she exists per se, and this is not due to the fact that she exists as a particular person. Existing, and existing as a particular person, is something that she has no reason to count in favor of anything, as for her, this is merely a necessary fact without alternative. But she disapproves that Claire engaged in an unnecessarily harmful procreative act that entailed someone suffering harm unnecessarily. She (Claire), as the subject experiencing this harm, has a right and a duty to testify how it is to be the subject of the experiences caused this harm, and to blame Martha as the one who had caused this harm. And finally, making usage of her own capacity as an attentive student of philosophy of mind, she points out that the non-identity problem, as Parfit has formulated it, is not conclusive in the first place, as it contains an ambiguity about monism and dualism, and that neither a monistic nor a dualistic position yield support for the argument that Martha had used to justify her questionable act.

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