

RESPONSE TO JECKER

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Nancy Jecker has concluded that "efforts to appeal to nonidentity problems to undermine rights based obligations are unsuccessful." I think that's right, but I think so for different reasons. I'm going to give you yet two more cases to think about. I hope it won't be two too many. The first is not my case. It's roughly Derek Parfit's case, and it's designed to illustrate the Nonidentity Problem. I think Jecker's case is a good illustration of the problem, but I prefer Parfit's, because it's a very ordinary case, and one on which I can easily test my intuitions. Parfit calls it "The 14-Year-Old Girl."¹

A fourteen year old girl is considering having a child. That she is so young means that the child will probably get a bad start in life, though its life will probably be worth living, and let's assume that it will be worth living. If the fourteen year old girl waits until she's older to have her child, she will of course have a different child, who will get a better start in life.

The questions we should consider are these: Is it worse for her child that she has it when she's fourteen, and does she have an obligation to it to wait until she can give it a better start? It seems the answers should be "yes, it is worse for her child, and yes, she should wait until she can give it a better start," since it would be better that her child have a better start in life, and she should do what is better for her child.

Now consider the Nonidentity Problem. If she had her child at fourteen, it will still have a life worth living. That cannot be worse than never existing, which would be the fate of *that* child if the girl waited and had a different child later on. Having a life worth living might even be better than not existing. Hence, her decision to have the child at fourteen cannot be harming *that* child, and may be benefiting that child. How can we object to her decision? Should we say that the girl has no obligation to wait until she is older to have her child? I think she does not have an obligation to her actual child to wait. That is, she does not have an obligation to the child that is born when she is fourteen. She might have obligations to others to wait, but not to a child that would not exist if she did wait.

I think the way we should approach this whole mess is to first recognize what we are referring to when we speak of "the child." Before the girl has decided to have either the child at fourteen or the child later on, we can not yet really fix the reference of the words "the child." The best we

¹Derek Parfit, *Reasons and Persons*, (Oxford: Oxford University Press, 1986), pp. 357-361.

we can do is say that it refers to a number of possible children that she might have, some at fourteen and others later. Some would have better starts than others, and she can expect that those she would have at fourteen would have worse starts than those she would have later. I think it's alright to say that the child would be better off if the child were born later, but only if we recognize that we are referring in this odd way; I don't think that such a child--that is, a set of possible children--can be the object of the girl's obligation. It may still be true that she has an obligation to wait to have the child, but it is not an obligation to this child, understood as a set of possible children. Whatever obligations she would have arise from other sources.

The Nonidentity Problem enters when we fix the reference of the words "the child" on one of the children that would be born to the fourteen year old mother. If we believe that our obligations can only be to actual people, then the Nonidentity Problem is real. The girl cannot have obligations to the child, where those words refer ambiguously to members of a set of possible children. She can not be obligated to give the child, ambiguously understood, its best possible start. She can only have obligations to the child that she actually has, i.e., the child she has at fourteen. She would have an obligation to give that child the best start she could, but if we wanted to argue that she should not give it any kind of start, and instead give another child a better start later on, we could only appeal to her obligations to other actual people who might be affected by her choice, or perhaps to the promotion of the greater good, but this rejects the rights based ethic that we are presuming to defend.

It would not be fair, though, to grant a greater right to life to some simply on the grounds that they will be born into better social circumstances, though I think it's odd to say that all possible people have an equal right to life, and perhaps not very useful to consider this problem in this manner.

Do these conclusions carry over to problems about future generations? I don't think so.

If we consider the only objects of our obligations to be actual people, as we did in The 14-Year-Old Girl case, then we do not have obligations to the set of possible future generations, and an obligation to actualize the best one. We only have obligations to the members of actual future generations. We would have no obligations that would decide for us different person choices, and hence no obligation that would decide different generation choices. Our conclusions from The 14-Year-Old Girl case would, then, carry over to the future generations case, and the Nonidentity would appear to be real here, too. This, though, would be to use the wrong sort of case to make sense of our obligations to future generations.

Instead, consider one last case: your obligations to yourself. This case is more relevant to the problems regarding our obligations to future

generations than The 14-Year-Old Girl case. Though you can think of yourself as existing at a particular time, call this a self-stage, the more natural way of thinking about your self is as something which endures over time, and survives various changes; but acts at particular moments. Your obligations to yourself, then, would weigh on you as an agent, at a particular time, but would have as its object the enduring self. It would be meaningful in this case to talk of making your actual enduring self better or worse off by making different self-stage choices, making choices that would bring about different future self-stages. You can prudently plan for your self-stages or you can ignore them for the immediate gratification of your present self; but your obligation to yourself, as it is understood as an enduring self, requires that you give consideration to your future self-stages, perhaps weighted by their probability of becoming actual.

This is the important difference between your obligation to yourself and the fourteen year old girl's obligation to her child. It was not meaningful to talk about making the child of the fourteen year old mother worse off by making different person choices, but it is meaningful to make the enduring self worse off by making different self-stage choices. This makes the Nonidentity Problem relevant to The 14-Year-Old Girl case, and not to your obligation to yourself.

I think that the problems regarding our obligations to future generations are more like your obligations to yourself. We should think about our obligations to future generations as if future generations were future stages of an enduring society. We would then have a similar obligation to prudently plan for the well-being of future generations, regardless of their memberships, since they are continuous with or a stage of a society which holds moral significance for us.

This treatment of The Nonidentity Problem allows us to preserve our intuitions about our obligations to future generations, while retaining a rights based ethics. It does so by revising the principle which locates rights only in the individual. I recognize that this leads to some unusual positions. It accepts that society as a whole, enduring over time, is an object of our obligations, and rejects the simpler view that only individuals can be such objects. There are of course serious dangers here when the interests and rights of individuals and the interests and rights of the society as a whole conflict, but these dangers are not new, and I think we can attend to them. It also would seem to obligate generations, as a whole, to consider the consequences of their actions for enduring society, that is if we take the analogy of one's obligation to one's self strictly. This might require some form of corporate agency, but we might also reject the analogy in this respect and claim that only individuals can be the bearers of obligations while societies can be the objects of obligations.

These positions may ultimately be more trouble than they are worth, but I think they are worthy of exploration, especially if our obligations to future generations, which I take to be terribly real and terribly important,

are more easily understood by abandoning an individualist view of the objects of obligation.

It occurs to me that there is another way of preserving my intuitions about our obligations to protect the interests of future generations, retaining a rights based ethics, and avoiding the Nonidentity Problem; and, furthermore, it's a way which holds that we only have obligations to actual individuals. It works by accepting that we are obligated to avoid disrupting other presently existing individuals' pursuits of their legitimate conceptions of a good life. Among these conceptions are, certainly, desires to raise children who can pursue their own legitimate conceptions of a good life. So we have obligations to protect the interests of future people, because we have obligations not to defeat the goals of those who wish to protect their children's interests. Obviously, by induction, we can see that our obligations to presently existing people obligate us to protect the interests of future generations, as long as those generations have interests in raising children with legitimate interests.

Note that this does not obligate us directly to the future generations, but I think it does give us what we would like from an obligation to them, without having to worry about their particular identity. If you're uncomfortable about extending rights beyond existing individuals, you can in this way retain your intuitions that we must not squander the future of our descendants.