

Contractualist Reasons and Future Persons

A Contractualist perspective on the Non-Identity Problem

Guido Bik

Studentnummer: 3683788

Faculty Humanities

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1st reader: Franck Meijboom

2nd reader: Kirsten Pols

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Contents

Introduction.....	3
1. Introduction to the Non-Identity Problem (NIP).....	4
1.1 The Non-Identity Problem Explained.....	4
1.2 Asymmetry.....	5
2. Human-Affecting Restriction.....	7
3. Rights.....	10
3.1 Moment of judgment.....	10
3.2 Is there a Right or a Preference to Exist?.....	11
4. Conclusion.....	13

Introduction

Caring about future generations is taken for granted. In our actions it does not always show that people care: exhausting limited resources and polluting the environment seem contradictory to genuine sympathy with generations still to come. But at large we do seem to share a moral intuition that we should care for future generations. So even if our actions at times imply otherwise, people commonly feel that they should care and that future generations matter to us:

*"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."*¹

~ Derek Parfit, *Reasons and Persons*.

We care about future people, even though these people do not yet exist. So who or what do we care about exactly? The non-existence of future people is especially troublesome for contractualist theories where moral concern is defined as "how *persons are to relate to one another*."² As an essentially interrelational theory, the general challenge for contractualism is to show how we can relate to people who are not yet actual. This general challenge will not be my main research focus, as there is a more specific intergenerational problem to be found in the Non-Identity Problem (NIP). I believe the NIP covers most of the complexities of intergenerational morality and in providing an answer to it from a contractualist perspective, the solution will also prove useful to support contractualism as an intergenerational moral theory. But the NIP will be the main research focus.

Derek Parfit's Non-Identity Problem holds that we cannot wrong future persons: every time we make a different decision, it can lead to a future with different people. When future people exist because of an action, they will approve of that action, because if I would have acted otherwise, they would not exist. In addition to the general problem for contractualism that future people do not yet exist, the NIP makes it impossible to relate wrongness to hypothetical future persons. Even if we treat future persons as if they exist, our actions will still not wrong them.

The NIP assumes a narrow defined person-affecting restriction, where what is wrong depends on it being wrong for particular individuals. My thesis is that contractualist rights, based on a shared human nature, offers an account that shows how we can wrong future

¹ Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1987), 351.

² Rahul Kumar, "Defending the Moral Moderate: Contractualism and Common Sense," *Philosophy & Public Affairs* 28 (1999): 284.

persons and avoids the NIP by defining the person-affecting restriction more broadly. If wrongness depends on our human nature, the assumption that it depends on particular individuals is no longer valid and a personal preference to exist no longer means that no wrong has been done. During my research the NIP proved to be more resilient than I had expected on the basis of my thesis. As a result the focus of the thesis has shifted slightly towards the intrinsic complexities of the NIP, but the end result still provides an Contractualist answer.

After explaining the NIP in more detail, I will move on to explain my own and Rawls his contractualist account, and if their more broadly defined person-affecting restriction is a sufficient solution for the NIP. In order to answer this question I continue by considering the right moment of judgment, and if there can be a right to exist. Finally I will show what my analysis if the NIP means for contractualist theories in general.

1. Introduction to the Non-Identity Problem (NIP)

1.1 The Non-Identity Problem Explained

What if we would have never existed, Parfit asks himself. "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."³ Whenever we make a different choice, the result of our choice can mean that people will be differently conceived as a causal consequence and different persons will come to exist, with each different choice that is made. This point is easily overlooked. People commonly ask themselves how they would have turned out if they would have had a different father. In doing so they tend to overlook the most likely answer that *they* would not have looked like anything, cause *they* would not have been conceived and would not exist at all. Our choices affect future people in the same way: it causes other people to be conceived. At the same time Parfit is reasonable enough to concede that in most of our decisions we cannot predict the outcome and we may ignore the moral concern about that which we cannot possibly predict.⁴

We can see how the possibility of non-existence is morally relevant if we look at public policy. If we take depleting resources as an example, we can imagine two policy options where the same number of people come to exist: 1. where we use the most resources in a short period, leading to higher welfare in the short term, but leaving future generations with fewer resources. Or 2. we use lesser resources now, leading to less welfare now, but

³ Parfit, *Reasons and Persons*, 355.

⁴ Parfit, *Reasons and Persons*, 356.

where future generations will have more resources and welfare than in the first option. We assume we can quite accurately predict the outcome of our resource policy in this example. Most people would probably want to choose the second policy option, but how can we morally justify this choice? We cannot say that we choose policy no. 2, for the sake of not hurting the future people under policy no. 1, by leaving them with fewer resources. Because by choosing policy no. 2, we cause the people under policy no. 1 not to exist, and surely people would prefer to exist with fewer resources, than not to exist at all. This is what we call the Non-Identity problem (NIP). How can we say a decision is wrong (wrong for who?) if the people that it might wrong, exist because of that decision? Parfit provides himself with an partial answer called *the same-number quality claim*. “If in either of two possible outcomes the same number of people would ever live, it would be worse if those who live are worse off, or have a lower quality of life, than those who would have lived.”⁵ This suggestion does right to the common sense whether we choose option no. 1 or 2, a future generation exists in both possible worlds, and it makes sense to choose the option where people exist and enjoy a high quality of life. But the same-number quality claim does not justify why and when something is wrong and why the quality of life matters.

The NIP creates a specific problem for contractualism. In a theory that would maximize a certain good, and is not person-affecting, the NIP can be ignored. If something is wrong because it fails to maximize happiness for example, it is not a problem if a person would prefer to exist, because the wrongness does not depend on his preference. But in contractualism we treat people as ends in themselves. This Kantian element is an especially promising trait of Contractualism. Because contractualism is based on agreement between people and defines morality as an interpersonal concept, treating people as an end in itself (never overstepping what is humane) is in the DNA of contractualism. And it is this crucial personal element that the NIP attacks: if something can only be wrong if it is wrong for someone, then how can our action wrong a future person whose existence depends on that action? If that future person prefers our action as it has caused him to exist, then he is not wronged, in fact; he has been blessed. What we would commonly call wrong, is now wrong for no one. Contractualism can surely not be right. The NIP in effect takes the person-affecting property of contractualism which has so far distinguished it as a promising moral theory, and attacks that feature.

1.2 Asymmetry

Imagine a couple who know that if they have a child, the child will be happy and no one will be worse off by her being born. A second couple knows if they would have a child, it will only

5 Parfit, *Reasons and Persons*, 360.

live for two years, will constantly be in a pain which cannot be compensated and its life will not be worth living. Now many will hold that there is a moral reason not to conceive the unhappy child. And at the same time that there is *no* moral reason to have the happy child. This seems perfectly natural, or intuitively acceptable to me, but Parfit insists we must explain this asymmetry:

"We could (1) appeal to the Person-Affecting Restriction, (2) claim that causing someone to exist can be either good or bad for him, and (3) appeal to the Narrow Principle. According to the Narrow Principle, it is wrong, if other things are equal, to do what would be either bad for, or worse for, the people who ever live. It is therefore wrong to have the Wretched Child, since this would be bad for him. But it is in no way wrong to fail to have the happy child. It is true that, if my couple have this child, this will be good for him. But if they do not have this child, this will not be bad for him. And [...] it will not be bad for anyone else. This is why there is no moral reason to have this child."⁶

Morality concerned with human well-being should be explained in terms of what would be good or bad for those people whom our acts affect, which is what Parfit calls the Person-Affecting Restriction.⁷ If we (1) combine the *Person Affecting Restriction*, (2) assume that causing someone to exist can be good or bad for him, with (3) the *Narrow Principle*, we can now explain the asymmetry. Now it will be bad to cause the unhappy child to exist because it will be bad for him. And there is no moral obligation to conceive a happy child, because not conceiving him, will mean he will not exist and it will be bad for no one. This would be a good answer to the asymmetry, but this answer is not possible according to the non-identity problem: "We must reject the view that, for an act to be open to a moral objection, there must be some complainant. If we choose Depletion, this will later cause a great decline in the quality of life. But those who live after this decline will owe their existence to our choice. There will be no complainants. But there *is* a moral objection to our choice."⁸

An intergenerational choice cannot be said to be wrong because it wrongs no one. To see who we wrong in intergenerational choices, we must redefine the person-affecting restriction. At the same time, we want to save the contractualist element where moral wrongness is always related to individual people. Therefore we will now turn to redefining the person-affecting restriction, so it can meet both demands.

6 Parfit, *Reasons and Persons*, 526 (note 32 to part IV).

7 Parfit, *Reasons and Persons*, 394.

8 Parfit, *Reasons and Persons*, 526.

2. Human-Affecting Restriction

The NIP presents us with the question: if we wrong future generations and if wrong is stated in person-affecting terms, then who do we wrong exactly? To answer this question, we must state in contractualist terms what exactly we do wrong when we wrong future generations, without losing the person-affecting property of contractualism.

I see a promising way for contractualism to do so, by grounding morality in our human nature. In general this is a promising way to go for contractualism, as a shared human nature provides features we share alike as humans, and as shared features they are excellently suited to be used to reach an agreement between people on our moral content. People are motivated to reach a moral agreement, if the natural fact that humans desire to live is combined with the rational insight that lives can only be secured within a moral agreement where our perspective is inherently impartial (or second-personal)⁹. It must be impartial; otherwise the theory would not be acceptable to all, and if people do not participate in the moral contract or are unhappy with it, our lives would still not be secure. Let us call this the Shared Nature theory for now, which is a contractualist theory. The few sentences above are not sufficient to explain this new theory in whole and it is not meant to defend and explain it in detail. The account of the Shared Nature theory above is only meant to provide a short but plausible account of how a theory can be based on the conception of a human being, and how moral wrong is not narrowly person-affecting, but how wrong is defined in its effect on our humanity. As morality in the Shared Nature theory must be impartial, morality cannot depend on particular individual interests or features, but must depend on properties all humans share. Distinguishing between human properties and particular individuals creates the possibility to define rights which are person affecting in the sense that they must always relate to and respect the human nature, but rights do not have to relate to particular persons as such. Let us therefore say that moral wrongness does not have a person-affecting restriction, but a human-affecting restriction.

I will add an Rawlsian perspective here to show that the human-affecting restriction is a property that is shared by more contractualist perspectives, and because Rawls his account is more familiar than the Shared Nature theory. An Rawlsian account of future generations is given by Jeffrey Reiman (2007): in Rawls we formulate rights and principles from the original position. Impartiality (or fairness) is achieved because in the original position we are behind a veil ignorance, from where we do not know who we will turn out to be. Only if we do not know who we will end up being, we will decide on principles that will serves

⁹ Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2009), 3.

everyone's interests. For example: if I would know I would turn out to be a particular person with red hair, I would be biased towards principles that favor people with red hair. The rights that follow from the original position are therefore not based on what particular traits people have, but on the properties every person will have as a human. Fairness requires that we must ignore how people will turn out to be, their rights and duties should be the same whatever person they turn out to be.¹⁰ From the original position, we can recognize that everyone will have a desire to pursue their own interest to some extent. In order for people to pursue their own interests, people will need to have a certain degree of normal functioning. Serious defects should be avoided. It is thus plausible that people in the original position will agree that everyone has the right to function normally and reversely people have a duty that that right will not be violated. We can now define wrong as: "Actions that adversely affect interests of future people wrongs them by violating their rights to our efforts to ensure them a normal level of functioning."¹¹ And we violate their right by negatively affecting their human properties. As in the Shared Nature theory, the Rawlsian perspective shares the distinction between particulars and human properties, and that only the human properties are morally relevant. It has the same human-affecting restriction as the Shared Nature theory.

From here on I will focus on the right to a normal level of functioning, and assume the same right can be derived from the Shared Nature theory. Personalities with personal traits are here defined as particulars, opposed to the properties every future person will have irrespective of what particular they turn out to be. I will often use the distinction between particular individuals and human properties from here on. With the right to a normal level of functioning and the distinction between particulars and human properties, we can now formulate how we can wrong future generations. If we would choose a future path where a disabled kid instead of a healthy kid will be born, *what* we do wrong is negatively affecting future human properties, which will hinder the future kid to function normally. It is wrong *because* this will deny the kid a normal level of functioning. To add to the plausibility that particulars should be avoided in morality, one can also look at the common sense in policy choices: when society decides on a certain risk policy, they are considering how the properties of the world turn out to be, not to what particular people their decision will lead.¹²

In finding a solution to the NIP, I will start with the asymmetry problem, as from the distinction between particulars and human properties we should already be able to explain why the asymmetry occurs. Why is there no obligation to have a happy child, but there is a moral obligation not to have a disabled child? The appeal to the person-affecting restriction

10 Jeffrey Reiman, "Being Fair to Future People: The Non-Identity Problem in the Original Position," *Philosophy & Public Affairs* 35, no. 1 (Blackwell Publishing, 2007), 82-83.

11 Reiman, "Being Fair to Future People," 86.

12 Reiman, "Being Fair to Future People," 82-83.

(an act must always be good or bad for someone) did not work. Can we appeal to the human-affecting restriction? A wrong act is not wrong for its effect on a particular person, but for its effect on human properties. We must not have the disabled child because it adversely violates a human beings right to a normal level of functioning. Not having a happy baby on the other hand, is not wrong when we apply the human-affecting restriction. As not having a baby does not cause any human being to be born, the girls choice will not affect human properties (other than leaving future prospects unaffected) and is wrong for no one. No human being will come into existence whose rights can be violated. The human-restriction makes sure that rights can only be respected if they affect actual people, and with actual people I mean people who exist or come to exist. Thus there can be no general good, unrelated to human individuals, that should be promoted and morally requiring us to procreate relentlessly.

We have made a plausible case how we can wrong future generations by adversely violating their right to a normal level of functioning and this has provided an answer to the asymmetry problem. What progress have we made in relation to the NIP? We may adversely wrong a future persons right to function normally, but if we had decided otherwise that person would not have existed and surely that person prefers to exist over non-existence. Will he not waive his right to function normally because of his preference to exist in the first place? By revoking the NIP, its power to puzzle us, comes back in full force and one might almost think that no progress has yet been made. I believe we have, because we are now able to zoom in on a more detailed question. Can a right to function normally be waived by a future person? If they cannot, the NIP will no longer be an objection to the forms of contractualism we have so far discussed. Considering we have parted with the person-affecting restriction, and replaced it with the human-affecting restriction, there is a possible answer. Rights are based on human properties and human properties are morally relevant. Whereas someones personal preferences are based on their particular individual properties which we have already said to be morally irrelevant. As morally irrelevant, a preference cannot be used to revoke the moral wrongness of a choice. But the NIP does not talk about a simple personal preference, we are talking about the preference to *exist*. And existence seems to be of an importance equaling the desire to live. Maybe wanting to exist is not just a personal preference, but shared by humans alike and thus a shared human property like the desire to live. In the Shared Nature theory the desire to live must be translated to a right to live, because if peoples lives will not be respected the whole motivation to be moral in the first place ceases to exist. Likewise the preference to exist might possibly be translated in a right to exist. And a right to exist (like a right to live) can be said to trump a right to function normally. Just like in an operating room, violating a person's right not to be hurt, is not wrong if the pain is necessary to save their life. Therefore in the next chapter we will turn to the question whether hypothetical people can

have a right or a preference to exist.

3. Rights

Parfit points out that an appeal to rights cannot wholly solve the problem. A particular disabled would waive his right to a normal level of functioning, because the alternative of not being born is not very attractive.¹³ This proposition makes two assumptions which are questionable. Firstly it (possibly) assumes that if an act is right or wrong can be based upon facts after the act. Secondly it assumes we can know that someone will prefer to exist over being disabled. In this chapter I argue that both assumptions are false. Starting with the right moment of judgment, and continuing with whether there can be a right or preference to exist at all.

3.1 Moment of judgment

What makes the morality of future generations different, is that normally if I violate a current generations right, I violate the right of someone who exists and already is a particular person. Let us try and find out if the possibility of waiving a right, is confined to future generations issues alone, by looking at a similar example, but in the current generation. Suppose I kidnap a girl and thereby violate her right to freedom of movement. Over time the girl comes to like me and no longer blames me for kidnapping her. The point of the example is that some positive effect comes about as an accidental result of an intuitively wrong action. The girl no longer sees the kidnapping as something bad and she now says she waives her right to freedom of movement at that time because if it would not have happened, she would have never met her kidnapper. I know I have previously said that personal preferences are no reason to revoke a moral wrongness, but assume that for the moment this is possible for the sake of the argument. What is similar in this situation in comparison to future generations examples, is that a certain time has passed, and out of something that seemed wrong, something good has come about. What is also comparable, is that the good that comes about, cannot be predicted. We do not know if the girl would come to like her kidnapper as we cannot know if someone born with a disability will waive his right to a normal functioning, nor that he finds his life worth living. You can assume certain outcomes in philosophical what ifs, but this does not change the fact that we cannot predict and assume such contingent matters in real life. And as Parfit argues himself (to which I agree fully): morality should not concern itself with what we cannot possibly predict.¹⁴ For one because it would be impossible

¹³ Parfit, *Reasons and Persons*, 364.

¹⁴ Parfit, *Reasons and Persons*, 356.

for us to know when we act if our act will be right or wrong and morality should be able to provide guidance in moral matters, which still holds if it is used retroactively. Secondly: if we would allow our morality to be based upon contingent future matters, morality would turn into opportunism. We would be gambling and hoping our action turns out for the best. Or when we hurt someone, we make up for it by making up stories what good that action also produced in the world. What we do know is that in kidnapping someone we will violate their right to freedom of movement; it disables their ability to pursue their own interests, and we do wrong as soon as we kidnap someone. If she will forgive us later, or if something good can come out of it, does not change the fact that I have committed a wrong. The perspective on the wrongness can be altered later in time, people might judge less harsh, but the action itself at the time was wrong the less, no matter what good can come out of it.

What we can learn from this common sense kidnapping example, is that when we morally judge an act to be right or wrong, our judgment must be based upon what is known at the moment of the decision. (This is the only point I wanted to illustrate with the example above, as the example is too different from intergenerational examples to draw more conclusions from it.) In that sense, the NIP is false if it is interpreted to mean: an act is not wrong when after the act the person affected by that act, actually waives the right that was violated. Later, when I give a full account of the solution to the NIP, the right moment of judgment is useful to distinguish between facts that are morally relevant, and facts which occur later in time and cloud our judgment by changing the perspective.

The big difference between intergenerational and current generation examples, is that in intergenerational examples our action will lead to different people being born. Does this make a moral difference? It does in so far as the possibility of not being born, of not to exist at all, creates the opportunity for future people to hypothetically appeal to their right to exist over non-existence. It is the right to exist that is morally relevant from my proposed contractualist perspective, and not the preference to exist, as explained in the previous chapter.

3.2 Is there a Right or a Preference to Exist?

We will now turn to the matter of existence, which is an essential problem posed by the NIP. Can someone have a right to exist? Let us start by taking the right to exist seriously and assume there is such a right. Suppose a young mother knows that if she conceives a child in the winter, she knows it will be disabled and if she waits till summer it will function normally. Both children will have the right to exist and both rights need to be equally respected, as one person should not be more important than the other. This intuition is so strong that any morality that does meet the impartiality requirement, by not equally valuing peoples lives,

will not be acceptable. Seeing that both the summer and the winter child have the right to exist and we assume that it makes a moral difference, it would however not make a practical difference since both equal rights cancel each other out in practical consideration. We take them into consideration, but since both have an equal right to exist, we have to look at other factors to see what act is wrong or right. This only justifies the conclusion that in this case the right to exist is irrelevant in moral reasoning. But at the same time, it indicates the right to exist might be irrelevant in all cases and that there should not be a right to exist at all. It amplifies the gut feeling that it is wrong to grant future people a right to exist.

But the above applies to same number of people choices. Does it also apply to choices where a different choice will lead to a different number of people? Suppose we have two choices. Choice A will lead to a future world A with a small but sufficient number of people, who enjoy a high quality of life. Choice B will lead to a future world B where there are twice the number of people compared to world A, but these people have a lower quality of life. Since the number in people are different in each outcome, the number of people with a right to exist is different as well. At first sight one might say: we cannot choose option A, because this will violate a larger number of rights to exist in World B. But this is not true if we consider World B was only a possible world, and its people only hypothetical people. As soon as we choose option A, world B and its people will never come to exist, thus choice A will no longer violate anyone's right. But it will benefit the human properties of those who will exist with a high quality of life. If we would choose option B, we would likewise not be hurting the people in A anyway, as they will never come to exist, but those who exist are wronged by not being offered the best human condition that was possible. Both cases show that we cannot influence, harm or wrong non-existing people in any way. If we grant hypothetical persons a right to exist, we are making the categorical mistake of treating non-existence as existing entities. Or as Weinberg cleverly puts it: "we should not take credit for helping hypothetical entities cross some imaginary barrier between existence and nonexistence."¹⁵ Non-existence cannot be granted the right to exist as it grants them existence, which is not possible. Granting hypothetical people other rights, such as the right to function normally, is different in the sense that it does not forces us to treat non-existence as existing entities, as a consequence of their right to exist. Regular rights for hypothetical people are only realized when people come to exist and only apply to people who come to exist. Thus there cannot be a right to exist.

As a last resort for the NIP to be true, I return to the preference to exist. If I would succeed in formulating a preference to exist for people who exist now, this can be a problem for the Shared Nature theory. The Shared Nature theory starts from the assumption that people

15 Rivka Weinberg, *Identifying and Dissolving the Non-Identity Problem*, (Springer Science+Business Media, 2007), DOI: 10.1007/s11098-007-9168-y, 17.

desire to live. If there is also a preference to exist, this can put the basic assumption into question. For the Rawlsian approach a preference to exist would conflict more clearly as rights depend on the preferences people will have in the original position. The example above already shows that non-existence is no longer relevant after a future generations choice has been made. Non-existence for actually existing people is also irrelevant because non-existence is not an option. Once one exists, one can no longer choose not to exist. And for actual people to prefer to exist, non-existence has to be a real possibility, because if someone will say 'I prefer to exist', it must be read as: I prefer existence over non-existence. But as for existing people, not-existing is never a real option, this is not an actual preference. The preference to exist can then only be a false belief, based upon the misunderstanding that non-existence is a possibility and should not be taken into account when we regard current or future people. The sentence 'I prefer to exist' only makes sense when it is interpreted as (hence the easy misunderstanding): 'I prefer to live'. As dying is an actual possibility, preferring to live not living is a sensible and rational preference.

4. Conclusion

In conclusion I will start by summarizing all the possible interpretations of the NIP that can no longer be true, to clarify the progress we have made. Considering the right moment of judgment, the actual preference or right to exist from future persons cannot influence the moral wrongness of a choice, as the wrongness depends on the facts which can possibly be predicted when the choice is being made. Future people are then only morally relevant as hypothetical people who might or might not come to exist. Can hypothetical people have a right to exist that trumps a right to a normal level of functioning? They cannot, because hypothetical people cannot have a right to exist as this would have us treat non-existence the same as existing entities, which would have us accept two contradictory facts. Can actual people prefer to exist over having their rights violated? They cannot, because non-existence is not an option: existence is an unchangeable fact which cannot be preferred over anything else.

Without adding anything new, let us illustrate what we have learned with the help of a last intergenerational example, which shows how we wrong future generations without falling victim to the NIP. Suppose a politician welcomed the fact that there were fewer teenage pregnancies, because persons with teen moms more often face psychological problems and this violates their right to a normal level of functioning. Someone born from a teen mom (let us call him Patrick) angrily replied that his life was well worth living and asked whether the

politician suggested that it was better if he would not have been born.¹⁶ If we approach the issue from the time a teenager decides between using a condom or not and take Patrick's complaint seriously, would mean that a choice not to get pregnant, would disrespect Patrick's right to exist. This is not the case. At this point in time Patrick does not yet exist, nor can he hypothetically claim to have a right to exist. His particular life cannot be taken into account, nor wronged. The teenager deciding not to use a condom, does wrong because we know that who ever will exist is wronged as the right to function normally will be violated. All one can do is to take the properties of the future world into account as far as one can predict and influence them, so that future people will have the best possible life, which is what the politician meant, and this complies with the human-affecting restriction. If we change our perspective to a later point in time, Patrick has been born and it is a whole new situation. Him being alive instantiates his right to live. Even though we have just made a plausible case that it is a good choice if a teen pregnancy is avoided, now suddenly it seems wrong to say that the choice that lead to Patrick's existence is wrong. This is so, because it is indeed wrong if by a wrong choice we mean to disrespect his right to live and disrespect who he turned out to be. But we can say that the choice was wrong, in the sense that the choice was wrong at the moment the choice was made. Because out of two possible worlds, we choose the one which respected the right to a normal level of functioning the least, and this is how we should interpret 'wrong choice' in this case. We must judge that the choice that lead to Patrick's existence might have been wrong at the time and not the best choice, but as soon as Patrick lives, he has an undeniable right to live and the choice is put in an different perspective, but can still said to be wrong at the time. This makes sense if we examine what a moral theory serves for: to guide people in their decisions.¹⁷

This research begun by setting aside the person-affecting restriction, and defining the contractualist human-affecting restriction. This was not sufficient to circumvent the appeal to a preference to exist, and a further analysis of existence was needed. By defusing the right and preference to exist, one can no longer to be said to appeal to the right or preference to exist, to deny they have been wronged. The NIP is no longer an objection to define moral wrongness in contractualist terms. It has to be said that the definition of the human-affecting restriction is not required to circumvent the NIP. The dissolution of the appeal to existence also allows theories with the narrowly defined person-affecting restriction, to define how we can wrong future generations. Considering my thesis (contractualist rights, based on a shared human nature, offers an account that shows how we can wrong future persons and avoids the NIP by

¹⁶ Example taken from Parfit, *Reasons and Persons*, 364.

¹⁷ This might seem counter-intuitive, as hardly anyone uses their moral theory notes when deciding on what to do. But moral can be used to analyze previous decisions, from this we can learn and internalize what would have been the right choice, and what will be the right choice in the future.

defining the person-affecting restricting more broadly) we can now see that its claim is only partly true. The Shared Nature theory and the Rawlsian account are indeed capable of defining how we can wrong future persons by negatively affecting their human properties, which adversely violates the corresponding right. But the second part of the thesis fails to deliver. Narrowly defined person-affecting restrictions can also cope with the NIP. The NIP is not avoided as a result of simply redefining the person-affecting restriction more broadly.

For future research I add that an account that uses the human-affecting restriction, like the Shared Nature theory, is more promising than the narrowly defined person-affecting restriction, as it meets the impartiality requirement of morality.¹⁸ But to prove this, further research is needed and that falls outside the scope of this thesis. I also believe the analysis and dissolution of the NIP provided in this paper, is useful for intergenerational justice in general, which is an achievement in its own right, as "the next few centuries will be the most important in human history,"¹⁹ and they always will be.

18 This would be counter-intuitive for people like Bernard Williams, as he argues a neutral account of morality fails to account for and fails to respects the individual. Bernard Williams, "Persons, Character and Morality," in *Moral Luck* (Cambridge: Cambridge University Press, 1981), 14. I fail to see how morality can be shared if it is not essentially impartial. This still leaves room for respecting peoples individuality.

19 Parfit, *Reasons and Persons*, 351.

Bibliography

- Darwall, Stephen. *The Second-Person Standpoint: Morality, Respect, and Accountability*, 1st print. Cambridge: Harvard University Press, 2009.
- Kumar, Rahul. "Defending the Moral Moderate: Contractualism and Common Sense." *Philosophy & Public Affairs* 28 (1999): 275-309.
- Parfit, Derek. *Reasons and Persons*. Oxford: Oxford University Press, 1986.
- Reiman, Jeffrey. "Being Fair to Future People: The Non-Identity Problem in the Original Position." *Philosophy & Public Affairs* 35, no. 1. Blackwell Publishing (2007): 69-92.
- Weinberg, Rivka. *Identifying and Dissolving the Non-Identity Problem*. Springer Science+Business Media, 2007. DOI: 10.1007/s11098-007-9168-y.
- Williams, Bernard. *Moral Luck*. Cambridge: Cambridge University Press, 1981.