

*Desire Fulfillment and Posthumous Harm**

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1. The Standard Account of Posthumous Harm

THE STANDARD ACCOUNT of posthumous harm goes as follows. Acts such as those that betray, destroy one's reputation, or undermine one's achievements can harm a person while she is alive even if they never affect her experiences. For instance, it seems that the slandering of your reputation can be harmful to you even if you never become aware of it, even if you never experience any change in how others act around you, even if you never feel any less respected as a result of the defamation—the reason being that you care not only about *feeling* respected, but also about *being* respected. In other words, it is important to you that your desire for esteem is actually fulfilled, and not just that you think that it is. Since you desire to be respected not only while alive but also after your death, the slandering of your reputation, even after your death, harms you. For if it is not necessary that you learn of the slander, or experience any ill effects as a result of it, in order for it to be harmful to you, then why do you need to be alive at the time of the slander for it to harm you? Your death makes it only all the more certain that you will never learn of, or be experientially affected by, the slander. But “if we think it irrelevant that I never know about the non-fulfillment of my desires, we cannot defensibly claim that death makes any difference” (Parfit 1984, 495). Or so some philosophers have argued.¹

One problem with the standard account is that it relies on the desire theory of welfare, a theory that, as many of us believe, should be rejected. Yet the desire theory still has many supporters, and there

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¹ See Aristotle, *Nicomachean Ethics*, 1100a15-25; Feinberg 1984, 87; Griffin 1986, 23; Parfit 1984, 495; and Pitcher 1984, 186-87.

is not enough space here to seriously engage in the debate.² So, instead, it will be argued that even those who are sympathetic to the desire theory should be skeptical about whether the standard account succeeds. There are, at least, two problems with the standard account from the perspective of a desire theorist. First, as most desire theorists acknowledge, the theory must be restricted in such a way that only those desires that pertain to one's own life count in determining one's welfare. The problem is that no one has yet provided a plausible account of which desires these are—an account that would ensure that desires for posthumous prestige and the like are included. Secondly and more importantly, if the desire theory is going to be at all plausible, it must, it is argued, restrict itself not only to those desires that pertain to one's own life but also to those desires that are future independent, and this would rule out the possibility of posthumous harm. If the foregoing is correct, then even the desire theorist must reject the standard account of posthumous harm. Posthumous harm cannot plausibly be accounted for in terms of desire fulfillment (or the lack thereof).

2. Non-pertinent Desires

As noted above, even desire theorists acknowledge that the unrestricted version of their view is implausible. It is only the non-fulfillment of certain desires, those that pertain to one's own life, that negatively affect one's welfare; the non-fulfillment of other desires has no effect on one's welfare. Call those desires that pertain to one's own life *pertinent desires*, and call those that do not *non-pertinent desires*. One must know just how the desire theory is to be restricted to know whether it is compatible with the possibility of posthumous harm, for it may turn out that those desires that concern what will take place after one's death are non-pertinent desires.³ So let us now turn to why and how the desire theory should be restricted.

² For a discussion of some of the problems with the desire theory, see, for instance, Arneson 1999.

³ For instance, someone might suggest restricting the desire theory so that only desires concerning one's mental states count as pertaining to one's own life. Or, as Heathwood (2006) and Sumner (1996) have suggested, one might add an

Our desires spread so widely over the world that their objects extend far outside the bounds of what could plausibly be considered relevant to our welfare. To illustrate, consider the following, now famous, example from Parfit:

Suppose I meet a stranger who has what is believed to be a fatal disease. My sympathy is aroused, and I strongly want this stranger to be cured. We never meet again. Later, unknown to me, this stranger is cured. On the Unrestricted Desire...Theory, this event is good for me, and makes my life go better. This is not plausible. We should reject this theory. (1984, 494)

And this example is not even the most counter-intuitive one imaginable. Imagine, for instance, that Abe is a fan of large prime numbers and so wants the total number of atoms in the universe to be a prime.⁴ On the unrestricted desire theory, then, we would have to say that he is worse off if, in fact, the total number of atoms in the universe is not a prime. But this is absurd. How could something so remote from him possibly affect *his* welfare? It would seem that a theory of welfare must explain which facts constitute his being harmed or benefited, and so these facts must be facts about *him*. Since his desires can take as their objects states of affairs that have nothing whatsoever to do with him, the fulfillment of such non-pertinent desires can have nothing to do with his welfare (Kagan 1992, 171). So if we are going to accept the desire theory at all, we will need to restrict the sorts of desires that count in determining a person's welfare so as to avoid this objection from remote or non-pertinent desires.⁵

Perhaps the most detailed and plausible version of the restricted desire theory offered to date is Mark Overvold's. On Overvold's view, a person's welfare is solely a function of the fulfillment/non-

"experience requirement" to the desire theory so that "*x* makes me better off (directly or intrinsically) just in case (1) I desire *x*, (2) *x* occurs, and (3) I am at least aware of *x*'s occurrence" (Sumner 1996, 127). If this is how the desire theory needs to be restricted, then the standard account of posthumous harm must be rejected.

⁴ I borrow this example from Kagan (1998, 37).

⁵ The theory may also need to be restricted so that the fulfillment of uninformed desires does not count as a benefit. See Arneson 1999.

fulfillment of her desires for states of affairs of which she is an essential constituent, i.e., those states of affairs where her existing at time t is a logically necessary condition for the state of affairs obtaining at time t (1982, 90). According to this theory, neither Parfit's desire for the stranger's being cured nor Abe's desire for the total number of atoms being a prime count in determining their welfare, for in neither case is the subject's existence a logically necessary condition for the desired state of affairs obtaining. So it seems that Overvold's theory of welfare avoids the counter-intuitive implications associated with the unrestricted desire theory.

Unfortunately for the advocates of the standard account, though, Overvold's view implies that posthumous events cannot affect a person's welfare, for any state of affairs that obtains subsequent to a person's death cannot be one in which the person is an essential constituent. Richard Brandt (1979, 330), Gregory Kavka (1986, 41), and Brad Hooker (1993) have objected to Overvold's account for precisely this reason. Hooker, however, suggests that Overvold's account can easily be revised so as to countenance posthumous harms: "the relevant desires are the ones in whose propositional content the agent is an essential constituent in the sense that the state of affairs *is desired under a description that makes essential reference to the agent*" (1993, 212). Under this criterion, a person can be harmed after her death, for desires such as the desire that *she* be posthumously famous and the desire that *her* efforts be posthumously efficacious are, on this criterion, relevant to the determination of her welfare.

As it turns out, though, Hooker's account will not do; it counts as pertinent desires that are clearly just as irrelevant to one's welfare as those of Parfit and Abe. Consider, again, Parfit's example of the stranger with a likely fatal disease. Suppose that Parfit also desires that *he* will be praying for the stranger during his most trying times, that *he* (Parfit) will be thinking about the stranger at the moment that the stranger learns that he has been cured, and that *his* (Parfit's) grandchildren will someday, whether he realizes it or not, live in the same neighborhood as the stranger's so that they might someday

play together.⁶ Or take the example concerning prime numbers. Suppose that Abe also desires that at the exact moment at which he turns 83 the total number of atoms constituting *his* body is a prime. We can assume that these desires are informed desires, desires that would survive both full information and critical reflection.⁷ And we can assume that these desires are not mere whims, but strong and lasting desires. It is difficult, then, to see how the desire theorist can exclude them except by classifying them as non-pertinent desires. But such desires meet Hooker's criterion for pertinent desires. Yet these desires are clearly non-pertinent—at least, they are as clearly non-pertinent as those originally given.⁸ So, at best, Hooker's account succeeds in excluding some of the desires that are non-pertinent by providing a necessary condition that must be met. Yet it fails to give a full account of the necessary and sufficient conditions

⁶ Note that insofar as one thinks that all these desires are non-pertinent, then even the unrevised Overvoldian account is too inclusive, for it would count as pertinent the first two of these three.

⁷ The desire theorist might claim that it is only our "ideal" desires that count and that, even if informed, these desires could not be ideal desires because there is no reason to desire such things. But once the desire theorist claims that it is only desires for things that are worthy of being desired that count, she has abandoned all that is distinctive about her theory and has become an object-list theorist.

⁸ Admittedly, for some of these desires, there is an imaginable scenario where it is not implausible to suppose that the fulfillment of that desire is pertinent to one's welfare. Take the case where Parfit desires to be praying for the stranger during his most trying times. Imagine that Parfit strives and sacrifices so as to ensure that this is the case, praying night and day for him—even setting the alarm every night so as to get up every couple of hours. On this scenario, Parfit has more than a mere desire; indeed, he has a goal, a goal in which he has invested much time and energy. (To have a goal, as opposed to a mere desire, one must intend to bring it about through one's own efforts. Someone may want to be rich, but unless she intends to make any efforts to bring it about that she is rich, then this is just a mere desire, not a goal.) Now those sympathetic to the Achievement View—the view that the achievement of one's actual goals (or aims) in itself contributes to one's welfare—will be inclined to think that, on this scenario, Parfit does benefit from having his desire fulfilled, for the very same state of affairs that constitutes the fulfillment of his desire also constitutes the achievement of his goal. But if the desire theory is to be distinct from the Achievement View that Keller (2004) and Scanlon (1998) have argued for, then it must hold that the fulfillment of mere desires (and not just the achievement of goals) contributes to one's welfare.

for a desire's pertaining to one's own life. Until a full account of these conditions is provided, one cannot know whether desires for posthumous states of affairs are excluded by these conditions, and so one cannot know whether the desire theory, once plausibly restricted to only pertinent desires, allows for the possibility of posthumous harm.

3. Future-dependent Desires

If the lack of a full account of the necessary and sufficient conditions for a desire's counting as pertinent were the only problem facing the standard account of posthumous harm, one might hold out hope that some suitable account will be provided in the future. But even if one were to end up with a full account of what sorts of desires do and do not count as pertaining to one's own life, so that desires for posthumous states of affairs can count, there is still a further problem facing the standard account having to do with future-dependent desires, those desires that take some future state of affairs as their intentional object (e.g., the desire that the democratic candidate wins the upcoming presidential election). For it will be argued that even if attention is restricted to those desires that pertain to one's own life, only a subset of these pertinent desires matter with regard to one's welfare: those that are future-independent. (A desire is *future-independent* if and only if whether it is fulfilled does not depend on whether any future state of affairs obtains.⁹) This spells trouble for the standard account of posthumous harm, for a future posthumous event—an event that is going to occur after one's death—cannot be responsible for the non-fulfillment of one's future-independent desires, and thus cannot be responsible for one's currently being in a harmed condition.

⁹ More precisely, a desire that P—where P stands for some proposition—held at a particular time *t*, is *future-independent* if and only if, for any possible worlds *w*₁ and *w*₂, if *w*₁ and *w*₂ are qualitatively identical both at *t* and at every time prior to *t*, then P has the same truth-value at *w*₁ and *w*₂. Thanks are owed to Campbell Brown for this formulation. Thus the desire to be currently drinking some ice-cold lemonade is a future-independent desire. By contrast, the desire that the *Padres* will be World Series Champions next year is a future-dependent desire.

To see why, note that, on the standard account, the harmed condition, that of having an unfulfilled desire, takes place ante-mortem, not postmortem. After all, the postmortem person—perhaps, moldering in the grave—cannot be the subject of a harmed condition, because a corpse, like any other inanimate object, is not the sort of thing that can be in a harmed condition. Nevertheless, in the case of posthumous harm, the harmful event—the one responsible for the ante-mortem person’s being in a harmed condition—occurs postmortem.¹⁰ And if a posthumous event is to be responsible for the ante-mortem person’s being in the harmed-condition of having an unfulfilled desire, then the desire in question must be a future-dependent desire, for posthumous events cannot affect whether or not future-independent desires go unfulfilled. But, as it will be argued, future-dependent desires are irrelevant to our welfare. Before exploring this worry in greater detail, though, it will be helpful to get clear on the distinction between a harmed condition and a harmful event and on what precisely constitutes a harmed condition on the desire theory of welfare.

One should distinguish between a harmed condition and a harmful event. On the one hand, a harmed condition is a state that it is self-interestedly bad to be in. (Correspondingly, a benefited condition is a state that is self-interestedly good to be in.) A harmful event, on the other hand, is an event that is responsible for a person’s having a smaller aggregate of benefited conditions versus harmed conditions than she otherwise would have had. To illustrate,

¹⁰ Thus, the standard account solves both the problem of the subject and the problem of backward causation. There cannot be a harm without some subject to be in a harmed condition. Since death extinguishes the subject, the subject of a posthumous harm must be the ante-mortem person, the living, breathing person that once was. But how can the ante-mortem person be harmed by a posthumous event? Does this not imply backward causation—that a later event (the posthumous one) can cause an earlier event (the harming of the ante-mortem person)? The standard account solves this problem as well. The harmed condition consists in having an unfulfilled desire, and since desires can take as their objects future states of affairs that will not obtain given that certain posthumous events are going to occur, these posthumous events can be responsible (although not causally responsible) for the ante-mortem person’s being in harmed condition while alive. For further details, see Pitcher 1984 and Feinberg 1984, 90-91.

consider the case where Bill sustains painful injuries in an explosion. The explosion is the harmful event that causes Bill to be in a harmed condition, that of being in much more pain than he otherwise would have been.

Different theories of welfare give different accounts of what constitutes a harmed condition. It's clear that, on hedonism, being in pain constitutes a harmed condition. What's less clear is what constitutes a harmed condition on the desire theory of welfare. Perhaps, the most obvious candidate is the state of desiring that P, where P is false.¹¹ Of course, this will have to be restricted to pertinent desires, those that are about one's own life, as well as to intrinsic desires, those whose intentional object is something desired for its own sake. Perhaps one will also need to restrict this to informed desires, those that would survive critical scrutiny in light of full information. And, lastly, one will need to restrict this to unconditional desires, those that are not conditional on their own persistence.¹² Assume, then, that when reference is made to desires, the reference is to only those desires that are intrinsic, informed, pertinent, and unconditional, unless otherwise indicated. Let us call the view that S is in a harmed condition if and only if S desires that P and P is false, *the Simple View*.

¹¹ An alternative view is that S is in a harmed condition at *t* if S previously desired that a certain state of affairs would obtain at *t* but that state of affairs fails to obtain at *t*. This alternative view will be ignored here, because, in accounting for posthumous harm, this view would have to countenance the absurd position that a subject can be in a harmed condition at a time when she no longer exists. Where the subject previously desired that a certain state of affairs would obtain after her death and where that state of affairs fails to obtain after her death, this view implies that she is now, after she has died and thus ceased to exist, in a harmed condition.

¹² Some desires are conditional on their own persistence in that the agent is concerned with their fulfillment only in so far as he regards their fulfillment as a means to feeling satisfied or avoiding frustration. For example, the desire one has to go snorkeling during one's upcoming Hawaiian vacation is a conditional desire. One wants to go snorkeling then only if one still wants to do so when the time comes. In contrast, one's desire to have one's organs donated upon one's death is an unconditional desire. See Parfit 1984, 151.

The Simple View is implausible. It implies that you are in a harmed condition right now if you currently desire that your remains will be cremated when, in fact, they will not be. And this implication stands even if the reason your remains will not be cremated is that you will eventually change your mind and, in the end, charge the executor of your will with donating your corpse to medical science. The Simple View also implies that Parfit was in a harmed condition when he was an idealistic young man who wanted to become a poet, since he ultimately decided to become a philosopher instead.¹³ These implications are absurd, and so we should reject the Simple View.

In its place, those desire theorists who wish to countenance posthumous harms (e.g., Luper 2004) have adopted what can be called *the Sophisticated View*. On this view, *S* is in a harmed condition if and only if all the following apply: (1) *S* desires that *P*, (2) *P* is false, and (3) *S* will never voluntarily abandon his or her desire that *P*.¹⁴ To clarify, *S* is taken to have voluntarily abandoned her desire that *P* if and only if *S* has ceased to desire that *P* as a result of a process that she did not, or would not (had she been aware of it), oppose. So, as Luper reminds us, “we can even count, as voluntary, the intentional elimination of a desire using artificial means, as when we take pills to remove the desire to smoke cigarettes” (2005, 343).

Unlike the Simple View, the Sophisticated View does not have the counter-intuitive implications discussed above; in the above cases, the subjects voluntarily abandon their desires, and so condition (3) is not met. The Sophisticated View does, however, have counter-

¹³ This example comes from Parfit (1984, 157).

¹⁴ Here are Luper’s own words: “a desire is thwarted if it is never either satisfied or voluntarily given up before satisfaction becomes impossible” (2004, 67). Luper never states any necessary or sufficient conditions for the thwarting of a desire constituting a harmed condition, presumably because he would want to place restrictions on the sorts of desires that count: informed, unconditional, pertinent, etc. But the Sophisticated View, as formulated here, already takes such restrictions into account—recall that when there is reference to desires, it is to desires that are intrinsic, informed, pertinent, and unconditional. Besides, it would seem that Luper must accept something like the Sophisticated View given that he wants to account for posthumous harms in terms of the thwarting of desires.

intuitive implications of its own. Consider the case where one's desires have been shifting back and forth between two mutually exclusive states of affairs that are, in one's own eyes, equally good. It seems implausible to suppose that whether one is in a harmed condition now depends on whether one's desires are going to shift n or $n - 1$ times before one dies; yet this is exactly what the Sophisticated View implies.¹⁵ To illustrate, suppose that at t_1 one was fascinated with Egyptian mummification and desired that one's corpse be donated to a group of Egyptologists using human cadavers to test various hypotheses about Egyptian mummification. Call the state of affairs where one's body is donated to these Egyptologists "*s_e*." But suppose that later, at t_2 , one becomes fascinated with stem cell research and, learning of a group of British scientists doing research on stem cells harvested from human cadavers, one changes one's mind, desiring now that one's body be donated to these British scientists.¹⁶ Call the state of affairs where

¹⁵ An anonymous referee has suggested that the Sophisticated View does not have this implication, because if one shifts from desiring that P at t_1 to desiring that Q at t_2 , then, on the Sophisticated View, P's being false cannot result in one's being in a harmed condition, because condition (3) of that view will not be met: one will have voluntarily abandoned one's desire that P. But here's the situation. One desires that P at t_1 , that Q at t_2 , and that P at t_3 , after which one dies. Let's call these desires D_1 , D_2 , and D_3 , respectively. It's true that one did voluntarily abandon D_1 , but one never voluntarily abandoned D_3 . Of course, D_3 has the same intentional object as D_1 , but that does not make it the same desire. If it did, then, given that Parfit long ago voluntarily abandoned his youthful desire to become a poet, it would not matter whether he adopts that end again and spends years trying to become a poet. Failing to become a poet could never make him worse off, for he has already abandoned that desire. I take it, then, that the desire theorist will want to say that two desires, persisting over different periods of time, can be distinct even if they have the same intentional object. And, therefore, P's being false can, on the Sophisticated View, result in one's being in a harmed condition if one never voluntarily abandoned one's latest desire that P, regardless of whether one, at some earlier point, abandoned a different desire for that same intentional object.

¹⁶ Here, the change in mind is change in what is wanted, not a change in what is valued. The assumption is still that one thinks that both are equally important and worthwhile. As Parfit points out, "our concern may shift from one of these objects [that we deem worthy of concern] to another, without our having to believe that what we are now concerned about is more worthy of concern" (1984,157).

one's body is donated to these biologists " s_b ." Further suppose that, at t_3 , one again desires s_e , but, at t_4 , one returns to desiring s_b , and so on and so forth. Lastly, assume that, regardless of when one dies and regardless of what one happens to desire at the time of one's death, one's spouse is going to donate one's corpse to the Egyptologists, thereby ensuring that s_e will obtain after one's death. According to the Sophisticated View, this event will be responsible for one's being in a benefited condition if one dies at t_1 , t_3 , or t_5 , but will be responsible for one's being in a harmed condition if one dies at t_2 , t_4 , or t_6 . But it seems absurd to suppose that whether the donation of one's body to the Egyptologists (s_e) counts as a benefit or a harm depends on when one dies. If only one had died at t_3 instead of t_2 , one would have benefited from one's body's being donated to the Egyptologists (s_e). But why should the desire that one happened to have right before one's death be, on account of that fact alone, any more important, welfare-wise, than the opposing desire that one had a week, a day, or even an hour before one's death?¹⁷ Of course, the fact that it was the desire one had right before one's death means that it was a desire that one never voluntarily abandoned. But what does this matter if, as is being supposed, one would have voluntarily abandoned it had one not died when one actually did?

Another unacceptable implication of the Sophisticated View is that if one dies at t_2 , then the donation of one's body to the Egyptologists (s_e) would constitute a harm no matter how long one had previously desired s_e and no matter how recently one had come to desire s_b instead. Suppose, for instance, that one had been an Egyptologist studying mummies for the last fifty years and that for all that time one had desired s_e , whereas one's current interest in stem cell research is just the latest in a number of fleeting interests that one has had since retiring. And, remember that these desires are all unconditional desires. So back when one desired s_e , one wanted one's corpse to go to the Egyptologists even if one was subsequently going to change one's mind. Furthermore, suppose that this desire

¹⁷ This is not to say that it does not matter morally. It may be wrong not to respect the last wishes of the deceased, as this may violate his or her right of autonomy.

for s_e helped shaped one's life in significant ways. Suppose, for instance, that one had to make many self-sacrifices for the sake of s_e , including keeping to a certain diet that would make one's later mummification easier. It seems ludicrous, then, to think that such a desire that one held so strongly and unconditionally for fifty years, and which shaped one's life in dramatic ways, could lose all prudential significance just because one happened to become briefly enthralled with something else.¹⁸

In a last ditch effort to save her view from at least the first of these two unacceptable implications, the desire theorist can again revise her view, holding that, in the case where S 's desire that P has been involuntarily removed, S 's desiring that P where P is false constitutes a harmed condition only if, in the nearest possible world where this token instance of involuntary removal does not occur, S never voluntarily abandons her desire. The idea is this: if S would have voluntarily abandoned her desire anyway, then she is not harmed as a result of her desiring that P where P is false. On this view, the donation of one's body to the Egyptologists (s_e) will not result in one's being in a harmed condition, regardless of whether one dies at, say, t_2 or t_3 . For where one's desires are constantly shifting back and forth, it will always be the case that, in the nearest possible world where this token death (which is what involuntarily removes one's desire in this case) did not occur, one would have voluntarily abandoned the desire in question anyway. Thus one's desiring that s_b will obtain where this is not the case would not constitute one's being in a harmed condition.

This latest revision allows us to avoid counter-intuitive implications in those cases where neither of the two desires between which one is switching back and forth takes precedence over the other, but it does not help with those cases where one of the two takes precedence over the other, as where one of the two was held for many years, shaping one's life in dramatic ways, and the other was just one of many desires. So this latest view is only in one respect better than its predecessor. In another respect, though, it is actually much worse than its predecessor, for it has some very

¹⁸ On this point, see Vorobej (1998, 307).

unpalatable implications of its own. To illustrate, consider two variations on the case where, as a young man, Parfit had wanted to become a poet but later changed his mind and decided to become a philosopher instead. In the first variant, suppose that Parfit's desire to become a poet gets involuntarily removed by the evil Dr. Jones, who secretly injects him with a desire-changing drug before he gets the chance to voluntarily change his mind. Thus, let us assume that, in the nearest possible world where Dr. Jones had not injected Parfit with the drug, his desire would have changed all the same—only voluntarily. So, given that Parfit's desire would have changed all the same, the state that he was in as a young man, that of desiring to become a poet when in fact that was not to be, was not a bad state for him to be in.

So far, then, the revised view gets the intuitively correct result. But now consider a second variant of the case. Here, in the nearest possible world where Dr. Jones does not inject Parfit with the desire-changing drug, Dr. Gray does. In this case, the revised view implies that Parfit was in a harmed condition as a young man, for, in the nearest possible world where this token instance of involuntary removal does not occur, Parfit never voluntarily abandons his desire to become a poet; rather, Dr. Gray involuntarily removes it. This is counter-intuitive. The fact that the involuntary removal of Parfit's desire was over-determined in the second case seems irrelevant. What is relevant is that Parfit would have voluntarily abandoned his desire had no one intervened.

This suggests that the desire theorist should again revise her position and this time claim that, in the case where *S*'s desire that *P* has been involuntarily removed, *S*'s desiring that *P* where *P* is false constitutes a harmed condition only if, in the nearest possible world where this desire is *never* involuntarily removed, *S* *never* voluntarily abandons her desire.¹⁹ The idea is this: if *S* was going to voluntarily

¹⁹ A slight variant of this view, suggested by an anonymous referee, holds both (a) that in the case where *S*'s desire that *P* has been involuntarily removed by *something other than S's death*, *S*'s desiring that *P* where *P* is false constitutes a harmed condition only if, in the nearest possible world where this desire is *never* involuntarily removed, *S* *never* voluntarily abandons her desire, and (b) that in the case where *S*'s desire that *P* has been involuntarily removed *by death*, *S* is in a

abandon her desire that P if it were never involuntarily removed, then the fact that S desires that P and P is false does not constitute a harmed condition.²⁰ But now, since death counts as involuntary removal, this test requires us to ask, “In the nearest possible world where S never dies, would S ever voluntarily abandon her desire that P?” In most cases, the likely answer is “yes.” This latest revision seems, then, to go too far and is too restrictive. Almost no desires would count, for, given enough time, people can be expected to eventually voluntarily abandon almost all of their current desires. Given enough time, people tend to lose interest in even that about which, initially, they were extremely passionate. Suppose, for instance, that you strongly desire that some prestigious press will publish the book manuscript that you have just finished after years of hard work. Further suppose that you have been unable thus far to find a prestigious press willing to publish it and so shelve the project, hoping to come back to it later. Unfortunately, though, you die before you get the chance. Are you worse off for having your desire to get the book published go unfulfilled? Well, on the view under consideration, the answer might very well be “no.” For it is not implausible to suppose that if you had lived forever, you would have eventually lost all interest in that project and, consequently, would have voluntarily abandoned your desire to get the book published. In that case, though, your desiring now that the book will be published where this is not the case would not be bad for you.

This latest revision comes at too high a price. In order to avoid the counter-intuitive implications concerning future-dependent desires, the desire theorist must revise her view in such a way that many present-dependent desires (e.g., your desire that your book be

harmed condition if all the following apply: (1) S desires that P, (2) P is false, and (3) S will never voluntarily abandon his or her desire that P. This view, unfortunately, has the same counter-intuitive implications that the unrevised Sophisticated View has in the case where one’s desires are shifting back and forth between *S_a* and *S_b*.

²⁰ This still has counterintuitive implications in the case where someone desired something for many years, making numerous self-sacrifices to ensure its realization, and then, in the moment right before her death, voluntarily changes her mind.

currently in press with a prestigious publisher) are prudentially irrelevant simply because, in the counterfactual world in which the subject never dies, the desire in question would eventually be voluntarily abandoned.

It seems, therefore, that the desire theorist would be better off rejecting the prudential relevance of future-dependent desires altogether and accepting what will be called *the Future-Independent View*: S is in a harmed condition if and only if all the following apply: (1) S desires that P, (2) P is false, and (3) S's desire that P is a future-independent desire, where a desire that P, held at a particular time *t*, is *future independent* if and only if, for any possible worlds w_1 and w_2 , if w_1 and w_2 are qualitatively identical both at *t* and at every time prior to *t*, then P has the same truth-value at w_1 and w_2 .²¹

On this view, one is in a harmed condition if one desires that some state of affairs obtains at present and it does not, but one is not in a harmed condition if one desires that some state of affairs obtains in the future and it happens not to. Because this view rejects the prudential relevance of future-dependent desires, it avoids the counterintuitive implications associated with the Simple View as

²¹ Admittedly, the idea that S's desire that P might be future-independent is at odds with linguistic intuitions. It is certainly odd to use the construction "S desires that P" where P is about the past. It is, for instance, odd to say, "I desire that Lincoln had not been assassinated." It makes more sense to say, "I wish that Lincoln had not been assassinated." Or, where one cannot remember how Lincoln died, it makes more sense to say, "I hope that Lincoln was not assassinated." Nevertheless, 'desiring that', 'wishing that', and 'hoping that' all seem to denote the same intentional attitude (i.e., the same mental state); they seem to differ only in the range of intentional objects to which this intentional attitude can be appropriately applied. For instance, one can appropriately use the construction "I wish that P" only if P concerns the past or present, whereas one can appropriately use the construction "I desire that P" only if P concerns the future. Given that 'desiring that', 'wishing that', and 'hoping that' all denote the same intentional attitude, it should be assumed that the desire theorist would want the construction "desire that" to be a kind of shorthand for it and all its cognates.

Note also that it may be that the most plausible version of the desire theory will reject the prudential relevance of past-dependent desires as well. But, for the purposes of this paper, the point is to show only that the desire theorist should reject the prudential relevance of future-dependent desires and that this leaves the desire theorist unable to countenance posthumous harms.

well as those associated with the various versions of the Sophisticated View. But a further implication of rejecting the prudential relevance of future-dependent desires is that the desire theorist can no longer countenance the view that posthumous events can be harmful. For, although posthumous events can be responsible for an ante-mortem person's future-dependent desires going unfulfilled, they can never be responsible for an ante-mortem person's future-independent desires going unfulfilled.

4. Conclusion

Two problems have been uncovered for the standard account of posthumous harm. First, it is unclear whether desires for posthumous states of affairs count as pertinent desires, and, if they are not pertinent desires, then their non-fulfillment is prudentially irrelevant. Second and even more problematic, it has been found that in order to avoid various counter-intuitive implications, the desire theorist should reject the prudential relevance of future-dependent desires. But, in doing so, the desire theorist must abandon the view that posthumous events can adversely affect a person's welfare.

At this point, those who want to hold that posthumous events can affect a person's welfare have two options. First, they could attempt to salvage the standard account. To do so, they would need to give a plausible account of which desires are pertinent, an account on which desires for posthumous states of affairs count as pertinent. And they would need to say in what precisely, on their view, a harmed condition consists; and show that their account can avoid counterintuitive implications while also leaving room for the possibility of posthumous harm. No desire theorist has yet done either. And, as has been shown, the prospects for succeeding in these tasks (especially the second) seem quite dim.

Another option for those wishing to accommodate the possibility of posthumous harms would be to try to account for posthumous harm in terms of something other than desire. Here, the prospects seem better. Recently, some philosophers have argued that what has seemed most attractive about the desire theory is more plausibly captured by a theory that holds that it is the achievement of our

goals, not the fulfillment of our desires, that enhances our welfare.²² Here, a goal is to be understood as something more than a mere desire. For, whereas one can desire something and yet not intend to do anything to bring it about, a goal does essentially involve an intention to make efforts toward its achievement. Since posthumous events can affect whether our goals are achieved and since the extent to which their achievement redounds to one's welfare depends on the extent of one's efforts to achieve it, one could, perhaps, account for posthumous harm while avoiding the sorts of counter-intuitive implications presented here. But, of course, this is really a topic for another paper.²³ The point, for now, is merely that there is hope for the possibility of posthumous harm, but only if the desire theory of welfare is rejected.²⁴

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²² See, for instance, Keller (2004) and Scanlon (1998, chap. 3).

²³ See Portmore's "Welfare, Achievement, and Self-Sacrifice" (manuscript).

²⁴ My work on this topic begun while attending James and Hilde L. Nelson's NEH Summer Seminar entitled "Bioethics in Particular," which ran from June-July 2000. I am grateful to the NEH for financial support during this period and to the directors and participants of that seminar for their helpful comments and suggestions on my first attempt to come to grips with this issue. Work on this paper was also supported by the CSUN Competition for Research, Scholarship and Creative Activity. For their helpful comments on an early ancestor of this article, I would like to thank Fred Feldman, Josh Glasgow, Chris Heathwood, Simon Keller, Troy Jollimore, Dave Shoemaker, Scott Wilson, and audiences at Arizona State University, Bowling Green State University, California State University, Northridge, North Carolina State University, and Washington State University.

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