

Intergenerational Justice and the Nonidentity-Problem

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Summer 2012

Project Information

Publication(s):

- Feldbacher-Escamilla, Christian J. (2012b). “Intergenerationelle Gerechtigkeit und das Nicht-Identitäts-Problem”. In: *Ethics - Society - Politics. Papers of the 35th International Ludwig Wittgenstein-Symposium in Kirchberg, 2012*. Ed. by Weiss, Martin G. and Greif, Hajo. Kirchberg am Wechsel: The Austrian Ludwig Wittgenstein Society, pp. 72–74.

Talk(s):

- Feldbacher-Escamilla, Christian J. (2012a-08-05/2012-08-11). *Intergenerational Justice and the Nonidentity-Problem*. Conference. Presentation (contributed). 35th International Wittgenstein Symposium. Kirchberg am Wechsel: Internationale Ludwig Wittgenstein Gesellschaft (ILWG).

Introduction

In this talk we are mainly concerned with an approach that tries to justify the thesis of intergenerational justice – that is a general form of, e.g., the thesis that we bear ethical responsibility for our environmental and energy politics with respect to future generations.

The approach we are concerned with is the so-called person-affecting approach.

There are at least two problems of this approach:

- The nonidentity-problem (traces back to (Parfit 1987) et al.)
- An extension of the nonidentity-problem

In the following we are going to give a hint for solving these problems.

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- 1 The Person-Affecting Approaches
 - Characterization of the Person-Affecting Approach
 - Application of the Person-Affecting Approach

- 2 A First Problem of Person-Affecting Approaches
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 - Solution of the Nonidentity-Problem

- 3 A Second Problem of Person-Affecting Approaches
 - Characterization of the Extended Nonidentity-Problem
 - Solution to the Extended Nonidentity-Problem

A Problem of Intergenerational Justice

A problem of ethics, especially of questions about intergenerational justice, is to justify the following minimal thesis of intergenerational justice:

Thesis (1)

Some person of the present has ethical responsibility for some person of the future.

The Person-Affecting Approaches

The Person-Affecting Intuition

Person-affecting approaches are very successful arguing in favour of this thesis.

According to person-affecting approaches actions are not good or bad *per se*, but good or bad *for someone*.

E.g.: To lie is not ethically bad *per se*, but ethically bad for someone.

To test your intuitions you may take the contraposition: If an action is not good or bad for anyone, then it is also not good or bad (*per se*).

Person-affecting approaches are faced with the so-called nonidentity-problem: Some bad actions are necessary for a person's living and for this reason they seem to be intuitively not bad for that person. So they seem to be bad (*per se*), although they are not bad for the person.

In the following we will indicate how person-affecting approaches argue in favour of thesis 1, state the nonidentity-problem exactly and try to give a solution to this incompatibility.

Some Terminological Remarks

For simplicity we assume that the domain of persons is exhaustively dividable into three disjunct classes: persons of the past, present and future.

We will speak mainly about ethical bad actions. This simplifies our terminology and is also common in discussions of the nonidentity-problem.

We will call an action p_1 that is necessarily performed while performing another action p_2 , i.e.: $\Box(p_2 \rightarrow p_1)$, a 'part of the later one'.

'Necessarily' and 'possibly': System \mathcal{T} . Intuitively they can be read as 'physically or via consequently performed convention it holds that ...'

'Is ethically bad' and 'is ethically bad for': This expressions are formalized with the sentential operator \mathcal{B} and the hybrid sentential operator \mathcal{B}_c . We use just several principles for these expressions.

'Ought' and 'forbidden': Formalized by \mathcal{O} and \mathcal{F} . System \mathcal{D} .

p , c , t_1 , t_2 are schematic signs for formulas and terms of first-order logic.

Some Fundamental Principles

In order to argue in favour of thesis 1, person-affecting approaches assume two fundamental principles ((cf. Roberts 2009) and (Meyer 2008)):

Principle Of Responsibility:

Axiom (POR)

$$\forall x \forall y (\mathcal{B}_x p \ \& \ Perf^p(y) \rightarrow Resp^p(y, x))$$

Person-Affecting Intuition:

Axiom (PAI)

$$\mathcal{B}p \rightarrow \exists x \mathcal{B}_x p$$

Justifying Intergenerational Justice

Both principles together with an intuitively very plausible extra assumption allow one to argue in favour of thesis 1 – i.e.: (PAI) justifies intergenerational justice . . .

The extra assumption: there are *bad* actions of people of the present without ethical relevant consequences in the present (or past).

Take as example for such an action p : performances of destructive exploitation strategies (consequences of *bad* environmental politics) by a person (single agent or institution) c of the present.

Then the argumentation simply runs as follows:

- ① $\mathcal{B}p$ and $Perf^P(c)$ and c is a person of the present (Extra assumption)
- ② \mathcal{B}_ap for some a of the future (Extra assumption, (PAI), 1)
- ③ $Resp^P(c, a)$, where c is person of the present and a is a person of the future ((POR), 1, 2)
- ④ Thesis 1 (3)

A First Problem of Person-Affecting Approaches

Some more Fundamental Principles

So (PAI) seems to be a good candidate for justifying thesis 1.

But according to some ethicists there are some more fundamental principles resp. cases that are incompatible with (PAI).

For this reason some ethicists think that (PAI) cannot count as good candidate for justifying thesis 1.

Let's have a look on the "more fundamental principles resp. cases":

Axiom (Nonidentity-case)

We consider henceforth only actions p and persons c of the following type:

- $\mathcal{B}p$
- $\neg \text{Lives}(c, t_1)$
- $\Box(\text{Lives}(c, t_2) \rightarrow p)$

Some more Fundamental Principles

For such cases the following principle seems to be plausible:

Activation is Never Bad:

Axiom (ANB)

$$\neg Lives(c, t_1) \rightarrow (\Box(Lives(c, t_2) \rightarrow p) \rightarrow \neg \mathcal{B}_c p)$$

No action that is necessarily performed in order to bring some c into being is according to (ANB) ethically bad for c .

Note: This is not to claim that such actions are always ethically good for the person (consider cases of ethically indifference).

Some more Fundamental Principles

Some relevant observations: Observation 1: A consequence of (ANB):

Axiom (ANB-T1)

$$\neg Lives(c, t_1) \rightarrow ((\Box(Lives(c, t_2) \rightarrow p) \ \& \ \Box(p \rightarrow q)) \rightarrow \neg \mathcal{B}_c q)$$

I.e.: Every action that is necessarily performed by performing an action bringing someone into being cannot be bad for that being.

In a slogan: No action bringing someone into being is ethically bad.

Observation 2: An inversion of (ANB-T1) is no consequence of (ANB):
Not every action that contains as part an action bringing someone into being is ethically good or indifferent w.r.t. that being.

(An inversion of (ANB-T1) would be: $\neg Lives(c, t_1) \rightarrow ((\Box(Lives(c, t_2) \rightarrow p) \ \& \ \Box(q \rightarrow p)) \rightarrow \neg \mathcal{B}_c q)$)

The Nonidentity-Problem

In the cases under consideration (nonidentity-cases) the principles (PAI) and (ANB) are incompatible:

The nonidentity-problem (resp. -antinomy):

- ① (PAI), (ANB)
- ② $\mathcal{B}p$ (nonidentity-case)
- ③ $\mathcal{B}_c p$ (2, (PAI))
- ④ $\Box(Lives(c, t_2) \rightarrow p) \ \& \ \neg Lives(c, t_1)$ (Spec. nonidentity-case
e.g. no case of euthanasia)
- ⑤ $\neg \mathcal{B}_c p$ (4, (ANB))
- ⑥ \downarrow

The Nonidentity-Problem

There are three relevant cases in order to solve the antinomy:

- 1 There are no nonidentity-cases
- 2 (PAI) fails
- 3 (ANB) fails

In the following we will argue in favour of 3 and against 2.

Discussion of (ANB)

Let's consider a usual argumentative example of the discussion of (ANB):

How can, e.g., the action of two “genetically incompatible” parents to beget a child be bad for the child, although, without this action, it wouldn't come into being?

Take the following scenario:

- $Beget(d, e, c)$ and $Incomp(d, e)$:
- Immediately after nidation it holds: $\neg Lives(c, t_1)$
- To perform the by $Beget(d, e, c)$ & $Incomp(d, e)$ represented action is necessary for bringing c into being. I.e.: $\Box(Lives(c, t_2) \rightarrow (Beget(d, e, c) \& Incomp(d, e)))$.

According to (ANB) it holds for this scenario: $\neg \mathcal{B}_c(Beget(d, e, c) \& Incomp(d, e))$, i.e.: that c was begotten by the “genetically incompatible” d and e is not bad for c .

Discussion of (ANB)

Why seem this action of bringing someone into being not bad for that being?

Because, so it is argued, without performing this action, c wouldn't have been brought into being – that's exactly the contraposition of the third claim about our scenario.

Problem: this argumentation seems also to justify many other actions of bringing someone into being which seem not to be obviously good or indifferent for that being. Take, e.g.: d and e to be not only “genetically incompatible” ($Incomp(d, e)$), but also lacking social competence.

So, according to (ANB), it wouldn't be bad for the child that it was begotten by “genetically incompatible” and socially incompetent parents that will treat it badly etc.

And in the same way one could ascend the hierarchy of embedded actions to more cruel ones, as, e.g., enslavement of the child (cf., e.g., Kavka 1982), and would conclude that actions couldn't be bad for the child.

Discussion of (ANB)

Observe that ascending the hierarchy of embedded actions is similar to the non-valid inversion of (ANB-T1):

- $\Box(\text{Beget}(d, e, c) \ \& \ \text{Incomp}(d, e) \rightarrow \text{Beget}(d, e, c))$
 - $\Box(\text{Beget}(d, e, c) \ \& \ \text{Incomp}(d, e) \ \& \ \text{Unsocial}(d, e) \rightarrow \text{Beget}(d, e, c) \ \& \ \text{Incomp}(d, e))$
 - $\Box(\text{Beget}(d, e, c) \ \& \ \text{Incomp}(d, e) \ \& \ \text{Unsocial}(d, e) \ \& \ \text{Enslave}(d, e, c) \rightarrow \text{Beget}(d, e, c) \ \& \ \text{Incomp}(d, e) \ \& \ \text{Unsocial}(d, e))$
- ⋮

So, it seems that it is argued for (ANB) with the help of an implausible principle, namely the inversion of (ANB-T1).

But it is clear that only the begetting of c is not bad for c , but, e.g., that its parents were “genetically incompatible”, that they are unsocial, that they will enslave it etc. is clearly bad for it.

So (ANB) in its generality seems to be unjustified – it’s too little distinctive.

A Second Problem of Person-Affecting Approaches

Discussion of (PAI)

So the fault of the nonidentity-problem seems to be rooted in (ANB).

But this does of course not show that (PAI) is harmless.

And indeed we will show that (PAI) by itself seems to be at first glance problematic if one takes into account some more fundamental ethical principles (cf. – very loosely connected to our discussion: Roberts and Wasserman 2009).

But we will show that at a second glance (PAI) is also harmless under consideration of such principles and by this “confirm” (PAI) again (by the method of successful compatibility testing).

Discussion of (PAI)

Let's begin our discussion with some more fundamental ethical principles!

As was mentioned already in the terminological part, we suppose a multi-modal frame (systems \mathcal{D}, \mathcal{T}).

One principle that brings the modalities of the frames into a relation is the so-called *Deontic Means-End principle*) (cf. Schurz 1997, pp.239f and 11.3, 11.4):

Axiom (DME)

$$(\Box(p \rightarrow q) \ \& \ Op) \rightarrow Oq$$

It states that all actions that are part of an action that is ought, are by itself ought.

Discussion of (PAI)

The second principle that connects both modalities is a very general and traditional bridge principle. It was already held by Thomas Aquinas. Simply put it's: 'Do the good, avoid the bad!';

We restrict ourselves again to the *bad* and assume that bad actions should be avoided (*Strong Bridge Principle*):

Axiom (SBP)

$$\mathcal{B}_c p \rightarrow \mathcal{F} p$$

Now it's easy to show that (PAI) is not only incompatible with (ANB), but also with the conjunction of (DME) and (SBP).

Nonidentity-case: "child's perspective" with (PAI), (DME), (SBP)

- ① (PAI), (DME), (SBP)
- ② $\mathcal{B}p \rightarrow \mathcal{B}_c p$ (PAI)
- ③ $OLives(c, t_2)$ (Child's perspective)
- ④ $\mathcal{B}p$ (nonidentity-case)
- ⑤ $\Box(Lives(c, t_2) \rightarrow p) \ \& \ \neg Lives(c, t_1)$ (Spec. nonidentity-case
e.g. no case of euthanasia)
- ⑥ Op (3, 5, (DME))
- ⑦ $\mathcal{B}_c p$ (2, 4)
- ⑧ $\mathcal{F}p$ (7, (SBP))
- ⑨ \downarrow

Discussion of (PAI)

So, defenders of (PAI) seem to be in trouble again.

Defenders of (ANB) are not in the same boat: they don't end up with step 8. From the child's perspective no means is forbidden according to (ANB) and (SBP) which brings it into being.

But it's easy again to blame not (PAI) for the fault, but one of the other principles, namely (SBP) which seems to be too strong.

Take, e.g., actions which are bad (for someone), but which are not forbidden, because they cannot be avoided.

The most clear cases are dilemmatic situations: $\Box(p \vee q)$, although $\mathcal{B}_c p$ & $\mathcal{B}_c q$.

Discussion of (PAI)

So one has to weaken (SBP) to a *Weak Bridge Principle*:

Axiom (WBP)

$$(\mathcal{B}_c p \ \& \ \diamond \neg p) \rightarrow \mathcal{F}p$$

As one can easily see, under the assumption of (WBP) it's from the child's perspective not possible to avoid an action that brings it into being.

For this reason an action that is necessary to bring some person into being may be bad for that person (vs. (ANB)), but this fact doesn't entail the claim that such an action should be avoided from the child's perspective (pro (PAI)).

So, it may be bad for c that it was begotten by "genetically incompatible" d and e , but this doesn't imply from the child's perspective (c) that d and e shouldn't have begotten it.

In a slogan: (PAI) loses bite in nonidentity-cases.

Summary

- There are two conflicting principles in the discussion of the nonidentity-problem: (PAI) and (ANB).
- (PAI) allows easy justification of the thesis of intergenerational justice. So it would be nice to keep (PAI).
- A detailed analysis suggests that (ANB) should be blamed for the nonidentity-problem (or -antinomy).
- (PAI) seems to be at first glance also problematic from the child's perspective in consideration of other plausible ethical principles ((DME) and (SBP)).
- But again one can show that for this problem instead of (PAI) the principle (SBP) should be blamed and that (PAI) is compatible with a weakened form of (SBP), namely (WBP).
- For this reason I think that for the nonidentity-problem and the problem arising from the child's perspective, it is not (PAI) that should be blamed for (keep (POR), (PAI), (DME) and (WBP)).

References I

- Feldbacher-Escamilla, Christian J. (2012b). "Intergenerationelle Gerechtigkeit und das Nicht-Identitäts-Problem". In: *Ethics - Society - Politics. Papers of the 35th International Ludwig Wittgenstein-Symposium in Kirchberg, 2012*. Ed. by Weiss, Martin G. and Greif, Hajo. Kirchberg am Wechsel: The Austrian Ludwig Wittgenstein Society, pp. 72–74.
- Kavka, Gregory S. (1982). "The Paradox of Future Individuals". English. In: *Philosophy and Public Affairs* 11.2, pp. 93–112. URL: <http://www.jstor.org/stable/2264924>.
- Meyer, Lukas (2008). "Intergenerational Justice". In: *The Stanford Encyclopedia of Philosophy (Summer 2009 Edition)*. Ed. by Zalta, Edward N. URL: <http://plato.stanford.edu/archives/sum2009/entries/justice-intergenerational>.
- Parfit, Derek (1987). *Reasons and Persons*. Oxford: Clarendon Press.
- Roberts, Melinda A. (2009). "The Nonidentity Problem". In: *The Stanford Encyclopedia of Philosophy (Summer 2009 Edition)*. Ed. by Zalta, Edward N. URL: <http://plato.stanford.edu/archives/sum2009/entries/nonidentity-problem>.
- Roberts, Melinda A. and Wasserman, David T., eds. (2009). *Harming Future Persons*. Dordrecht: Springer.
- Schurz, Gerhard (1997). *The Is-Ought Problem. An Investigation in Philosophical Logic*. Dordrecht: Kluwer Academic Publishers.
- Zalta, Edward N., ed. (2009). *The Stanford Encyclopedia of Philosophy (Summer 2009 Edition)*.