The Paradox of Future Individuals
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I have heard a rumor, from a reliable source, that I was conceived in New Brunswick, New Jersey. Had my father been on duty at Camp Kilmer that fateful weekend, or had there been an earthquake in central New Jersey at the wrong moment, or had any of innumerable other possible events occurred, the particular sperm and egg cells from which I developed would never have joined, and I would never have existed. This observation about the precariousness of my origin reflects a basic fact about identity and existence that seriously complicates attempts to understand our moral relationship to future generations. Which particular future people will exist is highly dependent upon the conditions under which we and our descendants procreate, with the slightest difference in the conditions of conception being sufficient, in a particular case, to insure the creation of a different future person.

This fact forms the basis of a surprising argument, discovered independently by Robert M. Adams, Derek Parfit, and Thomas Schwartz,1 to the effect that we have no moral obligation to future generations—beyond, at most, the next few—to promote their well-being. The argument goes as follows. Let us assume that sameness of genetic structure is, for practical purposes, a necessary condition of personal

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identity. Then any event that affects the conditions under which a particular conception takes place (that is, any event that influences which particular sperm and egg cells come together under favorable conditions) will influence who exists. As a result, any proposed policy that would directly or indirectly affect conditions for conception (that is, who mates with whom, and when) on a worldwide scale over a significant period of time would result in an entirely different set of human individuals coming into existence than otherwise would. Now suppose, as seems reasonable, that the various broad-ranging policies designed to promote better living conditions for future generations (for example, population control or resource conservation) would, if practiced, affect conditions for conception worldwide. Further, let us allow that if we do not practice these policies, future people will not be so badly off that it would have been better for them never to have existed.

Granted these assumptions, are we obligated to practice controlled growth policies in order to bring about better living conditions for future people? No, for we harm no one if we follow an alternative policy, call it laissez faire. Consider the individuals in the overcrowded world that would result from laissez faire. They are not worse off than if we had acted to bring about the less crowded state of the world, for in that case they would not have existed. And, by hypothesis, their existence is not worse than never having existed. But these people are all the people there are, if we practice laissez faire. Thus, in doing so, we make no one worse off (than he otherwise would be) and hence do nothing wrong. We are therefore under no moral obligation to future people to pursue controlled growth policies in order to promote their well-being.

2. A few genes might vary without negating identity, if the history of the world, the early life of the person in question, and the lives of his ancestors were essentially the same. Schwartz's remarks on pp. 4-5 show that this qualification does not affect the argument. Obviously, sameness of genetic structure is not a sufficient condition of personal identity, else identical twins would be a single person.

3. At least, beyond the first few generations. See Schwartz, pp. 4-6.

4. In addition to the paradox discussed here, population control policies pose special moral problems concerning the comparison of alternative world futures in which different numbers of future people exist. These problems are not dealt with here.

5. Variants of this argument pose difficulties for the entitlement theory of
This argument poses a paradox. It moves by a correct route from plausible premises about biology, personal identity, and moral obligation to a strongly counterintuitive conclusion. I dub this the Paradox of Future Individuals and shall explore it to see what can be learned from it. First, the view about moral obligation that the paradox presupposes is laid out. Then this view is discussed in light of our intuitions about certain hypothetical situations involving the creation of persons.

I. Two Obligation Principles

The following principle, which states a necessary condition for having a moral obligation, is a key premise in the Paradox of Future Individuals. It provides the transition to the paradoxical conclusion from the observation that if we practiced the laissez-faire policy, no individual would be worse off.

**Obligation Principle:** One can have an obligation to choose act or policy A rather than alternative B only if it is the case that if one chose B, some particular person would exist and be worse off than if one had chosen A.

To clarify the meaning of this principle, it should be pointed out that both 'existence' and 'being worse off' are to be construed in a timeless sense. Thus, the relevant class of particular persons consists of all persons who would *at some time* exist if act B were performed. And their being worse off, in the relevant sense, consists in their lives as a whole being worse (for them) than what (if anything) their lives as a whole would have been had act A been performed.

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6. The conclusion is not quite as shocking as it first appears for it leaves open the possibility that we have an obligation to our ancestors, our contemporaries, or our *immediate* descendants to sacrifice in order to promote future people's well-being. As it is not my purpose to argue for conservation policies, but rather to deal with certain theoretical issues, I only discuss whether, and why, laissez faire might be wrong irrespective of what we may owe to these groups.

7. Interpreted in this way, the Obligation Principle allows us to account for
Interpreting the principle in this timeless fashion does not threaten the derivation of our paradox. For if we practice laissez faire, those possible people that would have existed had we done otherwise never exist at any time and would not fall within the scope of the principle.

The Obligation Principle will seem extremely plausible to those who believe that morality is solely concerned with the protection and promotion of the well-being of human individuals. Thus, many utilitarians, and others in the broader class of theorists called welfarists by Amartya Sen, might rally around it. And even some apparently nonwelfarist writers, such as Thomas Schwartz and Jonathan Bennett, have endorsed the principle, or flirted with variants of it. One reason for accepting the principle is that it is the conclusion of this simple and tempting argument: One is obligated to do A (rather than alternative B) only if it would be wrong not to do it. But it is wrong to do A (rather than B) only if someone would thereby be harmed. But a person is harmed by the doing of A (rather than B) only if he is thereby rendered worse off than he would have been had B been done instead. Hence, one is obligated to perform act A rather than B only when the condition laid down in the Obligation Principle is satisfied.

This argument, however, contains an error. It may sometimes be

the wrongness of murder, which typically renders its once existent victim's life less valuable to him by shortening it.

8. In “Utilitarianism and Welfarism,” Journal of Philosophy 76 (September 1979): 463-89, Amartya Sen defines welfarism as follows: “The judgment of the relative goodness of alternative states of affairs must be based exclusively on, and taken as an increasing function of, the respective collections of individual utilities in these states” (468). The Obligation Principle is entailed by (but does not entail) the conjunction of act-consequentialism and the form of welfarism that Sen calls Paretianism.

9. Strictly speaking, what Bennett and Schwartz seem to deny is the conjunction of welfarism and consequentialism. I infer this from sections 7 and 8 of Bennett’s “On Maximizing Happiness,” in Sikora and Barry, and from Schwartz’s unpublished “Human Welfare: What it is Not,” in which he argues that welfare is essentially different from “utility” (the notion used in Sen’s definition of welfarism), and that “if there is some value that individual actions and public choices should maximize, it is more akin to aggregate welfare than to aggregate utility.” Bennett’s forthcoming book on consequences, and Schwartz’s on social choice theory, should provide the basis for a more definitive classification of their positions. (Bennett’s endorsement of something like the Obligation Principle occurs in section 2 of “On Maximizing.”)
possible to act wrongly by wronging someone without harming him. One may do this by acting in a way that promotes his interests, on balance, but violates his rights. Two examples from medical ethics, which involve, respectively, the right to autonomy and the right to be told the truth, are: killing a terminally ill patient who (correctly) admits he would be better off dying now, but who refuses to give his permission to be killed; and not revealing, to a patient who wants to know his true condition, the fact that he is terminally ill because of one's (correct) assessment that informing him would deprive him of happiness during his few remaining weeks of life.

Now it may be doubted whether this weakness in the underpinnings of the Obligation Principle has any bearing on the Paradox of Future Individuals. For it is not immediately obvious that, or how, we might wrong future people, other than by making them worse off than they otherwise might have been. Surely we cannot now do to them the objectionable things done to the patients in the above examples—deceive them, or override their express wishes about matters of vital concern to them. Later, in Section III, I shall argue that we can act wrongly toward them in other respects. To pave the way for those arguments, we may begin by examining some hypothetical cases involving acts that determine who shall exist.

Imagine a society choosing between heavy investment in either solar energy systems or nuclear fission power plants in order to meet its projected energy needs over the next few centuries. Monetary investment costs per unit of output will be slightly lower if the nuclear option is pursued. However, there is no storage or disposal system for nuclear wastes that is expected to contain them safely for more than a few generations. Hence, if the nuclear plan is pursued, there would very likely be radioactive leakage that would cause the deaths of thousands of people in future generations. Intuitively, it is clear that it would be wrong to build the nuclear plants rather than the solar energy systems, as doing the former would lead to the premature demise of thousands. But, because the choice of the nuclear plan would affect conditions for conception nationwide (relative to the selection of the solar plan), these thousands of individuals would never have existed had the solar energy option been pursued instead. Hence, if we assume that living a life shortened by exposure to radia-
tion is not worse than never having existed at all, it would be permissible—according to the Obligation Principle—to select the nuclear option.  

A parallel example on a smaller scale envisions a pill that, when taken just before sexual relations, has two effects. It heightens the pilltaker's sexual pleasure a tiny bit and insures that any child conceived would be mildly handicapped. As pausing to take the pill would change who is conceived, and as existence with a mild handicap is not bad on the whole, no one would be rendered worse off if a prospective parent not using contraceptive devices were to take the pill before sex. But, surely, taking it would be wrong.

Why does the Obligation Principle yield incorrect verdicts when applied to these hypothetical cases and the choice between controlled and uncontrolled growth? One suggestion is that the principle allows one to leave out of account entirely the good results that would come about only if you do not perform the acts in question, for example, the happiness of the healthy child you could have, and the full lives future people would live if the nuclear plants were not built. It might be thought that these should be treated as opportunity costs of the respective acts of taking the pill and building the plants, for they are benefits enjoyed only if these acts are foregone. Admittedly, these are potential benefits to merely possible people—that is, people who will exist only if the acts in question are not performed. But it appears such benefits must be figured into the moral equation if we are to come out with the correct answer in such cases.

Reasoning in this way, we might replace our original Obligation Principle with one that proposes a disjunctive necessary condition for being obligated to perform an action.

*Extended Obligation Principle*: One can have an obligation to choose act or policy A rather than alternative B only if it is the case that either (i) if one chose B, some particular person would

10. I leave aside complications concerning the possible deaths, due to radioactivity, of immigrants or foreigners.

11. This case is essentially the same as one discussed by Parfit (“On Doing,” pp. 100-101), save that it requires the additional, but surely correct, assumption that fertilization of the same egg by a different sperm of the father would produce a different individual.
exist and be worse off than if one had chosen A, or (ii) if one chose A, some particular person would exist and be better off than if one had chosen B.\(^\text{12}\)

The second clause in this principle allows for the possibility that we may be obligated to control growth in order to provide benefits for the future people who would exist if we controlled growth. Thus, the principle blocks the above argument to the conclusion of the Paradox of Future Individuals.

However, even aside from doubts about whether opportunity costs for possible people should be allowed to determine our obligations, there is a serious difficulty with the Extended Obligation Principle. It states only a necessary condition of having an obligation and is far too weak to establish our desired conclusions. It allows, for example, that one may be obligated to refrain from the pleasure pill in order to benefit the healthy child. But it equally allows that one may be obligated to take the pill in order to benefit the handicapped child by bestowing the "gift of life" on it. To conclude that it is obligatory to refrain, one must supplement the Extended Obligation Principle with further principles. The most obvious choice as a supplementary principle would be a maximizing principle that requires weighing the potential benefits to different (actual and) possible people and choosing the act that produces the greater net benefit.\(^\text{13}\) However, this maximizing principle yields counterintuitive results when applied to certain cases of procreation. We do not, for example, feel normal prospective parents to be under an obligation to procreate even if this would maximize social utility. And if they do choose to have a child, they are not obligated to take genetic-enhancement pills if this would insure the production of a (different but) "better" child—one that would be happier or contribute more to others' happiness. Such people might justifiably prefer to reproduce naturally,

\(^{12}\) As in the Obligation Principle, 'existence' and 'being worse/better off' are to be construed timelessly.

\(^{13}\) A principle that takes distribution as well as amounts of benefit into account might serve as well. For purposes of this paper, I ignore both distributive considerations and whether the principles in question concern maximizing total or per capita benefits. Obviously, a full discussion of the ethics of creation and population would have to pay serious attention to these matters.
without such interference. Yet the maximizing principle would seem to imply the opposite. To be plausible then, it must be restricted so that it normally entails neither a duty to reproduce nor one to produce the happiest child one could.

It turns out, however, that if we so restrict our maximizing principle, the Extended Obligation Principle will not yield a solution to the Paradox of Future Individuals. For, as we shall see in the next section, there are cases of procreation that these two principles are not able to handle.

II. THE CASE OF THE SLAVE CHILD

In a society in which slavery is legal, a couple that is planning to have no children is offered $50,000 by a slaveholder to produce a child to be a slave to him. They want the money to buy a yacht. Should they sign the agreement, accept the money, and produce the child? On the assumption that life as a slave is better than never existing, their doing so would not harm the child. For if they turned down the slaveholder, they would either produce no children or—if they later changed their minds about becoming parents—produce other children. Thus, all involved—themselves, the slaveholder, and the slave child they would produce—would benefit from the arrangement. Therefore, by the Extended Obligation Principle, the couple would not have an obligation to remain childless, rather than to produce a slave child. Nor would a duly restricted version of our maximizing principle imply that they are obligated to produce a nonslave child in preference to both alternatives. Hence, according to the principles we have so far considered, the deal with the slaveholder

14. Parallel, and more realistic, examples involve couples producing (surrogate mothers carrying), for money, children for adoptive (genetic) parents that would seriously mistreat it, or would have to raise it in such poverty-stricken circumstances that its life would barely be worth living.

15. It is enormously improbable that the couple, if they turned down the slaveholder, could succeed in producing the same child they would have produced had they accepted, even if they tried. For it is unlikely that they could arrange conditions of conception similar enough to "what would have been" to ensure that the very same sperm would fertilize the same egg.

16. This assumes the following plausible transitivity principle for moral permisability: If it would be permissible to do A if A and B were the alternatives, and would be permissible to do B if B and C were the alternatives, then it is permissible to do A if A, B, and C are the alternatives.
would be permissible. And if, years later, the slave child were to visit
the couple on their yacht to complain that they had acted wrongly,
they could correctly deny this on the grounds that they could not have
bestowed a better lot on him (or her).

But acting in this manner is outrageous. Surely it would be wrong
for the couple to produce a slave child and to attempt to justify their
action in this way. The fact that the Extended Obligation Principle,
supplemented by an appropriately restricted maximizing principle,
does not imply that it would be wrong suggests that we must look for
additional principles if we are to understand the morality of procrea-
tion. However, before considering what such principles might be like,
we must examine two objections to the above judgment on the case
of the slave child. Both involve the claim that there is nothing in-
herently wrong with the (complex) action of contracting to produce,
and then producing, the slave child, and that it is some other aspect
of the case that our intuitions condemn.

According to the first objection, it is the couple's surrender of the
child, once it exists, to the slaveholder that is wrong and condemnable,
for this violates their parental duty to do as well by their children
as they can. To deal with this objection, it suffices to describe a ver-

tion of the case in which it is clear that the couple has acted wrongly
even though they do their very best for the child once it exists. Im-
agine then that the couple signs the contract, knowing they will be
unable to break or evade it, and produces the child. Upon seeing the
live child, they attempt to keep it from the slaveholder's hands by hid-
ing it, challenging the contract in court, and so forth. But, as they
foresaw, these efforts are futile. They have done their best for their
child once it exists. But, given that they knew that their best would
not be good enough, this does not contravene our judgment that they
acted wrongly in signing away and producing the child.

The second objection to be considered is that it is the couple's
motives, selfishness and greed, that our intuitions condemn, and not
their actions, which are permissible since they harm no one.17 It ap-

17. Even if this objection were correct, it would not save those now living
from moral condemnation for not controlling growth. For selfishness and greed,
in the form of desires for numerous children and a higher material standard
of living, seem to be among our primary motives for allowing growth to go
unchecked.
appears, however, that selfish motives are not the only morally questionable elements of the slave child case. This can be seen by altering the case so that the couple’s selfish motive—to obtain a yacht—is replaced by a benevolent one—to obtain $50,000 to donate to a worthy charity. Even with this change in motive, the intuitive reaction that the couple has acted wrongly remains strong. They have no right to produce a slave child (when they could produce a free child or none at all), even to aid the deserving poor.

What of benevolence directed toward the slave child itself? This is, after all, the sort of motive suggested by the observation that the slave child is not harmed, but rather is benefited, by the couple’s actions. Suppose this were the couple’s sole motive. Would their actions then be permissible, or at least excusable? Fortunately, we need not resolve this puzzling question on which people’s intuitions may well differ. For our purposes, it suffices to note two things. First, given what we know about human psychology, it seems highly improbable that our couple’s motives would be solely, or even primarily, of this kind. Second, ascribing the motive of “benevolence toward the slave child” to the couple seems to presuppose that there is a unique (potential) individual, in the metaphysical sense, that is (or will be) the slave child, and that the couple knows enough of the features it will possess to have grounds for being more benevolently disposed toward it than toward other potential children they might produce. The first condition is unlikely to be satisfied, for even if the couple accepted the slaveholder’s offer, they could produce a variety of different slave children depending upon when, and under what conditions, they had sexual relations.¹⁸ And, given the current limitations of the science of genetics, our couple could know little, if anything, of interest about the features that would be possessed by (potential) children of theirs conceived under various circumstances. Hence, the second condition could hardly be satisfied.¹⁹

¹⁸. This does not contradict the point made in note 15. The fact that neither of the two phrases “the child they would have if they accepted the offer” and “the child they would have if they rejected the offer” refers to a specific determinate individual does not imply that both phrases refer to the same individual.

¹⁹. Future scientific advances may allow parents to know about the features of their various potential offspring. Benevolence toward particular potential children might then make sense. But, as the next two paragraphs in the text
How does all this bear on the Paradox of Future Individuals? The case of the slave child shows that individualistic principles of obligation—the Obligation Principle and even the Extended Obligation Principle—cannot be relied on to yield correct results when applied to cases involving the creation of persons. The objection currently under consideration purposes that these principles may be validly applicable to such cases when the agents’ motive is to promote the well-being of the particular individuals they create. In the context of the Paradox of Future Individuals, this amounts to saying that we may be blameless for not controlling growth if we do so solely to promote the interests of the particular potential individuals who would come into existence as a result of this policy.

Now it is clearly implausible to suppose that many of us, in contributing to uncontrolled growth, are thus motivated. Moreover, we have seen that the existence of such motivation is possible only if the potential individuals in question are both metaphysically determinate and epistemically determinate with respect to us. But they appear to be neither. They are not metaphysically determinate, for the various different world-futures that could result from the general policy of not controlling growth have different and largely nonoverlapping sets of individuals in them. Nor, turning to epistemic matters, do we know much about the individuals who would inhabit crowded and polluted world-futures that could ground a reasonable desire to provide them, rather than potential individuals in other world-futures, with the “gift of life.” Hence, the various considerations about motives advanced in this section do not provide a defense of the conclusion of the Paradox of Future Individuals, and the principles of obligation it is based on, from the slave child counterexample. We must seek alternative principles of obligation to account for our moral convictions about examples like the case of the slave child.

III. Restricted Lives and the Misuse of Reproduction

Does act-utilitarianism explicate our beliefs about the ethics of creation? An act-utilitarian principle of maximization, interpreted (in the
spirit of the Extended Obligation Principle) so as to take the utilities of potential people into account, seems to produce the right results when applied to the cases we have discussed. It appears to require our yacht-desiring couple to produce a nonslave child and to require us to control growth for the benefit of future generations even at substantial cost to our own generation. There are, however, serious problems with an act-utilitarian approach to the ethics of creating people. The vexed problem of whether average or total utility maximization is the appropriate goal remains unsolved. And, as noted above, act-utilitarianism has strongly counterintuitive implications in some familiar situations involving the creation of persons. It implies an obligation to procreate in many cases in which we regard this as nonobligatory. Further, it seems to imply that if a couple has decided to have a child, they are obligated to produce the “best” child they can. But, provided they could expect to produce a reasonably normal child in any case, it is wrong to suppose that they have an obligation to produce the “best.” Thus, act-utilitarian maximizing principles must be restricted to avoid these unacceptable results. But, as we have seen, if so restricted, they seem unable to deal with the case of the slave child. A search for alternative solutions to that case (and others like it) appears to be in order.

One such alternative appeals to the intrinsic moral desirability (or undesirability) of the existence of certain conditions of society or the world, with this not being reducible solely to the well-being of the individuals partaking in these conditions. On this view, for example, one reason it is wrong for our couple to produce the slave child is that it contributes to an undesirable state or feature of their society—being a slaveholding society. Similarly, our obligation to control growth derives from the fact that an overcrowded society (world) is an inherently worse society (world) than a less crowded one.


21. These considerations do not preclude a rule-utilitarian solution. In fact, either or both of the principles introduced below might be incorporated into a rule-utilitarian normative system.

One approach to evaluating the desirability of states of society seems especially promising, in the present context. Let us introduce the notion of a restricted life, a life that is significantly deficient in one or more of the major respects that generally make human lives valuable and worth living.\(^{23}\) Thus, the life of a slave is restricted in this sense, owing to the slave's lack of liberty. Clearly, the lives of persons significantly handicapped, either mentally or physically, from birth and of those struck down in the prime of life by illnesses caused by radioactivity are also restricted. So, for a variety of reasons, are the lives of many living in a very overcrowded world.

Now, suppose that we adopt the principle that, other things being equal, conditions of society or the world are intrinsically undesirable from a moral point of view to the extent that they involve people living restricted lives. Then we can derive the intuitively correct verdicts in the cases involving the slave child, nuclear power, the pleasure pill, and controlled growth. For, in each case, the morally wrong act can be condemned on the grounds that it foreseeably leads to (states of the world containing) restricted lives.\(^{24}\) At the same time, the stated principle is consistent with our belief that prospective parents have no

\(^{23}\) To avoid misunderstanding, it should be emphasized that (i) restricted lives typically will be worth living, on the whole, for those who live them, (ii) some restricted lives will be more worth living than some (many) unrestricted lives, and (iii) an individual's restricted life may be better than the life he would have lived had he not had the restriction. Our characterization does imply, however, that, on average, restricted lives are less rewarding than unrestricted ones.

\(^{24}\) One apparent difficulty with the proposed principle is that it seems to imply that it is wrong for slaves to have children, because their children, being slaves, would live restricted lives. This implication may reasonably be avoided by supposing that the absence of the opportunity for a couple (or a society or a generation) to produce people with unrestricted lives constitutes other things not being equal, and thus blocks the conclusion that restricted lives may not be brought about knowingly. Is the conclusion that the couples (or surrogate mothers) in the cases mentioned in note 14 act wrongly blocked in the same way? Not necessarily. For it is not implausible to assume that couples have a moral right to "have" (some) children, which is a right to produce their own children if they are capable of doing so, and to raise the children they produce. It is the existence of this right which sanctions the production of children by enslaved parents. As this right does not entail the right to raise children produced by others, it does not imply that the couples (or surrogate mothers) described in note 14 may produce children who would live restricted lives.
obligation to produce the "best" child they can. And it gains plausibility from its affinity with a frequently invoked canon of social justice: that high priority should be given to providing all with the means to live at least a minimally decent life and engage in the major activities of human and community living. Our principle says to prevent restricted lives, this canon says to prevent lives from being restricted. Both seem to derive from the common intuition that there is something seriously wrong with people living restricted lives, which makes it incumbent upon others to stop this from happening if they can. Perhaps this intuition depends, in turn, on a fundamental belief in the dignity of human beings, conjoined with the observation that, given human nature, many people living restricted lives are likely to be treated by others, or to treat themselves, with less than the full respect that they deserve. In any case, it is an intuition that many of us share and that may serve as a provisional grounding for our principle concerning restricted lives.

I am confident that this principle or some variant of it underlies our reactions to many cases involving the creation of persons. Yet it constitutes only a partial explication of our beliefs on these matters. For there is another principle, representing a different approach to dealing with the case of the slave child, that must be taken into account to explain our judgments on that and similar cases. According to this approach, what is wrong with our yacht-desiring couple's action is that they are misusing their reproductive powers. They exploit their unearned position of control over life for others to, in a sense, 'extort' an unfair price for the exercise of those powers. But, because the benefit they provide—life itself—is greater than the unearned price they exact, their actions do not appear immoral when assessed by the standards embodied in our previously stated Obligation Principles.

This account of the immorality of the couple's behavior is best explained by considering a series of similar cases that successively approximate the case of the slave child. First, imagine a member of a drought stricken tribe who, purely by luck, discovers a substantial underground source of water. Keeping its location a secret, he trades

buckets of water at a very high price to those and only those who can afford to pay with useful goods. He grows enormously rich, while many die who would have lived had he disclosed the water source or sold his water at a reasonable price. Though his selling water at monopolistic prices renders no one worse off than they would have been had he left them alone, we would condemn his use of the natural danger to his fellows' lives to extract riches from them as a form of extortion.

A second case concerns a future society that has developed a technique for freezing people's bodies immediately after death and rejuvenating some of them later. In this society, a new fatal disease begins to strike down people in the prime of life. The government allows victims of the disease to opt for being frozen immediately after death, and it plans to resuscitate them when a cure is found. A "rejuvenation trust," consisting of an initial grant of government funds together with whatever money each victim contributes, is established for each victim who wishes to be frozen. Trustees are appointed to manage these trusts and to use the accumulated funds to pay for the revitalization and cure of the frozen bodies when a cure for the disease is found. No cure is found for many years, and scientists warn that, owing to gradual deterioration of the frozen corpses, they will soon be unable to bring them back to life. Then, while going over the scientific notes of his late uncle, a young man discovers a formula for a drug to cure the disease. He is able to produce the drug, and he enriches himself by selling doses of it only to those very few rejuvenation trustees able to pay his enormous monopolistic price. This too seems immoral.26

Finally, consider a future slaveholding society in which many individual sperm and egg cells from married couples are isolated. Fertilization is allowed if and only if the couple agrees to it and to having the zygote implanted in the mother's womb. For reasons that need not concern us, the society appoints guardians to advance and protect—by legal means—the (potential) interests of some individual potential persons represented by particular sperm-egg pairs. A couple that has produced one such sperm-egg pair forces its guardian to approve their selling the potential child to a slaveholder for $50,000 as a con-

26. Compare the proposed moral verdicts on these two cases with the treatment of similar cases in Nozick, pp. 180-81.
dition of their allowing and facilitating the production of the child. This is a third case of immoral extortion.

These three cases and the case of the slave child share several important features. First, there is a certain benefit E (that is, existence) which some person (or couple) A is in a position to provide for some group of potential recipients. Second, none of the potential recipients is entitled to receive E from A. That is, A is under no contractual or quasi-contractual obligation to provide E to any individual or group of the potential recipients. Third, A has not in any way earned (for example, by foresight, effort, or meritorious service) his being in a position of control over E. Fourth, because E is so valuable, any potential recipient would pay practically any price he could to obtain it. And any representative of a potential recipient, acting in that recipient’s best interests, would commit the recipient to pay practically any price in order to obtain the benefit for him. Fifth, A exacts an extremely high price (compared, for example, to the costs he has incurred and to the market value of similar ways of providing E to recipients) from those to whom he provides E or from their representatives.

A’s actions in such cases strike us as wrong because he extorts an excessive (and unearned) price from those to whom he provides the benefit of existence or from their representatives. (The water finder, for example, charges monopolistic prices for his buckets of water.) In so doing, he improperly treats human life as a commodity to be passed out to the highest bidder.

There are, of course, some disanalogies between the case of the slave child and the case of the drought. Two of these are especially noteworthy, but neither seems to vitiate the above conclusion. The first concerns the fact that the benefit being doled out in the latter is continued existence for already existing persons, while in the former it is a beginning of existence for as yet only potential persons. Does this difference imply that different principles or intuitions underlie our judgments about the cases? Consideration of the case of the rejuvenation, which is intermediate between the two, suggests not. Our view of the drug-selling nephew is much like our view of the water seller, though the former withholds (or asks an enormous price for) future life from persons who are not now alive. And it is hard to see why the fact that they were once alive should (given the assumption
of metaphysical determinateness in both cases) make the morally relevant considerations in this case essentially different from those operating in the case of the slave child or the guardian. 27 I am inclined, then, to believe that the potential recipient's existence or nonexistence at the time of the provision of the benefit is largely irrelevant to our moral evaluation of cases having the outlined structure. 28

A second difference between the cases of the drought and the slave child is that there is, in the latter, no one acting on the recipient's behalf from whom a high price is directly extorted. The slave child pays a price, by being born a slave, but he is not forced into making an expensive bargain as are the water buyers in the case of the drought. But, again, it is doubtful that this difference greatly affects the moral substance of the case. To see that it does not, one need only compare the case of the slave child and the very similar case of the guardian, which does contain an act of extortion. Our inclination to regard these latter two cases as involving like moral offenses suggests that the presence of a direct act of extortion is not necessary for us to condemn treating life as an exploitable commodity in such contexts. Another way to put the point is this. For the couple to both sell their prospective child into slavery and justify this act on the grounds that the child benefits may be viewed as similar to an act of indirect extortion. To offer such a justification is tantamount to saying, "This is a bargain that the child or its guardian would have agreed to, hence there is nothing wrong with the corresponding act." But as the case of the guardian indicates, the fact that such agreement would have been forthcoming under such coercive circumstances does not imply that the agreement is a fair one. 29

27. Perhaps the view that, other things being equal, the (past) desires of dead people should be satisfied contributes to our judgment that the nephew acts wrongly. But, by itself, it is not a sufficiently weighty consideration to ground the strong moral condemnation that seems appropriate here.

28. In speaking of "our moral evaluation," I refer to those who share my judgment that in all three cases, A (the "extortionist") acts in a seriously wrong manner. No doubt, there are some whose intuitions about the permissibility of taking advantage of one's control over others' (actual or potential) existence will be substantially different, and their verdicts on these three cases will vary accordingly.

29. Thomas Nagel makes a similar observation:

When one justifies a policy on the ground that the affected parties would have (or even have) agreed to it, much depends on the reasons for their
Nor may the couple act, in the absence of such an agreement, as though one existed and was fair.

This analysis of the case of the slave child can, I think, be applied directly to the Paradox of Future Individuals. For our generation to procreate, consume, and pollute to our heart’s content, \textit{and to justify doing so} on the grounds that future individuals are benefited (or not harmed), would be analogous to what the slave child’s parents do. Such purported justification derives a good part of its initial plausibility from implicit appeal to the argument that “future individuals (or their representatives) would agree to what we are doing, hence it is morally permissible.” But, as we have seen, the special context in which such agreement may be presumed to take place vitiates the inference from “an act that would be agreed to” to “morally permissible act.” This inference would be valid only if human existence, and the power to create it, were commodities that may be sold for whatever the market will bear. But they are not.

The spirit of this analysis may be expressed in the form of a small, but significant, proposed modification of the second form of Kant’s Categorical Imperative. The modified imperative would forbid treating rational beings or their creation (that is, their being brought into existence) as a means only, rather than as ends in themselves. This principle directly condemns the couple’s actions in the case of the slave child, for they use the creation of the slave child solely as a means to their ends.

The notion of using a person’s creation as a means must be interpreted more broadly, however, if the case of the pleasure-pill and the Paradox of Future Individuals are to be encompassed within the scope of the modified imperative. For, in each of these cases, the acts of creating persons likely to live restricted lives are side effects of the parties acting to attain ends such as sexual pleasure or a high material standard of living, rather than means to these ends. What is objectionable in these cases is the attempt to justify (or excuse) acts whose immorality would otherwise be evident because they lead to

agreement. If it is motivated by ignorance or fear or helplessness or a defective sense of what is reasonable, then actual or possible prior agreement does not sanction anything. (“Rawls on Justice,” \textit{Philosophical Review} 82 [April 1973]: 224)
the creation of restricted lives, on the grounds that those created are benefited (or not harmed).30 In the case of the slave child, the act of creation is a means to the parent’s end. But here the fact of creation is used as a means of cancelling the prima facie moral prohibition on the acts in question that derives from their undesirable effects. It is as though the agents in these cases claim a moral credit for the benefit of life they bestow on those whose existence results from their actions, which they may then draw against to justify the actions that they carry out for their own reasons. But, as our discussion of the cases involving the drought, rejuvenation, and the guardian indicated, this is to treat human life as a commodity, and it constitutes misuse of the agents’ power over the existence of future individuals.

Our modified categorical imperative is ambiguous, then, in that the component notion of “treating the creation of rational beings as a means” has two rather distinct meanings. As the ambiguity has been explicitly noted, this should cause no serious difficulties. In addition, however, the modified imperative is vague, as is its parent principle. Is it so vague that it cannot usefully be applied to significant cases involving the creation of persons? I think not. It applies in a rather straightforward way, and yields plausible results, when brought to bear on certain cases of creation beyond those so far considered.

Imagine, for example, the following minor variant of an actual case from the medical literature.31 A couple, who otherwise do not want a child, contemplate producing one so that the father may receive a needed kidney transplant from the infant. Here is a clear case of using the creation of a person solely as a means to an end. And it does seem that the act would be wrong, for that reason—this, in spite of the fact that if the child were produced and its kidney transplanted, the child would receive a net benefit, for it would not have existed otherwise. So, in a quite realistic case, we find the modified categori-

30. This is not to say that if the parties in these situations simply act, but make no attempt to justify their acts to themselves or others, they have acted permissibly. The point is that their acts are prima facie wrong, and that considerations of the sort mentioned cannot legitimately be regarded as overriding reasons on the other side of the moral ledger.

cal imperative the apparent victor in a clear and direct conflict with the initially plausible Obligation Principles of Section I.

We have thus uncovered two independent and intuitively appealing moral principles—the modified categorical imperative and the above-stated limitation on creating restricted lives—that provide grounds for rejecting the conclusion of the Paradox of Future Individuals. These principles reveal the limits of plausible application of the Obligation Principle that produces this paradox. And a systematic justification of either principle, perhaps as part of a comprehensive rule-utilitarian or Kantian normative theory, might take us some way toward laying the paradox to rest.

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