**Conventional Persons and the Nonidentity Problem**

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**Abstract**

I motivate “Origin Conventionalism”—the view that which facts about one’s origins are essential to one’s existence in part depend on our person-directed attitudes. One important upshot of the view is that it offers a novel and attractive solution to the Nonidentity Problem. The Nonidentity Problem typically assumes that the sperm-egg pair from which a person originates is essential to that person’s existence; if so, then for many future persons that come into existence under adverse conditions, had those conditions not been realized, the individuals wouldn't have existed. This is problematic since it delivers the counter-intuitive conclusion that it’s not wrong to bring about such adverse conditions since they don’t harm anyone. Origin Conventionalism, in contrast, holds that whether a person’s sperm-egg origin is essential to their existence depends on their person-directed attitudes. I argue that this provides a unique and attractive way of preserving the intuition that the actions in the ‘nonidentity cases’ are morally wrong because of the potential harm done to the individuals in question.

**1. Introduction**

“Conventionalism about persons”,[[1]](#footnote-1) as I will refer to it, roughly says that whether someone instantiates some property depends on "person-directed attitudes". Such person-directed attitudes (or "p-attitudes") are prudential attitudes such as fear and anticipation, beliefs concerning one's own identity conditions, etc. One popular sort of Conventionalism is Diachronic Conventionalism—held by Stephen White (1989), Mark Johnston (1989, 2010), David Braddon-Mitchell and Caroline West (2001), Kristie Miller (2013), David Kovacs (2016, 2020), David Braddon-Mitchell and Kristie Miller (2004, 2020) and Michael Longenecker (forthcoming)—which says that one's *persistence conditions* over time depend on p-attitudes. For instance, suppose you undergo a teletransportation process in which an initial teletransportation device disintegrates you into your component molecules, while a second device on the other side of the world builds a duplicate of you that is psychologically and physically the same as you, but isn't made of any of the same molecules that you were made of. In such a case, a Diachronic Conventionalist might say that if you fear teletransportation the way that you fear death, believing that you don't survive teletransportation, then you in fact don't survive teletransportation as the duplicate; on the other hand, if you regard the teletransportation process merely as a high-speed form of travel, then you in fact *do* survive teletransportation as the duplicate.

In this paper, I extend the reach of Conventionalism by proposing and motivating what I'll call "Origin Conventionalism". On this view, which aspects of one's originare essential, sufficient or accidental to one's existence depends on p-attitudes. For example, on the widely held Origin Essentialism view advocated by Saul Kripke (1980) (see also Forbes (1980) and Salmon (1981)) the particular sperm *S* and egg *E* that actually joined to produce a person *I* are in fact essential to *I*'s existence—had *S* and *E* not joined, *I* wouldn't have existed. While Origin Essentialism is typically assumed to be necessarily true, if true at all, Origin Conventionalism instead implies that whether Origin Essentialism actually holds for someone will depend on p-attitudes. Apart from developing and motivating Origin Conventionalism, a second aim of the paper is to deploy it to develop a novel response to the Nonidentity Problem. The Nonidentity Problem argues that some of our moral judgments rest on a mistaken understanding of the identity conditions of individuals. For instance, if immediately conceiving a child results in the child having a congenital disease, whereas waiting to conceive would result in a healthy child, we generally judge the former action to be morally wrong. But, according to the Nonidentity Problem, this intuitive judgment rests on a mistake. I argue, on the other hand, that Origin Conventionalism gives us a novel way of responding to this challenge and preserving the judgment that immediately conceiving is morally wrong.

Let us begin by better understanding what Origin Conventionalism is.

**2. Origin Conventionalism**

For any person, there are facts concerning the circumstances surrounding that person's origin. For instance, Angela Merkel came from the union of a sperm and egg; sperm *S* and egg *E* were the particular gametes that joined; those gametes united at time *t* and location *l*; *E* originated in Herlind Kasner's body and *S* originated in Horst Kasner's body; Angela was the first-born child of Herlind and Horst; *S* and *E* produced a zygote with DNA sequence *x*; etc. Though all of these facts are actually true of Angela Merkel, we can ask about the *modal* status of these properties. Which of these facts are *accidental* to Merkel's existence, such that Merkel could have existed even if the fact did not hold?Which of these facts are *essential* to Merkel's existence, such that had the fact not held Merkelwouldn't have existed? Which of these facts are *sufficient* for Merkel's existence, such that their holding ensures that Merkelexists? Such questions can likewise be asked with respect to any person.

Origin Conventionalism at base is the view that at least some of these answers depend on p-attitudes. This is a very general description of the view, and the details can be filled in different ways. Taking a cue from Diachronic Conventionalist views, we see that there are two main choice points on which Diachronic Conventionalists diverge. One choice point concerns *whose* p-attitudes determine the identity conditions. Some hold a PrivateConventionalism which says that an *individual's* p-attitudes determine that individual's own identity conditions (Zimmerman (2012) and Kovacs (2016, 2020) explicitly favor this view; while others, such as Johnston (2010), seem implicitly committed to it). White (1989) and Longenecker (forthcoming), on the other hand, hold a Public Conventionalism which says that it's the p-attitudes of the individual's *community* that determines the individual's identity conditions.

A second choice point concerns the relation between p-attitudes and the underlying metaphysics. On what I'll refer to as the 'Promotionist' view, (advocated by Johnston (2010), Zimmerman (2012) and Kovacs (2016, 2020)) one holds a permissive metaphysical view on which there are numerous objects coinciding with oneself at any moment that exist independently of p-attitudes. The job of p-attitudes is to then 'promote' at least one of the many coinciding objects above the others. That is, the p-attitudes make the selected coincider(s) the referent of terms—specifically personal pronouns and proper names—and the target of practical (that is, prudential and moral) concern. On the ‘Creationist’ view, (held by Braddon-Mitchell and West (2001) and Braddon-Mitchell and Miller (2004, 2020)) on the other hand, the very *existence* of (at least some[[2]](#footnote-2)) persons logically depend on those p-attitudes—perhaps because persons in some sense *reduce* to those attitudes as suggested by Braddon-Mitchell and Miller (2020, 132).Thus, unlike the Promotionist view on which p-attitudes select—from an already existing array of objects—which to promote, on the Creationist view p-attitudes in some sense decide what objects exist.

In this paper, I will adopt a Private Promotionist Conventionalist *Origin* view—though the main points and thrust of this paper would be preserved by a Private Creationist view. The view I’ll adopt is *Promotionist* because for each individual there are a multitude of objects with various origin modal profiles. In particular, I will follow John Hawthorne in holding the following Plenitude View: “Let a *modal occupation profile* be a function from worlds to filled regions of space-time. The Plenitude [View] says that for every such profile there is an object whose modal pattern of spatiotemporal occupation is correctly described by that profile.” This is a fairly common view motivated by the thought that it’s arbitrary or anthropocentric to place a restriction on which modal profiles are exhibited.[[3]](#footnote-3) This view implies that for every region of space at which there’s a human, there are numerous coinciding objects with different origin modal profiles. Some of these objects have their egg-sperm origin essentially—they only exist in worlds where they come from the same egg-sperm pair; but many will not. For example, some will only have the egg from which they came from essentially, since they exist also in worlds where a *different* sperm fertilizes the egg from which they actually originate. Even more drastically, many of one’s coinciders aren’t even essentially *human*, for there are possible worlds where they are a tree, a house, etc. On the Promotionist view, p-attitudes promote at least one of those objects as being the referent of personal pronouns and proper names, and the target of practical concern. The view I’ll adopt is also *Private* because for each individual *S*, *S*'s *own* p-attitudes determine which of the objects coinciding with *S* is promoted.

**3. Why Origin Conventionalism?**

But why believe in Origin Conventionalism? Here again we can take a cue from Diachronic Conventionalism to develop two motivations for it. First, Zimmerman (2012, sect. 4.1) and Kovacs (2016, 1080-2; 2020, 353-4) explain that Diachronic Conventionalism gives an attractive explanation for how we can know that we were once children on a permissive ontology—since on such an ontology, many of one’s coinciders never were children. Likewise, Origin Conventionalism can be said to give an attractive way for holders of the Plenitude view to know they could *not* have been, say, a tree, a house, a planet, etc., despite the fact that many of one’s coinciders could have been.

A second, and more common, motivation appealed to by Diachronic Conventionalists of both Promotionist and Creationist persuasions alike is the ‘faultless disagreement’ motivation (see White (1989), Braddon-Mitchell and West (2001, 60), Johnston (2010, 242-54), Zimmerman (2012, 116-8), Miller (2013) and Braddon-Mitchell and Miller (2020, 134)). The idea is just that there are some faultless disputes concerning survival. Consider two different communities—the Somataphiles and the Teletransporters—that have access to the sort of teletransportation technology described in the introduction above. The members of the Somataphile community avoid teletransportation, seeing it as a form of suicide. The members of the Teletransportation community, on the other hand, happily make use of the technology, just treating it as a convenient and high-speed form of transportation. Assuming that both communities are fully aware of how teletransportation works, it seems that neither community is mistaken in the attitudes they have towards it. Diachronic Conventionalism thereby presents itself as an appealing way of understanding this faultless disagreement between the two communities—for then each community is right since, as the Promotionist might put the point, they determine which of the many objects coinciding with oneself is the referent of terms and the proper target of practical concern.

Let’s now consider how we can develop a parallel motivation for Origin Conventionalism. Suppose two different communities have access to time-travel technology (those who believe time-travel to be metaphysically impossible may tweak the example.[[4]](#footnote-4)) The members of the Egger communitybelieve that the egg that produced them, so long as it produces a single individual, is sufficient for one's own existence. And with time-travel technology at their disposal, community members—especially those with congenital diseases or who take themselves to be woefully naturally ungifted—sometimes elect to undergo a process they call "rebirth". This involves a doctor going back in time just before egg *E*,from which the patient *I* was produced, is fertilized. The doctor then implants *E* with a sperm with the sort of DNA that gives it a reasonably good chance of producing an individual with the characteristics specified by the patient. Individuals in the Egger community treat the rebirth process as a way of reconfiguring the characteristics that the individual is born with, giving them a better chance of having the sort of life they desire. The members of the Pairer community, on the other hand, believe in Origin Essentialism—that both the particular egg *and* sperm from which one came is essential to one's existence. Likewise, they fear the process of rebirth, seeing it as implying the very *prevention* of one's own existence.

Here it might seem intuitive to hold that neither community is mistaken in their attitudes towards the rebirth process (or it at least seems no less intuitive than holding that neither of the Somataphile and Teletransporter communities are mistaken in their attitudes towards teletransportation). Furthermore, on the Promotionist view, neither community is *metaphysically* mistaken. For the view implies that, for each human, there are entities corresponding to both the Pairer and Egger’s beliefs—i.e. a coinciding entity that has its sperm-egg pair essentially, and yet another entity that would exist regardless of what sperm fertilized the egg from which it actually originates. This is reason to hold Origin Conventionalism—each community is right on their own terms, for their attitudes determine which of the many objects coinciding oneself is both the object of reference and the target of practical concern.

**4. The Nonidentity Problem**

The Nonidentity Problem, raised by Gregory Kavka (1981), James Woodward (1986) and Derek Parfit (1984), argues that some of our intuitive moral judgments are mistaken because they fail to properly take into consideration the identity conditions of individuals. Consider the following example:

**Child Case**

A couple desires to have a child. But they know that if they conceive immediately, due to the genetic makeup of the woman's egg, the child would be born with a crippling genetic disease. The couple also knows that if they wait a couple of months to conceive, the wife's egg (and man's sperm) will be healthy and so will result in a healthy child.

Suppose the couple in fact decide to conceive immediately, and have a child (whom they name "Mayra") who has the genetic disease. Two intuitions that many have about this case are:

(A) it was morally wrong for the couple to conceive immediately,

(B) claim (A) is true because conceiving immediately harms Mayra.

But the problem is that these intuitions conflict with the following two claims:

(C) Mayra would not have existed had her parents waited to conceive,

(D) Mayra is harmed only if Mayra would have existed had her parents waited to conceive.

Claim (C) is true because if the couple had waited a couple of months to conceive, then the resulting child wouldn't be Mayra (even if it were named "Mayra"). For the child would come from a different sperm and egg. Thus, Mayra, the child with the crippling genetic disease, wouldn't have existed had the parents waited; that is, either Mayra exists with the genetic disease or doesn't exist at all. And (D) is true assuming that Mayra's life is still worth living despite the condition. (C) together with (D) implies that Mayra is not in fact harmed by the decision to conceive immediately. Hence, if (C) and (D) are true, then we need to give up either (A) or (B). This is one instance of the Nonidentity Problem.

Another prominent nonidentity case is the following:

**Depletion Case**

A community has the option between two policies. On the depletion policy, the community will use up a particular natural resource, leading to enhancing the community's (already good) quality of life for the next two hundred years. But after those two hundred years, the quality of life of later generations is drastically lowered such that they just barely manage to live a life worth living. On the conservation policy, on the other hand, the community conserves the natural resource, preventing the current and near generations from enhancing their good quality of life; but this benefits the future generations, giving them a much greater quality of life compared to the miserable ones under the depletion policy.

Again, to many it seems morally wrong to choose the depletion policy because it harms distant future generations. But the problem once again rears its ugly head: the distant future individuals that would exist if the depletion policy were carried out would (in all likelihood) not be the same as the individuals that existed were the conservation policy carried out. For given the great impact the different policies have on the community members' lifestyle, what sort of job each has, who they marry, the point of time at which they have sex, etc., which sperm-egg pairs join will be drastically different. Thus, in all likelihood, the individuals that would exist under the depletion policy two hundred years later would all come from sperm-egg pairs that are different from those that would produce individuals under the conservation policy in two-hundred-years' time. Thus, so long as they live worthwhile lives, those future individuals under the depletion policy would *not* in fact be harmed, for they wouldn't have existed if the conservation policy were carried out.

There are many responses that have been given to these sorts of nonidentity cases. (To simplify discussion, I will focus on the Child Case.) Some, such as David Heyd (1992) and David Boonin (2008) deny premise (A), holding that the parents have not done something morally wrong. John Broome (1992) and Larry Temkin (2012) deny (B) arguing that the action is wrong, despite not making things worse for or harming the child. Others deny (D). For instance, David Velleman (2008) holds the child's rights have been violated and Elizabeth Harman (2009) appeals to the fact that the child is brought into a bad state. Caspar Hare (2007) similarly holds that though the child hasn't been harmed in a *de re* sense, she's nevertheless harmed in a *de dicto* sense. Notice that all of these responses assume that (C), the claim about Mayra's modal profile, is correct. But the Origin Conventionalism response that we will explore below questions this very assumption and gives us the materials to develop a novel reply to the problem.

But before turning to this Conventionalist reply, let us first consider a closely-related reply by Shamik Dasgupta.

**5. Dasgupta on Flexistentialism**

Dasgupta (2018) has recently employed the Plenitude View to motivate a response that essentially says there is an equivocation in (A) - (D) with respect to the name "Mayra". It's indeed true that at least one of the objects coinciding with Mayra has its sperm-egg pair origin essentially—call such a being 'the rigid individual' (on the Plenitude view, though there are in fact many individuals coinciding with Mayra fitting that description, for simplicity I'll assume there's just one); it is this rigid individual that makes claim (C) true. But the rigid individual is *not* *practically relevant*—it's not the sort of being that our moral or self-interested concern should be directed towards. Rather, it's some *flexible* individual—an individual coinciding Mayra that would have coincided with the healthy child that would have been born, had the parents instead waited two months to conceive—that is practically relevant. Dasgupta calls this view "Flexistentialism" since it's the *flexible* individual that practically matters. And it is this flexible individual that makes (B) true: the parents' decision to conceive immediately is *indeed* wrong since it harms the flexible individual and that individual is the one that practically matters.

But why believe in Flexistentialism? The argument in its favor that Dasgupta finds most interesting and argues for in the most depth is the Argument from Coherent Wishes. Begin by supposing that Mayra wished that her parents had waited to conceive so that Mayra would have a healthy body; Dasgupta's (2018, sect. 11) argument then runs as follows:

(i) Mayra's wish is coherent

(ii) Anti-flexistentialism has trouble accounting for its coherence

(iii) Flexistentialism easily accounts for its coherence

As Dasgupta explains, premise (i) seems true because her wish seems perfectly reasonable. Premise (ii) is true because if Anti-flexistentialism is true and Mayra has her origin essentially, then her wish is impossible to satisfy. For if her wish that her parents conceive later came true, Anti-flexistentialism implies Mayra wouldn't exist, in which case her wish to have a healthy body would not be fulfilled. Flexistentialism, on the other hand, doesn't encounter this sort of problem and can make sense of Mayra's wish—hence, premise (iii) is true.

From a Conventionalist's perspective, Dasgupta's argument from Coherent Wishes critically fails to take the full range of coherent wishes into account.[[5]](#footnote-5) Suppose, for example, that Tyra is in the exact same situation as Mayra, except that Tyra is completely content with (and extremely grateful for) her parents' decision to conceive immediately, believing that the decision was best for herself since she wouldn't otherwise exist. The Conventionalist would urge us to recognize that Tyra's contentment is just as coherent as Mayra's wish that her parents had waited. Of course, Tyra's attitude might be less *common* than Mayra's, but this doesn't imply that it's *incoherent*. With this example in hand we can construct the following argument:

(iv) Tyra's contentment is coherent

(v) Flexistentialism has trouble accounting for its coherence

(vi) Origin Conventionalism easily accounts for its coherence

Premise (v) is true because Flexistentialism tells us that the practically relevant individual is the flexible one, in which case Tyra's prudential concern doesn't make sense, since she thinks the practically relevant individual is the rigid one. And premise (vi) is true because, on Origin Conventionalism, Tyra's attitude *determines* that the practically relevant individual is the rigid one. This fact in turn makes Tyra's contentment with her parents' decision coherent.

In summary, although Flexistentialism can account for the coherence of Mayra's wish, Origin Conventionalism is superior because it's able to account for the coherence of *both* Mayra's wish *and* Tyra's contentment. For, on Origin Conventionalism, Mayra's wish makes her own coinciding *flexible* individual practically relevant, and Tyra's attitude makes her own coinciding *rigid* individual practically relevant.

**6. Origin Conventionalism and the Nonidentity Problem**

We have seen reason to prefer Origin Conventionalism over Dasgupta's Flexistentialism. But what sort of response to the Nonidentity Problem might Origin Conventionalism afford us? Like Flexistentialism, Origin Conventionalism also questions premise (C)—which says Mayra is rigid (she would not have existed had the parents waited to conceive). But unlike Flexistentialism, it doesn't *necessarily* imply that (C) is false, rather Origin Conventionalism only takes the assumption to be too hasty. A proper assessment of the situation requires a closer look at Mayra's own p-attitudes.

As we have already seen, there are two main options. First, Mayra might be content with her life, believing a decision by her parents to wait to conceive would prevent her existence. If so, then Origin Conventionalism implies that Mayra is rigid and (C) is true—hence, the parents have done *no* harm to her. The second option is that Mayra *regrets* her parents' decision, believing that waiting to conceive would lead to Mayra having a healthier life; in this case Origin Conventionalism implies that Mayra is flexible and (C) is *false*—hence, the parents have thereby *harmed* her. (A third option is that her attitudes waver, in which case she is in a sense *both* flexible and rigid; for Diachronic Conventionalists on this sort of issue, see Kovacs (2020, 358) and Braddon-Mitchell and Miller (2020, 145).)

How then do we preserve claim (A), which says that conceiving immediately is morally wrong? We *cannot* get there through claim (B)—which says that, it was morally wrong for the couple to conceive immediately because doing so harms Mayra—for Origin Conventionalism doesn't guarantee that Mayra is harmed. Nonetheless we can appeal to a similar, though slightly weaker, claim:

(B\*) it was morally wrong for the couple to conceive immediately because there is a *significant probability* that doing so harms Mayra.

This claim is true because, at the time the parents decide to immediately conceive, there's a significant probability that the child is flexible (by virtue of regretting the parents’ decision), and therefore harmed. This leads to the conclusion that the parents' decision is morally wrong since (i) the parents decided to take a path with a significant risk of harm to their child and (ii) there was an alternative available that avoids such a risk (and that doesn't involve an outweighing cost). To draw an analogy, suppose you are sober and have the option to drive your drunk friend home, or to allow the friend to drive themself. Ordinarily in such a situation, choosing the latter is morally wrong because (i) there's a significant possibility that the drunk friend will harm themself or another and (ii) driving the friend home would greatly lower such a risk (and doesn't involve some outweighing cost). The couple, being in a morally analogous situation, would likewise act immorally if they chose to conceive immediately. Hence, given the truth of (B\*), we preserve the truth of (A)—it's immoral for the couple to immediately conceive.

The Origin Conventionalist can give a similar reply with respect to the Depletion Case. If the distant future generations that come to exist under the depletion policy are content with the quality of their life, believing that the egg-sperm pair from which they came is essential to them, then Origin Conventionalism implies they are rigid individuals, in which case (in all likelihood) they have not in fact been harmed. But if there are future individuals that instead believe that they would have existed under the conservation policy and blame their predecessors for their decisions, then Origin Conventionalism implies that their modal profile is flexible enough for them to exist in such a scenario, thus such individuals *would* be harmed by the depletion policy. Thus, given the likelihood that there will be distant future individuals who have such regrets, choosing the depletion policy would be morally wrong because of the harm done to them.

This is the basic reply that Origin Conventionalists can give to the Nonidentity Problem. Let's now delve a bit deeper into it to better understand and evaluate it.

*6.1 Modal profiles*

Let's begin by taking a closer look at the modal profiles of the individuals in question. Beginning with Mayra, if she does turn out to regret her parents' decision, what exactly does her attitude entail about her modal profile? The least we can say is that she has a modal profile that entails that were her parents to conceive a couple of months later, Mayra would, or likely would, be the resulting child. (Note that this doesn't entail the child would be named 'Mayra' or have a strong resemblance to Mayra.) Of course, this doesn't tell us anything very specific. For example, it doesn't tell us specifically which of these are true—where '*M*' and '*F*' rigidly refer to Mayra's actual mother and father respectively:

(i) Necessarily, *M*'s first child is Mayra

(ii) Necessarily, *M* and *F*'s first child is Mayra.

(iii) Necessarily, *M* and *F*'s first child conceived within a two-year span of when Mayra actually was conceived is Mayra.

If we want a sharper picture of what Mayra's modal profile is, then we have to look at her *other* attitudes. To illustrate, consider some hypothetical examples.

Suppose Mayra has been offered to undergo a rebirth process which allows Mayra to choose any one of *M*'s eggs, but at the same time requires that a sperm from someone *other* than *F* be used. If in this case Mayra refuses the procedure because she views it as the prevention of her own existence, then (i) wouldn't hold true of Mayra; her attitude determines that she must originate from one of *F*'s sperm. Still (ii), (iii) or both might hold true. (Notice that even if Mayra never *actually* considers such a rebirth process, we might still hold that her non-manifested dispositions concerning how she *would* react are among the p-attitudes that determine her modal properties.)

It's important to recognize that there would, in all likelihood, be indeterminacy present in Mayra's modal profile (for indeterminacy in other forms of Conventionalism, see for instance Kovacs 2016, 1080; 2020, 352; Miller 2013, S94). This would be true so long as there are cases where Mayra doesn't have a clear-cut attitude on the matter. For instance, suppose Mayra is offered a rebirth opportunity that requires that the egg that is taken from *M* is one that *M* ovulates *twenty years after* the egg that actually produced Mayra; and likewise, the sperm selected from *F* is one produced twenty years after the sperm that actually produced her. If in this case Mayra is uncertain whether or not to undergo the procedure because she's uncertain whether or not to view the resulting individual as herself, then (ii) would not be true nor would it be false, it would simply be indeterminate. But even if (ii) were indeterminate, her attitudes could still determine that (iii) is true.

Turning to the Depletion Case, there's likely to be much more indeterminacy involved than in the Child Case. Suppose that some distant future individual, Saleem, is living in the community with resources long depleted; Saleem likewise regrets that his predecessors didn't enact the conservation policy. Had the community instead conserved, which of the resulting individuals would be Saleem? In most such counterfactual scenarios, it seems extremely hard for his attitudes to provide us with a unique answer. For had the community conserved, the resulting individuals and family lineages would look very different—with each generation of a particular family tree likely involving different numbers of individuals and likely having different psychological and physical features than the actual members. Perhaps Saleem's attitudes would narrow things down. For instance, suppose Saleem came to realize that had the community conserved, none of Saleem's actual predecessors that lived at the time the conservation policy was put into place would bear any children. If in that scenario Saleem doesn't regret the decision to deplete, seeing the conservation policy scenario as preventing his own existence, then that would imply that Saleem has those predecessors *essentially*. His attitudes might also determine, say, that the *generation* in his family lineage of which he is a part is also essential to him. But apart from such very course-grained narrowing down, it's hard for his attitudes to pick out a particular individual as being Saleem. Saleem's attitudes thus might only entail that Saleem would (assuming, say, that his predecessors continue to have children) exist were the community to conserve, without determining *which* individual he would be (Johansson (2010) proposes this kind of indeterminacy).

*6.2 Significant Probability*

I argued that claim (B\*)—which says, it was morally wrong for the couple to conceive immediately because there is a significant probability that doing so harms Mayra—is true because: if the parents conceive immediately, there's a significant probability that the child would regret that decision. But what exactly is this 'significant' probability? This question divides into two. One concerns how likely it is that their child *would* regret the parents' decision, and the other concerns how probable such regret *needs* to be for the reply to the Nonidentity Problem to succeed.

With respect to the first question, my guess is that the chance is relatively high, no lower than, say, a sixty percent chance. This conjecture is based on the fact that, at least when first[[6]](#footnote-6) reflecting on the non-identity cases, many find it intuitive to hold that Mayra has been harmed, indicating that they would regret their parents' decision if they were in Mayra’s shoes. (Afterall, it’s known as the Nonidentity “*Problem*” precisely because it problematizes a common intuition.) But even if the child is less likely to regret the parent’s decision than I would suspect, this may not matter if the answer to the second question—how high *need* the ‘significant probability’ be?—is ‘relatively low’. And I think that this is indeed the right answer to the second question. This is simply because, even if there's only, say, a 5% chance that Mayra would regret her parents' decision, the actualization of that small probability would imply that Mayra is flexible and thereby greatly harmed; hence the parents’ decision seems wrong because of the potential for harm done (assuming they can wait two months to conceive without any significant cost to themselves[[7]](#footnote-7)). This sort of moral weighting seems entirely reasonable. For example, in an apartment building I once lived in, there was a report that someone disposed of a bag of garbage by throwing it out from an upper-story window into the building's ground-floor dumpster. Though no one was hurt and the chance of hitting someone was very low, the community was understandably outraged; since the action could have resulted in substantial harm, and the garbage could have easily been disposed of in a safe manner, throwing it out the window was surely wrong. We likewise judge other actions as wrong for this sort of reason as well, such as racing on the highway, not buckling your own (or your kid's) seatbelt in the car, randomly firing a gun into the woods, letting your kids run around with a lollipop in their mouth, failing to de-ice the entranceway of your home, etc.

We should note that it's conceptually possible that there be an alien community which is psychologically quite different, in which they are not at all disposed to think Mayra would have been the later healthy child. Thus, in an Alien Child Case—that is, the Child Case, but with the humans replaced with such aliens—there is not a significant probability that their alien child would be flexible since it’s quite unlikely that the child would regret the alien parents' decision. In this situation, the alien parents' decision to conceive immediately might *not* be immoral since the likelihood of having a flexible child (and thereby causing harm) is negligible, below the likelihood needed to deem the choice wrong.

Some may see this result as too great of a drawback. But Conventionalists might not see this as an intolerable result. For Conventionalists already agree that since personal identity operates differently in different communities, so morality would rightly vary as well—for instance, whether it’s morally ok to rush someone to the hospital via teletransportation will depend on whether one is in the Somataphile or Teletransporter community. Of course, accepting this sort of moral variability does not imply the acceptance of *extreme* forms of moral relativism. It doesn't imply, for instance, that Conventionalists should also think slavery was morally permissible in 17th Century America simply because it was at that time considered morally acceptable. For the sort of moral variability that Conventionalists accept can be limited to cases where the *identity conditions* relevantly vary—identity conditions which do *not* relevantly differ with respect to slavery between 17th Century and present-day America.[[8]](#footnote-8)

*6.3 The manipulation objection*

One might worry that the Conventionalist response morally permits the parents to conceive immediately so long as they have a treatment to ensure that Mayra never regrets her illness—perhaps by giving her a drug or brainwashing her—for then there would be no risk of harming the child. The response that I find most attractive is to hold that the parents would still wrong Mayra because such a treatment would wrongfully undermine Mayra's agency—be it the agency she has as a child or an adult. That is, if the parents enforce (by means of, say, a drug) a set of attitudes *A­* on Mayra without her consent[[9]](#footnote-9), and the method the parents use is so effective that Mayra practically is unable to avoid exhibiting *A*,then it seems intuitive to judge the parents' act as morally wrong.[[10]](#footnote-10)

Of course, it’s not clear that *all* such agency deprivation is wrong; for instance, using mind manipulation drugs that prevent people from forming racist attitudes might seem morally permissible. But the intuition I’m drawing from is similar to the anti-paternalist intuition that John Stewart Mill (1956, 13) appeals to when he writes "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant" (for more recent discussion and defense, see especially Arneson (1980) and Feinburg (1986)). Similarly, the Conventionalist can hold that it's morally permissible to prevent individuals from forming racist attitudes because of the prevention of harm to others, while it's impermissible to brainwash Mayra to not regret her parents' decision since such brainwashing only prevents harm to Mayra herself.

**7. Conclusion**

In this paper, I have both presented and motivated an Origin Conventionalist view on which our p-attitudes determine the modal profile of our origin—that is, those attitudes determine which properties concerning our origin are necessary, accidental and sufficient for one's own existence. I also argued that the view affords us a novel and promising response to the Nonidentity Problem. By challenging the traditional assumption that one's sperm-egg origin is essential to oneself, Origin Conventionalism tells us that the actions in so-called ‘nonidentity’ cases are morally wrong because of the significant risk of harming the potential future humans in question. Though there is much more that can be said on these matters, I hope I have said enough in the confines of a single paper to show that Origin Conventionalism is worthy of serious consideration.

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1. One might instead prefer to call the view “conativism” (Braddon-Mitchell and Miller 2020), “proteanism” (Johnston 2010), etc. [↑](#footnote-ref-1)
2. Braddon-Mitchell and West (2001) and Braddon-Mitchell and Miller (2020) hold that person-stages or person-phases exist independently of p-attitudes. [↑](#footnote-ref-2)
3. See Korman (2015, 17 fn. 8) for a lengthy list of advocates. [↑](#footnote-ref-3)
4. Suppose instead that, in the future, we encounter aliens that (dishonestly) tell us that they have time-travelling technology and are willing to rebirth us. Upon hearing this, humans divide into the Egger and Pairer communities—the Egger community welcomes and encourage the aliens to carry out the rebirthing, and the Pairer community resists the aliens' offer, viewing it as the prevention of one's own existence. [↑](#footnote-ref-4)
5. Dasgupta considers a situation where the diseased child comes to prefer her life as it is because she's become attached to the community of people with her condition and prefers to live a life in that community. But this sort of scenario is very different from Tyra's; Tyra isn't content with her parents' decision because, despite the fact she believes she could have been a healthy child, she's attached to some aspect of her actual life, rather it's because she believes she *couldn't* have existed without the condition. [↑](#footnote-ref-5)
6. What if one later changes one’s attitude? Conventionalists typically hold that both one’s earlier and later attitudes are both correct by tracking different objects (cf. Braddon-Mitchell and West (2001, 68) and Kovacs (2020, sec 4). [↑](#footnote-ref-6)
7. Persson (2009) has argued that the parents have the *positive* right to procreative liberty. Even if we agree with Persson on this point, it's hard to see such a right as outweighing the potential harm to the child. [↑](#footnote-ref-7)
8. Even though 17th Century America accepted slavery, that doesn't change the fact that the slaves existed and that those slaves were harmed, were stripped of their freedom, etc. [↑](#footnote-ref-8)
9. Unlike alcoholics who willfully undergo hypnosis in order to change their attitude towards alcohol and kick the habit. [↑](#footnote-ref-9)
10. Of course, depriving autonomy might be morally disvaluable for instrumental reasons, such as brainwashing someone to have harmful false beliefs. But I also take it that depriving autonomy is intrinsically morally disvaluable. [↑](#footnote-ref-10)