

## **Welfare and Posthumous Harm\***

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### **1. Introduction**

When one assumes, as I will, that death marks the irrevocable end to one's existence, it is difficult to make sense of the idea that a person could be harmed or benefited by events that take place after her death. How could a posthumous event either enhance or diminish the welfare of the deceased, who no longer exists? Yet we find that many people have a prudential (i.e., self-interested) concern for what's going to happen after their deaths.<sup>1</sup> People are, for instance, concerned that their reputations not be slandered, that their achievements not be undermined, and that their contributions not be forgotten, not even after their deaths. Of course, many philosophers would insist that such a concern for what's going to happen after one's death must be based on, or a remnant of, a false belief in an afterlife. I, however, will argue that even if death marks the unequivocal and permanent end to one's existence, people have good reason to be prudentially concerned with what's going to happen after their deaths, for, as I will show, a person's welfare can indeed be affected by posthumous events.

Here's how I'll proceed. I'll start by addressing two widely discussed problems concerning posthumous harm: the "problem of the subject" and the "problem of retroactivity." Many philosophers stop there, but I will suggest that even if these two problems can be solved, a significant problem remains, for it is not easy to reconcile the claim that a person's welfare can be affected by posthumous events with any plausible theory or account of welfare. In particular, I'll show that the standard account of posthumous harm, which holds that posthumous events can harm us by thwarting our desires, is untenable, since it presupposes an implausible version of the desire-fulfillment theory of welfare. In the

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<sup>1</sup> I will use the word "prudential" to mean "of, or relating to, a person's welfare/self-interest."

end, though, I argue that all these problems can be overcome by my own account of posthumous harm.<sup>2</sup> On my account, the extent to which the pain, hardship, and sacrifice endured during one's life diminishes one's welfare depends, in part, on the extent to which they were instrumental in producing some desired end, which can in turn depend on the course of posthumous events.<sup>3</sup> In other words, I will show that it is, prudentially speaking, better to sacrifice for the sake of bringing some desired end to fruition than it is to sacrifice in vain, and since posthumous events can determine which of these is the case, they can be responsible for a person's being better or worse off.

## **2. The Problems of the Subject and Retroactivity**

"The Problem of the Subject," as Joel Feinberg calls it, can be stated quite simply: "there cannot be a harm without a subject to be harmed, and when death occurs it obliterates the subject, and thus excludes the possibility of harm" (1984, 80). The solution to this problem is to point out that in saying that the dead can be harmed we are not referring to the dead as they are now—perhaps, moldering in their graves—but as they were while alive. Thus we are referring to the ante-mortem person, not the postmortem person (Pitcher 1984, 184). So, of course, the postmortem person can't be the subject of a harmed condition, because a corpse, like any other inanimate object, is not the sort of thing that can be harmed. But why can't we say that it is the ante-mortem person—the living, breathing, sentient being that once was—who is the subject of the posthumous harm? The problem here seems to be that in asserting that the ante-mortem person can be harmed by an event that takes place postmortem, we must countenance retroactive harms. Such retroactive harms would seem to imply what's impossible: that a later event (the posthumous one) could cause an earlier event (the harming of the ante-mortem person)—an instance of backward

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<sup>2</sup> Proponents of the standard account include Brandt (1979, 330), Feinberg (1984, 87), Griffin (1986, 23), Kavka (1986, 41), Luper (2004), Parfit (1984, 495), and Pitcher (1984, 184, 186). Interestingly, Michael Ridge (2003) has recently employed the standard account to argue that reparations for slavery and other past injustices are owed to the dead. My criticisms of the standard account can be found in sections 3 and 4 below.

<sup>3</sup> I'm assuming that being made worse off is a sufficient condition for being harmed. Thus I will attempt to account for posthumous harms by demonstrating that posthumous events can make a person worse off. In any case, what interests me is whether posthumous events can make a person worse off, not whether being made worse off always counts as a harm.

causation. It seems, then, that the only available solution to the problem of the subject leads to another equally significant problem: the problem of retroactivity.

George Pitcher (1984) has an ingenious solution to this second problem, but before we consider the details of his proposal, it will be helpful to have an example to discuss. So consider the following. Dr. Smith, a scientist, has spent most of her adult life working on a cure for Alzheimer's, a disease that despoiled the last five years of her father's life. In the pursuit of a cure, Dr. Smith has chosen to make tremendous sacrifices, not just in terms of the long hours she's spent working in the lab, but also in terms of her family life. In fact, her obsession with finding a cure has already cost her her marriage and strained her relationship with her two daughters. At times, she regrets her decision to neglect her family, but at other times she thinks that all will be vindicated if only she succeeds in curing people of Alzheimer's. Dr. Smith has also had to forgo the professional recognition and advancement that would normally come to someone as talented and dedicated as herself, for she has had to conduct much of her research in secret since it involves the illegal use of fetal stem cells. Now the story almost has a happy ending, as Dr. Smith does eventually discover a cure. Unfortunately, though, she dies on the way to publish her results, and the first person to discover her body, a radical pro-lifer, destroys her briefcase, containing the only records of her research. In the end, then, Dr. Smith fails to cure anyone of Alzheimer's, and, intuitively, we think that this is a terrible misfortune *for her*, because it means that, for the most part, her efforts and sacrifices have been in vain, at least, in so far as her goal was not just to discover a cure, but to effect the cure of people with Alzheimer's.<sup>4</sup> Thus it seems to many of us that she has been harmed as a result of the posthumous destruction of her research.

Returning now to the retroactivity problem, we must ask, how can the posthumous destruction of her research retroactively harm the ante-mortem Smith? According to Pitcher's solution, the occurrence of

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<sup>4</sup> I don't want to suggest that all her sacrifices were pointless; at least, this needn't be the case, for she may value the process of scientific investigation for its own sake, such that she would consider certain sacrifices to be worthwhile simply because they enabled her to conduct the research even if, as it happens, the research failed to produce the desired results. In any case, to whatever extent she made sacrifices only because she had hoped that her research might save people from the crippling effects of Alzheimer's, she was unfortunate in that *those* sacrifices were, as it turns out, pointless.

this posthumous event “makes it true” that Smith was harmed while alive, for the destruction of her research is “responsible” for the ante-mortem harm (1984, 187-88.). So it doesn’t suddenly become true that Smith is harmed when her research is destroyed; rather, it was true all along. Smith was in a harmed condition all the while she was working on a project that was going to fail. She wasn’t going to succeed in curing anyone of Alzheimer’s, because, as it turns out, all records of her research were to be destroyed shortly after her death. As Pitcher says, “the sense in which the ante-mortem person is harmed by an unfortunate event after his death is this: the occurrence of the event makes it true that during the time before the person’s death, he was harmed—harmed in that the unfortunate event was going to happen” (ibid.). But now one might ask, “If the harm occurred before her death, as it must, then in what sense is it a posthumous harm?” Well, it isn’t a posthumous harm in the sense that the harmed condition takes place postmortem; the harmed condition takes place ante-mortem. Nevertheless, a posthumous event is what’s responsible for the ante-mortem harm, and in this sense it is a posthumous harm. So although the destruction of her research is not what constitutes Smith’s misfortune, it is what’s responsible for her misfortune (the misfortune of sacrificing in vain); the destruction of her briefcase is what makes it true that her research will never come to light.<sup>5</sup> This view does, then, help us make sense of people’s prudential concern for what’s going to happen after their deaths. Although no posthumous event can harm you once you’re dead, a future posthumous event can be responsible for your being in a harmed condition now while you’re alive. Thus it makes perfect sense to be prudentially concerned with what’s going to happen after your death.

So it is the posthumous event that is ultimately responsible for the ante-mortem harm. But in what sense is the one responsible for the other? It had better not be causal responsibility; otherwise, we will be

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<sup>5</sup> As Steve Luper (forthcoming) notes, “We can say that an event that is responsible for our coming to be in a bad (good) condition is an indirect harm (benefit), while the bad (good) condition itself is the direct harm (benefit). If, for example, a terrorist rigs your car to explode when you return from Europe and turn the key, he has indirectly harmed you, and the injuries you sustain in the blast are direct harms. We can say that, while posthumous events do not harm us directly, they do harm us indirectly.... Suppose, for instance, that after you die someone spreads a vicious lie about you that destroys your reputation. Indirectly, you are harmed by the libelous gossip. The direct harm consists in the fact that the proposition, ‘your desire to have a good reputation long after you are dead is to be thwarted’ is true of you. You incur this harm while you are alive. More specifically, you incur it *while you want* an unsullied reputation.”

back where we started, having to accept the metaphysical quandary of backward causation. And if not causal, then what? To demystify this notion of “responsible,” Pitcher gives the following example: “If the world should be blasted to smithereens during the next presidency after Ronald Reagan’s, this would make it true (be responsible for the fact) that even now, during Reagan’s term, he is the penultimate president of the United States” (1984, 188). Clearly, whatever the sense of “responsible” and “makes true” here, no backward causation is involved. And although it’s difficult to precisely analyze this notion of “responsible,” it isn’t nearly as mysterious as we might have first thought. When we say that the posthumous destruction of Dr. Smith’s briefcase is responsible for her misfortune, that of sacrificing in vain, we are not relying on a notion any more mysterious or implausible than the notion of “responsible” being used in Pitcher’s example.

Recently, however, Mark Berstein has objected that Pitcher’s example is not sufficiently analogous to the case of posthumous harm. In Pitcher’s example, “the description of the antecedent event essentially involves a temporal reference; it is the *penultimacy* of the [Reagan]...presidency that is accounted for by the world’s destruction” (1998, 64). But whereas the temporal position (last, second to last, third to last, etc.) of an event can surely be affected by subsequent events, how could the event itself be accounted for by any subsequent event. So the two are not relevantly similar, for one concerns a later event being responsible for the temporal position of an earlier event, whereas the other concerns a posthumous event being responsible for the existence of an earlier event or condition, i.e., the ante-mortem harm. It’s not as if the world’s destruction could be responsible for the Reagan presidency, so how could the destruction of Dr. Smith’s briefcase be responsible for her ante-mortem harm? So it seems that Pitcher has failed to provide an adequate solution to the problem of retroactivity; we have yet to understand how a posthumous event could be responsible for an ante-mortem harm.

Perhaps, though, the problem can be solved along similar lines. Pitcher’s example was problematic because the description of the antecedent event essentially involved a temporal reference. So let’s consider an example that doesn’t involve any temporal reference. Fortunately, the example of Dr. Smith will do just fine. Whether Dr. Smith’s sacrifices count as pointless or meaningful depends on how things

subsequently turn out. If, as it happens, the sacrifices failed to be instrumental in producing the desired end, they were pointless. If, counter to fact, the sacrifices had turned out to be instrumental in producing the desired end, they would have been meaningful. There's no temporal reference here. Unlike in Pitcher's example, the later event isn't merely responsible for the temporal position of the earlier event. In the Smith case, the later event (the destruction of her research) is responsible for the earlier event (the making of certain sacrifices) being pointless rather than meaningful. But if a later event can be responsible for an earlier event being either pointless or meaningful, then there's no reason why it couldn't also be responsible for an earlier event being either harmful or beneficial. In fact, there is reason to think that it could so long as we believe that it is worse to sacrifice pointlessly than it is to sacrifice meaningfully. So the destruction of Smith's research is not what's responsible for the occurrence of the events that constitute her sacrifices—that would indeed be problematic. Rather, the destruction of Smith's research is what's responsible for those events (her sacrifices) constituting a misfortune, the misfortune of toiling in vain. Or if we don't care for this description of the harm, we could say that Smith's misfortune lies with the fact that her desire to be doing work that will eventually result in people being cured of Alzheimer's was to go unfulfilled, a fact that was made true by the posthumous destruction of her research. Again, there is no temporal reference here. The later event (the destruction of her research) is responsible for the earlier event (the formation of her desire to be doing work that will eventually result in people being cured of Alzheimer's) being the formation of a desire that was to go unfulfilled. Either way, then, we have solved the problem of retroactivity, for we have described the harmed condition—either as sacrificing pointlessly or as desiring futilely—such that a posthumous event can be responsible for that harmed condition, but not such that we have to countenance anything nearly as problematic as backward causation.

### **3. The Standard Account of Posthumous Harm**

At this point, I'll suppose that we have adequate solutions to both the problem of the subject and the problem of retroactivity. Even with these problems solved, though, we haven't succeeded in giving a full

account of posthumous harm; we still need a theory of welfare that makes posthumous harms possible. For even if we are right in saying that a posthumous event can be responsible for Dr. Smith's sacrifices being in vain or for Dr. Smith's desire going unfulfilled, we still need a theory of welfare where pointless sacrifices or unfulfilled desires count as harms. Clearly, then, hedonism won't do.<sup>6</sup> According to hedonism, only pain or the absence of pleasure can constitute a harm, and even if the posthumous destruction of Smith's research can render her sacrifices pointless and ensure that her desire goes unfulfilled, it can't render her life any less pleasurable or more painful than it was. A posthumous event cannot affect the amount of pain or pleasure the deceased has experienced. Consequently, those who have sought to account for posthumous harm have looked elsewhere, typically pinning their hopes on the desire-fulfillment theory of welfare and, thereby, accepting what I'll call "the standard account" of posthumous harm.<sup>7</sup>

Here's how the standard account goes: 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 my reputation can be harmful to me even if I never become aware of it, even if I never experience any change in how others act around me, even if I never feel any less respected as result of the defamation—the reason being that I care not only about *feeling* respected, but also about *being* respected. In other words, it's important to me that my desire for esteem is actually fulfilled, and not just that I think that it is. Since I desire to be respected not only while alive but also after my death, the slandering of my reputation, even after my death, harms me. For if it isn't necessary that I learn of the slander or experience any ill effects as a result of it in order for it to be harmful to me, then why do I need to be alive at the time of the slander in order for it to constitute a

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<sup>6</sup> Here, I'm assuming that hedonism is committed not only to the view that the prudential value of a life depends entirely on the presence or absence of certain mental states but also to the view that the extent to which those mental states contribute to the prudential value of that life depends entirely on their phenomenological character. Interestingly, though, certain versions of what Feldman calls "Intrinsic Altitudinal Hedonism" do allow for posthumous harm, for they hold that the extent to which a certain mental state (i.e., being pleased that *P*) contributes to the prudential value of a life can depend on whether, for instance, the intentional object of that state (i.e., *P*) is true or not—see 2002, especially 614-624. Thus, a future posthumous event can be responsible for a diminution in your welfare in that it can be responsible for the fact that the proposition in which you are now pleased is false.

<sup>7</sup> See note 2 for a list of proponents.

harm? My death makes it only all the more certain that I 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.<sup>8</sup>

One problem with the standard account is that it relies on the desire-fulfillment theory of welfare, a theory that we should reject. But there is no point to my rehashing here the standard arguments against the desire-fulfillment theory.<sup>9</sup> Instead, I’ll argue that even those who are sympathetic to the desire-fulfillment theory should be skeptical about whether the standard account succeeds. To see why, we must first note that the unrestricted version of the desire-fulfillment theory is implausible. It is only the non-fulfillment of certain desires, those that pertain to one’s own life, that negatively affect a person’s welfare; the non-fulfillment of other desires has no effect on a person’s welfare. Call those desires that pertain to one’s own life “pertinent desires,” and call those that don’t “impertinent desires.” We need to know just how the desire-fulfillment theory is to be restricted before we can know whether it’s compatible with the notion of posthumous harm, for it may turn out that those desires that concern what will take place after one’s death are impertinent desires.<sup>10</sup> Thus I now turn to consider why and how the desire-fulfillment theory should be restricted.

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:

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<sup>8</sup> See Aristotle, *Nicomachean Ethics*, 1100a15-25; Feinberg 1984, 87; Griffin 1986, 23; Parfit 1984, 495; and Pitcher 1984, 186-87. Mark Bernstein also believes that if we accept that the non-fulfillment of a person’s desires is a harm whether or not she ever knows about it, then we cannot defensibly claim that death makes any difference as to whether someone can be harmed by the non-fulfillment of her desires. But rather than employing *modus ponens* to argue for posthumous harms, as the others do, he employs *modus tollens* to argue against the desire-fulfillment theory of welfare—see 1998, 58-59.

<sup>9</sup> See, for instance, Arneson 1999.

<sup>10</sup> For instance, someone might suggest that we should restrict the desire-fulfillment theory such that only desires concerning one’s mental states count as being about one’s own life. Or, as Heathwood (forthcoming) and Sumner (1996) have suggested, we might add an “experience requirement” to the desire-fulfillment theory such 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).

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-Fulfillment 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 isn't even the most counter-intuitive one imaginable, for in Parfit's example the object of the desire does, at least, concern someone whom I have met, someone with whom I share a common biology, someone with whom I live in relatively close spatial and temporal proximity. Yet some of my desires extend even further beyond what could plausibly be considered relevant to my welfare. For instance, I want it to be the case that whatever sentient beings that exist in the future lead lives that are, on balance, pleasurable. On the unrestricted desire-fulfillment theory, then, we would have to say that I would be harmed if, a million years from now, some strange creature in a distant galaxy leads a life that isn't, on balance, pleasurable. But how could something so remote from myself possibly affect *my* welfare? It would seem that a theory of welfare must explain which facts constitute my being harmed or benefited, and so these facts must be facts about *me*. Since my desires can take as their objects states of affairs that have nothing whatsoever to do with me, the fulfillment of such impertinent desires can have nothing to do with my welfare (Kagan 1992, 171). So if we are going to accept the desire-fulfillment theory at all, we'll need to restrict the sorts of desires that count in determining a person's welfare in order to avoid this objection from impertinent desires.<sup>11</sup>

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

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<sup>11</sup> The theory will also need to be restricted so that the fulfillment of silly and uninformed desires, such as the desire to count blades of grass, don't count as a benefit. For a thorough list of the problems associated with the unrestricted desire-fulfillment theory of welfare, see Heathwood 2003 and Arneson 1999.

above don't count in determining my welfare. Since my existence isn't a logically necessary condition either for the stranger, in Parfit's example, being cured or for the strange creature, in my example, leading a pleasurable life, the non-fulfillment of such desires isn't detrimental to me. So it seems that Overvold's theory of welfare avoids the counter-intuitive implications associated with the unrestricted desire-fulfillment theory.

Unfortunately, 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 we can easily revise Overvold's account so that it can 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 a desire such as her desire that *she* be posthumously famous or her desire that *her* efforts be posthumously efficacious is, on this criterion, relevant to the determination of her welfare.

As it turns out, though, neither the original nor the revised version of Overvold's account will do; they both count, as pertinent, desires that are clearly irrelevant in determining a person's welfare. Consider a revised version of Parfit's example. Take my desire that *I* be thinking about the stranger at the moment that he learns that he has been cured or my desire that *I* someday live, whether I realize it or not, in the same neighborhood that he grew up in. Such desires meet both Overvold's and Hooker's criteria, yet, clearly, they are irrelevant in determining my welfare. So, at best, the Overvoldian account succeeds in excluding some of the desires that are impertinent by providing a necessary condition that must be met, yet it fails to give a full account of the necessary and sufficient conditions for a desire's pertaining to one's own life.<sup>12</sup> Until we have a full account of these conditions, we can't know whether desires for

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<sup>12</sup> Hooker admits that further restrictions are needed—see 2000, 184. But his worry concerns the silliness of certain desires, like the desire to count blades of grass. My worry is different. The desires I've mentioned aren't

posthumous states of affairs are excluded by these conditions, and so we can't know whether the desire-fulfillment theory, once plausibly restricted, allows for the possibility of posthumous harm.

#### **4. A Further Problem with the Standard Account: The Irrelevance of Future-Dependent Desires**

If the lack of a full account of how the desire-fulfillment theory needs to be restricted were the only problem facing the standard account of posthumous harm, we might hold out hope that some suitable account might be provided in the future. But even if we were to end up with a full account of what sorts of desires do and don't count as pertaining to one's own life such that desires for posthumous states of affairs do 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 will win the upcoming election). For, as I will argue, even if we restrict ourselves 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 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  $w_2$ .<sup>13</sup>) This spells trouble for the standard account of posthumous harm, for a future posthumous event—an event that's going to occur after one's death—cannot be responsible for the non-fulfillment of one's future-independent desires. But before I explore this in more detail, it will be helpful to make the following distinction and get clear on what, according to the desire-fulfillment theory, constitutes a harmed condition.<sup>14</sup>

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quite silly. Nevertheless, their fulfillment seems irrelevant, because their fulfillment has no effect on me: it doesn't make me happier; it doesn't make me more successful; it doesn't affect me in any way. So I'm still worried that Hooker hasn't given us a full account of what sorts of desires concern one's own life. The worry that some of these desires may be for the wrong sorts things (i.e., for things that we would not want if fully informed) is a further concern.

<sup>13</sup> I thank Campbell Brown for this formulation. See his comments on my "Desires, Harmful States, and Posthumous Harm" at <[http://peasoup.typepad.com/peasoup/2004/09/desires\\_harmful.html](http://peasoup.typepad.com/peasoup/2004/09/desires_harmful.html)>.

<sup>14</sup> If a person's welfare can be set back without her being harmed, then it would be more accurate to use the phrase "prudentially bad condition" in place of "harmed condition." I will, however, follow convention here and stick with the less awkward "harmed condition."

We should distinguish between a harmed condition and a harmful event. On the one hand, a harmed condition is a state that it is prudentially bad to be in. (Correspondingly, a benefited condition is a state that is prudentially 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 would have otherwise had. To illustrate, consider the case where Ted sustains painful injuries in an explosion. The explosion is the harmful event that causes Ted to be in a harmed condition, that of being in pain.

Different theories of welfare give different accounts of what constitutes a harmed condition. Clearly, on hedonism, being in pain constitutes a harmed condition. What's less clear is what constitutes a harmed condition on the desire-fulfillment theory of welfare. Perhaps, the most obvious candidate is the state of desiring that P, where P is false.<sup>15</sup> Of course, we'll need to restrict this to pertinent desires, those that are about one's own life, as well as restrict this to informed desires, those that would survive critical scrutiny in light of all relevant information. Lastly, we'll need to restrict this to unconditional desires, those that are not conditional on their own persistence.<sup>16</sup> Assume, then, that when I refer to desires, I'm referring to informed, unconditional, pertinent desires, unless I explicitly indicate otherwise. Let's call this view—the view that S is in a harmed condition if S desires that P and P is false—the Simple View.

The Simple View is implausible. It implies that I'm in a harmed condition right now if I currently desire that my remains will be cremated when, in fact, they won't. And this implication stands even if the reason my remains won't be cremated is that I will, as a result of rational deliberation, eventually change my mind and, in the end, charge the executor of my will with donating my corpse to medical science. The Simple View also implies that I was in a harmed condition when I was a young man and wanted to

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<sup>15</sup> 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*. I'll ignore this alternative view, 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 her death, in a harmed condition. But she can't be in a harmed condition (or any condition) at this point, because she no longer exists.

<sup>16</sup> Some of my desires are conditional on their own persistence in that I'm concerned with their fulfillment only in so far as I see that as a means to feeling satisfied or avoiding frustration. For example, the desire I have to go snorkeling during my upcoming Hawaiian vacation is a conditional desire. I only want my future self to go snorkeling if he (I?) still wants to go snorkeling when the time comes. In contrast, my desire to have my organs donated upon my death is an unconditional desire. See Parfit 1984, 151.

become a biologist, for the fact is that I ultimately decided to become a philosopher instead. These implications are absurd, and so we should reject the Simple View.

In its place, those desire-fulfillment theorists who wish to countenance posthumous harms (e.g., Luper 2004) adopt what I'll call 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.<sup>17</sup> 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.<sup>18</sup> So, as Luper (forthcoming) 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.”

Unlike the Simple View, the Sophisticated View doesn't have the counter-intuitive implications discussed above; in the above cases, the subjects voluntarily abandon their desires, and so condition (3) isn't met. The Sophisticated View does, however, have counter-intuitive implications of its own. Consider the case where I'm constantly shifting back and forth between desiring that  $s_1$  will obtain and desiring that  $s_2$  will obtain, where  $s_1$  and  $s_2$  are two mutually exclusive states of affairs. It seems implausible to suppose that whether I'm in a harmed condition now depends on whether my desires are going to shift  $n$  or  $n - 1$  times before I die, yet that is exactly what the Sophisticated View implies. To illustrate, suppose that at  $t_1$  I was fascinated with Egyptian mummification and desired that my corpse would be donated to a group of Egyptologists using human cadavers to test various hypotheses about Egyptian mummification. Call the state of affairs where my body is donated to these Egyptologists  $s_1$ . But suppose that later, at  $t_2$ , I become fascinated with stem cell research and, learning of a group of British scientists doing research on stem

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<sup>17</sup> 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). Now 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 I've formulated it, already takes such restrictions into account—recall that when I refer to desires, I'm referring to desires that are 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.

<sup>18</sup> Luper (forthcoming) says, “As a rough approximation, we may say that, unless our desires change in ways we (do or) would oppose, the changes are voluntary.”

cells harvested from cadavers, I change my mind, desiring that my body shall be donated to these British scientists. Call the state of affairs where my body is donated to these scientists  $s_2$ . Further suppose that, at  $t_3$ , I again desire  $s_1$ , but, at  $t_4$ , I return to desiring  $s_2$ , and so on and so forth. Lastly, let's assume that, regardless of when I die and regardless of what I happen to desire at the time of my death, my wife is going to donate my corpse to the Egyptologists, thereby ensuring that  $s_1$  will obtain after my death. According to the Sophisticated View, this event will be responsible for my being in a benefited condition if I die at  $t_1$ ,  $t_3$ , or  $t_5$ , but will be responsible for my being in a harmed condition if I die at  $t_2$ ,  $t_4$ , or  $t_6$ . But it seems absurd to suppose that whether the donation of my body to the Egyptologists ( $s_1$ ) counts as a benefit or a harm depends on when I die. If only I had died at  $t_3$  instead of  $t_2$ , I would have benefited from my body's being donated to the Egyptologists ( $s_1$ ). But why should the desire that I happened to have right before my death be, for that fact alone, any more important than the opposing desire that I had a week, a day, or even an hour before my death? Of course, the fact that it was the desire I had right before my death means that it was a desire that I never voluntarily abandoned. But what does this matter if I would have voluntarily abandoned it had I not died when I actually did?<sup>19</sup>

In a last ditch effort to salvage her view, the desire-fulfillment 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 doesn't 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 my body to the Egyptologists ( $s_1$ ) will not result in my being in a harmed condition, regardless of whether I die at, say,  $t_2$  or  $t_3$ . For where my desires are

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<sup>19</sup> Another unacceptable implication of the Sophisticated View is that if I die at  $t_2$ , then the donation of my body to the Egyptologists ( $s_1$ ) would constitute a harm to me no matter how long I had previously desired  $s_1$  and no matter how recently I had come to desire  $s_2$  instead. Suppose, for instance, that I had been an Egyptologist studying mummies for the last fifty years and that for all that time I had desired  $s_1$ . Further suppose that my interest in stem cell research was just the latest in a number of fleeting interests that I've had since retiring. It seems ludicrous to suppose that such a desire that was held so strongly and for such a long period of time, shaping my life in dramatic ways, loses all prudential significance just because I happen to become briefly enthralled with something else (Vorobej 1998, 307).

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 my desire in this case) did not occur, I would have voluntarily abandoned the desire in question anyway. Thus my desiring that  $s_2$  will obtain where this is not the case would not constitute my being in a harmed condition.

Although this latest revision enables the desire-fulfillment theorist to avoid counter-intuitive implications in cases where my desires are constantly shifting back and forth, it too has counter-intuitive implications.<sup>20</sup> To illustrate, consider the case where, as a young man, I had wanted to become a biologist but later changed my mind and decided to become a philosopher instead. Now let's suppose that my desire to become a biologist was involuntarily removed by the evil Dr. Jones, who secretly injected me with a desire-changing drug. Nevertheless, let's assume that, in nearest possible world where Dr. Jones hadn't injected me with the drug, my desire would have changed just the same. So, given that my desire would have changed just the same, the state that I was in as a young man, that of desiring to become a biologist when in fact that was not to be, was not a bad state for me to be in. So far, then, the revised view gets the intuitively correct result. But now consider a variant on this case. Here, in the nearest possible world where Dr. Jones hadn't injected me with the desire-changing drug, Dr. Gray would have. In this case, I was in a harmed condition as a young man, for, in the nearest possible world where this token instance of involuntary removal doesn't occur, I never voluntarily abandon my desire to become a biologist; rather, Dr. Gray involuntarily removes it. This is counter-intuitive. The fact that the involuntary removal of my desire was over-determined in the second case seems irrelevant. What's relevant is that I would have voluntarily abandoned the desire had no one intervened.

This suggests that the desire-fulfillment 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. But since death counts as involuntary removal, this test requires us to ask, "In the nearest possible world where  $S$  never dies, would  $S$  ever

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<sup>20</sup> I should add that this revision doesn't help the Sophisticated View deal with the problem discussed in note 19.

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 which, initially, they were extremely passionate about. Suppose, for instance, that I strongly desire that some prestigious press will publish the book manuscript that I’ve just finished after years of hard work. Further suppose that I’ve been unable so far to find a prestigious press willing to publish it and so shelve the project, hoping to come back to it later. Unfortunately, though, I die before I get the chance. Am I worse off in that my desire to get the book published goes unfulfilled? Well, on the view we’re considering, the answer might very well be “no.” For it is not implausible to suppose that if I will live forever, I might eventually lose all interest in philosophy and, consequently, voluntarily abandoned my desire to get the book published. In that case, my desiring now that the book will be published where this is not the case wouldn’t be bad for me. But why should the fact that, were I never to die, I would eventually voluntarily abandon my desire affect whether or not its current non-fulfillment is bad for me? This latest revision comes at too high a price. In order to avoid the counter-intuitive implications regarding future-dependent desires, the desire-fulfillment theorist must revise her view in such a way that many present-dependent desires (e.g., my wish that my book was 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-fulfillment theorist would be better off rejecting the prudential relevance of future-dependent desires altogether and accepting what I’ll call 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  $w_2$ .<sup>21</sup>

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<sup>21</sup> Admittedly, the idea that S’s desire that P might be future-independent is at odds with our 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,

On this view, I'm in a harmed condition if I desire that some state of affairs obtains at the present and it doesn't, but I'm not in a harmed condition if I desire that some state of affairs will obtain in the future and it won't. Because this view rejects the prudential relevance of future-dependent desires, it avoids the counter-intuitive implications associated with the Simple View as 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-fulfillment 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. For if a person's current desire is future independent, then no future posthumous event could be responsible for its going unfulfilled.

To sum up, we've uncovered two problems with the standard account of posthumous harm. First, it's unclear whether desires for posthumous states of affairs count as pertinent desires, and, if they're not pertinent desires, then their non-fulfillment is prudentially irrelevant. Second and even more problematic, we've found that in order to avoid various counter-intuitive implications, the desire-fulfillment theorist should reject the prudential relevance of future-dependent desires. But, in doing so, the desire-fulfillment theorist must abandon the view that posthumous events can adversely affect a person's welfare. Fortunately, though, we needn't appeal to a desire-fulfillment theory in accounting for our prudential concern for posthumous events, as I will demonstrate presently.

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"I desire that Lincoln hadn't been assassinated." It makes more sense to say, "I wish that Lincoln hadn't been assassinated." Or, where I can't remember how Lincoln died, it makes more sense to say, "I hope that Lincoln wasn't assassinated." It is also odd to say, "S desires that P," where P is about the present. Saying, "I wish I were enjoying this moment more" makes a lot more sense than saying, "I desire that I were enjoying this moment more." Nevertheless, 'desiring that', 'wishing that', and 'hoping that' seem to all denote the same intentional attitude; they seem to differ only in the range of intentional objects to which they can be appropriately applied. For instance, we can appropriately use the construction "I wish that P" only if P concerns the past or present, whereas we 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, we should assume that the desire-fulfillment theorist would want the construction "desire that" to be a kind of shorthand for it and all its cognates.

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

## 5. A New Account of Posthumous Harm: The Not-for-Naught View

In this section, I spell out my own account of posthumous harm and explain how it differs from the standard one as well as how it differs from accounts of welfare that give success in achieving one's goals a prominent place. Unlike the standard account, my account rests not on the desire-fulfillment theory, but instead on what I call the Not-for-Naught View, the view that, other things being equal, it is prudentially worse to sacrifice pointlessly than it is to sacrifice meaningfully.<sup>22</sup> On this view, future posthumous events—that is, events that are going to occur after one has died—can adversely affect one's current welfare in that they can be responsible for the fact that one's current efforts and sacrifices are pointless. To illustrate, recall the example of Dr. Smith, a woman who sacrificed everything in the hopes of curing people of Alzheimer's but who ultimately failed to do so, as her research was posthumously destroyed before being published. On my account, the subject of the harm is the ante-mortem Dr. Smith. Her misfortune was that of sacrificing for the sake of a project that was going to fail. The posthumous destruction of her briefcase is what's responsible for this misfortune, for it is what makes it true that her efforts and sacrifices have been in vain. Her sacrifices have been in vain, because she has failed to achieve the end for which she thought her sacrifices worth making. After all, I'm supposing that her aim was not merely to discover a cure, but to effect the cure of those with Alzheimer's.

It's important to note that, on the Not-for-Naught View, whether or not a person's sacrifices count as being pointless depends on her own subjective ends, that is, the ends that, if achieved, would make her sacrifices worth making, at least, by her own lights.<sup>23</sup> So since we are to assume that Dr. Smith wouldn't

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<sup>22</sup> By "sacrifice," I mean self-sacrifice. An act of self-sacrifice is one whereby the agent knowingly and willingly brings about a prudentially sub-optimal outcome for herself for the sake of achieving some end. We determine the extent of that sacrifice by comparing her actual welfare to what her welfare would have been had she instead performed the act resulting in the prudential optimal outcome for herself—see Heathwood 2005.

The NFN View does not entail that a person benefits every time an event that sets back her interests results in her achieving one of her desired ends. Take, for instance, the case where out of the blue a dog bites a person and this event somehow leads to her achieving one of her ends. Perhaps, as a result of being bitten, she meets someone at the doctor's office whom she falls in love with and marries. The pain suffered as result of the dog bite isn't in any way redeemed by this fortunate consequence, for in this case, there is no sacrifice to be redeemed. There's no sacrifice, because the person did not willingly suffer the dog bite for the sake of achieving any end.

<sup>23</sup> We can distinguish two version of the NFN View. On the unrestricted version, any desired end is capable of rendering the agent's sacrifices meaningful. On the restricted version, by contrast, only those desired ends that are

have been willing to make the sorts of sacrifices that she did had she known that she was merely going to discover a cure but not effect the cure of anyone, we are to conclude that her sacrifices were pointless despite the fact that she achieved a great intellectual feat, viz., the discovery of a cure. So what may seem to have a point can turn out to be pointless when assessed in terms of the agent's subjective aims. Conversely, what may seem pointless can turn out to be meaningful when assessed in terms of the agent's subjective aims. Imagine, for instance, that a number of Allied WWII POW's work very hard to construct a bridge over the River Kwai, but the bridge is destroyed upon its completion. We shouldn't jump to the conclusion that all their efforts and sacrifices have been in vain, for, as they see things, the point may never have been to succeed in making the transport of Japanese troops and supplies across the River Kwai possible. More likely, the point for them was to keep themselves occupied as well as to procure better treatment from their captors. If so, the destruction of the bridge doesn't render their efforts pointless at all. (Of course, in the 1957 film *The Bridge on the River Kwai*, the motives of the Alec Guinness character are a bit more complicated.)<sup>24</sup>

Although we are to assess whether or not a person's sacrifices have been pointless in terms her own subjective ends, these ends needn't be the ones that she set out to achieve in making those sacrifices. Suppose, for instance, that a man named Steve works a second job for a number of years to save for his daughter's college education and, in the process, sacrifices some of his happiness. Tragically, though, his daughter dies just before entering college, and so Steve ends up using the money he's saved to provide a more comfortable retirement for himself and his wife. Although Steve's sacrifices don't result in the end that he had set out to achieve, we should not conclude that his sacrifices have been completely pointless, for his sacrifices did result in a more comfortable retirement for himself and his wife, which is, we'll assume, one of his ends. So a person's sacrifices can have a point even if it's not the point she had originally anticipated. To take another example, consider the case where a man named Shaun foolishly rushes into an ill-advised marriage with his high school sweetheart, and although they quickly hit upon

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desirable as well (that is, worthy of being desired) are capable of rendering the agent's sacrifices meaningful. Since none of my conclusions will hinge on which version is correct, I'll remain neutral on the issue.

<sup>24</sup> Thanks to Steve Luper for this example.

difficult times, Shaun struggles hard to make the marriage work, making many sacrifices for the sake of this end. But despite his best efforts, the marriage ultimately ends in divorce. All is not lost, though, for he learns from his mistakes in his first marriage, and what he learns contributes to the success of his second marriage. So even though the sacrifices that were made in his first marriage didn't lead to the intended effect of saving that marriage, they did, nevertheless, have a point in that they contributed to the success of his second marriage. Hence, they're meaningful.

So far, then, we've learned that, on the Not-for-Naught View, a person's sacrifices count as pointless if and only if they fail to be instrumental in bringing about any of her ends. But we still need to know both when does the misfortune of sacrificing pointlessly commence and what determines the extent of such a misfortune. The timing question is readily answered on the Not-for-Naught View. For instance, Dr. Smith's misfortune, that of sacrificing in vain, commences the moment she starts making sacrifices for the sake of her doomed project and increases as she sacrifices more and more for the sake of its fruition. The severity question is, by contrast, significantly more complicated. I won't try to give a precise calculus here, but it's plausible to suppose that the extent to which sacrificing pointlessly constitutes a misfortune is a function of both of the following: (1) the extent to which one would have viewed those sacrifices worth making had one known from the start exactly what their effects would be, and (2) the extent to which one would have been better off had one not made the sacrifices in question. Both should be assessed counterfactually. Thus, to determine (1), we ask, "In the nearest possible world where the agent had known from the start exactly which ends of hers were to be achieved and to what extent they were to be achieved, would she still have considered her sacrifices worth making?" And, to determine (2), we ask, "In the nearest possible world where she did not make the sacrifices in question, how much more happy (or otherwise better off) would she have been?" So, in Dr. Smith's case, it would seem that the extent of her misfortune is considerable, for had she known that she would never succeed in curing anyone of Alzheimer's, she would have spent more time with her family and, consequently, been much happier. By contrast, in the case of the WWII POW's, the destruction of the bridge that they worked so hard to construct is of no misfortune at all. Even if they had known that the bridge would be destroyed shortly

after its completion, they would have still worked just as hard to build it, for the construction of the bridge was just a means to two ends, that of keeping themselves occupied and that of garnering favor from their captors. Furthermore, had they not put the effort into building the bridge, they would have been worse off, not better off; they would have remained idle and they would have continued to be mistreated.

Before moving on to discuss some key differences between my account and the standard one, I should emphasize the importance of the *ceteris-paribus* clause in my statement of the Not-for-Naught View. Recall, the view is that, *other things being equal*, it is worse to sacrifice pointlessly than it is to sacrifice meaningfully. This means that even if two lives have an equal amount of pleasure or happiness, one can be prudentially better than the other solely because it involves less pointless sacrifice. Thus, on the Not-for-Naught View, it is the pointlessness itself of one's sacrifices that adversely affects one's welfare whether or not one experiences any regret as a result of this pointlessness. In fact, one needn't learn whether or not one's sacrifices have been pointless in order for this fact to have an impact on one's welfare, as is the case with Dr. Smith, who never comes to regret her sacrifices because she dies before learning that they have been in vain.

Having explained the Not-for-Naught View, let me now explain how it differs from the desire-fulfillment theory. First, the two have different views about what constitutes a harmed condition. On the Not-for-Naught View, sacrificing in vain is a comparatively bad state to be in (i.e., as compared to sacrificing meaningfully), whereas, on the desire-fulfillment theory, desiring that which is not the case is the only thing that constitutes a harmed condition.

Second, unlike the desire-fulfillment theory, the Not-for-Naught View is not a full-fledged theory of welfare. The Not-for-Naught View holds that the meaningfulness of one's sacrifices (that is, its efficacy in producing one's ends) is one thing that contributes to one's welfare, but surely it's not the only thing. Clearly, pleasure also contributes to one's welfare. And there may well be other things that contribute to one's welfare. The Not-for-Naught View is silent on this issue and thus falls well short of a full-fledged theory of welfare. The Not-for-Naught View, then, purports to account for only one aspect of a person's welfare: the meaningfulness of one's efforts and sacrifices.

Third, as far as the Not-for-Naught View is concerned, the fulfillment of a desire contributes to one's welfare if and only if it would make one's sacrifices meaningful. Thus, "the fulfillment of a person's desire that a distant star should have a certain chemical composition would not, normally, contribute to a person's welfare, but...things might be different if the person were an astronomer who had devoted his or her life to the development of a theory that would be confirmed or refuted by the evidence" (Scanlon 1998, 120). And, because the Not-for-Naught View does not imply that the fulfillment of a desire is itself of prudential value, it avoids the problems associated with the desire-fulfillment theory. Recall, for instance, the case where my desires are constantly shifting back and forth between two mutually exclusive state of affairs  $s_1$  and  $s_2$ . In contrast to certain versions of the desire-fulfillment theory, the Not-for-Naught View holds that which of these two desires that I happen to have at the moment of my death is completely irrelevant. Instead, what's relevant is which, if either, is the one that I have invested more. So, on the one hand, if I've invested more in bringing  $s_1$  to fruition, then I am, on balance, better off if  $s_1$  obtains. Of course, the pointless sacrifices I made for the sake of  $s_2$  will still count as prudentially bad, just not bad enough to outweigh the prudential badness that would have resulted had my greater sacrifices for the sake of  $s_1$  been in vain. On the other hand, if I have invested more in bringing  $s_2$  to fruition, then I am, on balance, better off if  $s_2$  obtains. So in the case (first discussed in note 19) where I had been an Egyptologist studying mummies for the last fifty years and had for all that time desired  $s_1$ , I'm better off if  $s_1$  obtains after my death regardless of whether or not I happen to desire  $s_1$  at the moment of my death. For it is implausible to suppose, as one version of the desire-fulfillment theory does, that such a desire that was held so strongly and for such a long period of time, shaping my life in dramatic ways, loses all prudential significance just because I happen to become briefly enthralled with something else right before my death (Vorobej 1998, 307).

Fourth, when the fulfillment of a desire has the effect of making one's sacrifices meaningful, the extent of this benefit is a function of the extent to which one has sacrificed for the sake of fulfilling this desire, not a function of the intensity of this desire, as is this the case on the desire-fulfillment theory. As we will see in section 7, this is an important difference.

At this point, it will be instructive to consider how the Not-for-Naught View differs from a similar view, the view that success in achieving one's goals (or rational aims) contributes to one's welfare. This view has recently been advocated by such philosophers as Thomas Scanlon (1998) and Simon Keller (2004), and I'll call it "the Success View." The Success View is in many ways similar to the Not-for-Naught View. Both provide an account of only one aspect of a person's welfare rather than provide a full-blown theory of welfare. Both agree that in most cases success in achieving one's goals contributes to one's welfare, for in most cases success in achieving one's goals renders one's earlier efforts and sacrifices meaningful. Nevertheless, I will argue that the Success View misses the mark slightly: in some cases, success in achieving one's goals contributes nothing to one's welfare, while, in other cases, something short of success contributes to one's welfare. In such cases, I'll show that it is the Not-for-Naught View that seems to get things right, but first let me say a little bit about what success involves.

Success in achieving a goal involves first setting out with the intention to bring it about, then making efforts to bring it about, and lastly having that goal realized due in part, at least, to those efforts. So success involves far more than just having one's goals realized. To succeed in achieving a goal, the realization of that goal must be due in part, at least, to your own efforts (Keller 2004, 33). Moreover, for it to count as genuine success, its realization must be non-accidental such that it stems from one's efforts to bring the goal in question about. Thus if I'm trying to make a mess of my ex-girlfriend's apartment and so splash an old cup of coffee onto her white walls and this results, not in a mess, but in a beautiful work of art, then it's hard to call this a success even if one of my goals is to produce a beautiful work of art. To count as a success, it would seem that one's efforts must succeed in bringing about their *intended* effect.

With this in mind, we'll find that the realization of a goal can contribute to one's welfare even if it falls short of success, as where it renders one's earlier efforts meaningful even if not successful. Take the case from above: the case where Shaun foolishly rushes into an ill-advised marriage, which eventually culminates in divorce. Although his efforts to save his first marriage have clearly been unsuccessful, they weren't, as we've already noted, entirely pointless. For, in the process of making those efforts and sacrifices for the sake of saving his first marriage, Shaun gained some knowledge and experience that

contributed to the success of his second marriage. So even if unsuccessful, his efforts and sacrifices were meaningful in that they paid off handsomely. And, intuitively, this seems to be what's important. If, however, we were to focus on success in achieving one's goals rather than the meaningfulness of one's efforts and sacrifices, we could overlook such contributions to a person's welfare.

So we've just seen that in some cases something short of success can contribute to one's welfare. In other cases, it seems that success in achieving one's goals, contributes nothing to one's welfare. To illustrate, consider the following. Imagine two Olympic athletes: Bill and Ted. Let's suppose that Bill and Ted both put the same amount of effort into achieving their goals of winning an Olympic medal. Both spend the same amount of time training, and both exert themselves just as much in their workouts. But suppose that whereas Bill is a loner who has little else to do besides train, Ted is a husband and a new father. And, unfortunately for Ted, he has to spend much of each year away from home and family at the Olympic Training Center. As a result, he misses watching his daughter grow up during her first few years. So Ted has to sacrifice more than Bill. Whereas Ted would have been able to enjoy more time with his family had he not been training for the Olympics, Bill has nothing better to do than train for the Olympics. He has no family or friends apart from his fellow athletes and he thoroughly enjoys his training regime. Indeed, he would have accepted an offer to train with the Olympic team even if he wasn't going to be able to compete for an Olympic medal.

In this case, it seems that Ted has a lot more to lose than Bill from failure. Both, of course, stand to lose out on the spoils of victory: the fame, the glory, and the financially lucrative product-endorsement deals. But whereas Bill has nothing to regret if he fails to achieve his goal of an Olympic medal, Ted would have much to regret. For, in that case, all of Ted's sacrifices will have been in vain.<sup>25</sup> Thus, success for Ted will not only bring him fame and glory, but it will also redeem his sacrifices. For Bill, by contrast, success offers only the spoils of victory. Success itself contributes nothing to his welfare, since he's made no sacrifices for the sake of his goal. So the Success View overlooks the fact that success itself seems to

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<sup>25</sup> Note that Ted has something to regret (i.e., the pointlessness of his sacrifices) whether he actually feels regret or not. So it's not just that Ted's feelings of regret make him worse off, for we would have reason to feel sorry for Ted even if he was given a pill to prevent him from feeling regret.

contribute to one's welfare only when it renders one's sacrifices meaningful, and only the Not-for-Naught View can account for our judgment that Ted has a lot more to lose than Bill from failure.

In this section, I've merely explained the Not-for-Naught View and how it differs from other views. The Not-for-Naught View still needs defending, a task to which I now turn.

## **6. In Defense of the Not-for-Naught View**

I will defend the Not-for-Naught View by arguing that it can explain and unify various intuitively compelling prudential judgments:

(1) Consider two lives that differ only with respect to the meaningfulness of the sacrifices within each.<sup>26</sup> Imagine that both lives involve extraordinary effort and sacrifice for the sake of some desired end. In one life, your strivings lead to the eventual achievement of that end. In the other, your efforts are entirely pointless. Nevertheless, the desired end is obtained as a windfall: a rich uncle secretly intervenes and procures the end for you, making it appear to you as if your efforts had been successful—so you experience no feelings of regret for having wasted your efforts. Now which life is better? We can imagine that both lives contain equal amounts of pleasure. Yet it seems the former is of greater prudential value precisely because, in that life, you didn't travail for nothing. In that life, your efforts and sacrifices were instrumental in procuring your desired end. Whereas in the other life, your efforts were a complete waste—you could have spent your energy elsewhere and your rich uncle would have still procured the end for you. So to explain the judgment that the former is of greater prudential value and the kind of life we would prefer to lead ourselves, it would seem that we should hold that, other things being equal, it is prudentially worse to sacrifice pointlessly than to sacrifice meaningfully.

(2) The fact that the Not-for-Naught View allows us to make sense of our prudential concern for what will happen after our deaths is itself a reason to accept it. This fact is even more compelling in light of my earlier arguments that previous attempts to account for posthumous harms in terms of the desire-fulfillment theory are unworkable. Moreover, the Not-for-Naught View allows us to account for

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<sup>26</sup> The following example is inspired by similar examples in Keller 2004.

posthumous harms and benefits without being overly inclusive in what counts as a posthumous harm, a problem that desire-fulfillment theorists have in accounting for posthumous harm. There are at least two worries here about being overly inclusive. One worry concerns whether events that take place long after a person's death can have any effect on her welfare. Imagine, for instance, that a thousand years from now the United States still exists as a nation and that the South again attempts to secede from the North, this time for nobler reasons and this time prevailing. Would such an event be responsible for Abraham Lincoln being worse off, prudentially speaking, than we might have otherwise thought? It seems not. Yet we may suppose that it would contravene one of Lincoln's strongest desires: that the North and South stay forever united. So were we to adopt a desire-fulfillment theory of welfare, we would be committed to the view that Lincoln would be harmed by the secession of the South no matter how long after his death it occurs, for as Alan Fuchs notes, "If the objective satisfaction [i.e., fulfillment] of people's desires can affect their welfare at all, why should it matter for the determination of their self-interest when the desire-satisfying (or frustrating) states come into being?" (Fuchs 1993, 217)

If, however, we employ the Not-for-Naught View to account for posthumous harm, we can avoid such implausible implications. The Not-for-Naught View implies that the further past a person's death we go the less likely it is that she can be harmed by any posthumous event, for the further past her death we go the less likely it is that any posthumous event could alter the meaning of the efforts and sacrifices that she made while alive. For whether a person's sacrifices count as meaningful or pointless depends on what she sees as being the point of her making those sacrifices, that is, what she sees as making her sacrifices worthwhile. Now since we can plausibly assume that, although ambitious, Lincoln did not take the point of his actions to be the preservation the Union for over a thousand years, we can conclude that a split between the two in this distant future can't render his efforts and sacrifices pointless. More generally, since few of us are so ambitious as to endeavor (as opposed to merely hope) to have any profound effect on the world so long after our deaths, few of us take the point of our sacrifices to be some far off future event. Consequently, such far off future events don't affect the meaningfulness of our sacrifices and so don't affect our welfare—at least, not as far as the Not-for-Naught View is concerned.

There are, of course, exceptions to this general rule. For instance, some art preservationists are currently going to great lengths to preserve certain precious works of art (such as Michelangelo's famous statue of David) for many generations to come. Whether their efforts count as pointless depends on what will happen hundreds of years from now. If someone were to undermine their efforts, even if it's five hundred years later, this would mean that much of what they're doing now is just a waste of effort, for the point was to preserve those works for at least that long—after all, the works would presumably have lasted that long even if it weren't for their efforts. On the Not-for-Naught View, then, it would follow that they would be harmed by such a posthumous event. But, in this case, the idea that events occurring so far into the future could harm them is not implausible, for the whole point for them was to affect the distant future and thus what happens in the distant future can have an effect on them, making their current efforts either pointless or meaningful.

Another worry about being overly inclusive in what counts as a posthumous harm concerns desires that don't play a significant role in the narrative of one's life. Suppose someone prefers to be cremated over being buried or vice versa, but has done nothing about it. Would such a person be harmed if her next of kin unknowingly goes against her wishes? It seems silly to think so. What difference does it make to her, to her life, or to the meaningfulness of her efforts? Besides, if we were to accept that she would be harmed, we would encounter all sorts of difficulties in giving a plausible account of what to say about cases where the person has waffled back and forth between both desires—see section 4. The difficulties would be the very same as those associated with counting future-dependent desires. Fortunately, by appealing to the Not-for-Naught View, we avoid such difficulties. Where a desire does play a significant role in the narrative of one's life, where, for instance, one has gone to great lengths to ensure its fulfillment, we can, on the Not-for-Naught View, account for the fact that its non-fulfillment counts as a harm. Thus the Not-for-Naught View has the advantage of allowing us to explain why, for instance, it would be harmful to cremate the dead body of someone who had dedicated herself to living in accordance with Jewish law, including having gone to great lengths to ensure for a proper burial, without entailing

that it would be harmful to cremate the body of someone who would have preferred to have been buried but didn't care enough to go to any effort to ensure that she would.

(3) As we noted earlier in our discussion of the desire-fulfillment theory, it's implausible to suppose that the fulfillment of just any desire counts as a benefit. Another merit of the Not-for-Naught View, then, is that it provides a plausible account of when the fulfillment of a desire is and isn't relevant to the determination of a person's welfare: desire fulfillment, as opposed to desire satisfaction, only matters in so far as it impacts the meaning of earlier events and experiences.<sup>27</sup> Interestingly, this sort of view is implicit in the writings of a number of prominent philosophers. Consider the following three quotes.

Fulfilling a desire on behalf of which you have struggled may be more important than fulfilling a desire in which you have made no investment. Hence desire fulfillment per se is not what is valuable; what is valuable is living out a story of efforts rewarded rather than efforts wasted. (Velleman 1991, 55-56)

The fulfillment of a person's desire that a distant star should have a certain chemical composition would not, normally, contribute to a person's welfare, but...things might be different if the person were an astronomer who had devoted his or her life to the development of a theory that would be confirmed or refuted by this evidence. (Scanlon 1998, 120)

[Take Parfit's example where I desire that some stranger succeeds in his battle against cancer.] Why is it that it seems so clear that the success of the stranger does not contribute to my welfare, even though his success satisfies [i.e., fulfills] one of my desires? The answer does not seem to turn on the fact that by the time the stranger succeeds, my desire for his success has faded and been forgotten. For even if I continued to wish the stranger success, *so long as I did nothing about it* [emphasis added] and never heard of his success, it *still* seems as though his success contributes nothing at all to my welfare. (Kagan 1992, 180)

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<sup>27</sup> Here I want to distinguish between desire fulfillment and desire satisfaction as W. D. Ross does. Desire fulfillment consists in the desired state of affairs obtaining, and desire satisfaction consists in the feeling of contentment or gratification that normally occurs in the mind of the desirer when she believes that her desire has been fulfilled. See Ross 1939, 300. Desire satisfaction, unlike desire fulfillment, seems always to be a benefit, for it is just a kind of pleasure.

All three philosophers clearly believe that desire fulfillment per se is not prudentially valuable.

Nevertheless, all three suggest that if the fulfillment of a desire would make one's earlier efforts a success or make one's previous sacrifices meaningful, then it would be beneficial. So the fulfillment of a desire, such as my desire that some stranger succeed in his battle with cancer, is of no benefit at all so long as I have done nothing about it.

But let's consider the case where I do something about it. Suppose that I make calls to some specialist that I know and arrange an appointment for the stranger. Suppose that I even work nights and send what I earn to help pay for some new experimental treatment that he can't himself afford. In this case, it seems that I do benefit if the stranger succeeds in his battle with cancer even if I never learn of his success, even if my desire has since faded, for in this case it makes it true that my efforts were meaningful. So we see that whether the fulfillment of such a desire affects my welfare depends on whether it has an impact on the meaning of earlier events and experiences in my life. The most plausible explanation for this is that whether my sacrifices turn out to be meaningful or pointless has an effect on my welfare. Thus, it seems that the Not-for-Naught View provides the best explanation for why the fulfillment of desires about which I have done something contributes to my welfare, whereas the fulfillment of desires about which I have done nothing has no effect on my welfare.

(4) The Not-for-Naught View explains why the badness of the death of a normal adult human being cannot be offset simply by bringing into existence another being whose life would contain just as much aggregate pleasure (and other prudential goods) as the victim's would have. If we accept the Not-for-Naught View, we must accept that the badness of such a death doesn't lie simply in the loss of the prudential goods that the victim's future would have contained, for the death not only deprives the victim of those goods, but also condemns earlier sacrifices to futility and is thereby responsible for those sacrifices having a more detrimental effect on the welfare value of that life than they would have had they been instrumental in bringing about some desired end.

Michael Lockwood puts this point quite eloquently:

Set against an ideal of human life as a meaningful whole, we can see that premature death can, as it were, make nonsense of much of what has gone before. Earlier actions, preparations, planning, whose entire purpose and rationale lay in their being directed towards some future goal, become, in the face of an untimely death, retrospectively pointless—bridges, so to speak, that terminate in mid-air, roads that lead to nowhere. (Lockwood 1979, 167)

But although the Not-for-Naught View implies that the badness of the death of a being who has made sacrifices for the sake of some future goal cannot be offset simply by replacing that being with one who will be equally happy, it allows that those beings that are incapable of making sacrifices for the sake of some future goal, e.g., fetuses and lower animals, might be replaceable. If the badness of the death of a fetus lies solely with the deprivation of the prudential goods it would have otherwise received, then the badness of its death can be offset simply by bringing another being into existence who has an equal or greater prospect of receiving such goods (McMahn 2002, 177).

(5) The Not-for-Naught View provides the best explanation for why a life that gets progressively better is often preferable to one that gets progressively worse, even where both lives contain equal sums of momentary welfare.<sup>28</sup> (Momentary welfare is the prudential value that some momentary segment of one's life would have if that segment existed alone, apart from any relations it has with other segments of one's life.) To illustrate, consider David Velleman's description of two possible lives:

One life begins in the depths but takes an upward trend: a childhood of deprivation, a troubled youth, struggles and setbacks in early adulthood, followed finally by success and satisfaction in middle age and a peaceful retirement. Another life begins at the heights but

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<sup>28</sup> Note that I've used the word "often" as opposed to "always," for it seems to me that there are cases where there is no reason to prefer a life that gets progressively better to a life that gets progressively worse. For instance, imagine two people in intermittent comas, who every so often wake from their comas to experience a brief moment of physical pleasure. Suppose that, in one life, these brief episodes of pleasure are relatively frequent at the beginning but gradually taper off. In the other life, however, the converse is true: the brief episodes of pleasure are infrequent at the beginning but gradually increase in frequency. So, in one life, things get progressively worse, and, in the other, things get progressively better, but there seems to be no reason to prefer the one life to the other. So a life that gets progressively better isn't always preferable to a life that gets progressively worse. It follows, then, that a mere difference in the trajectory of a life (improving versus declining) isn't enough to make one life prudentially better than another.

slides downhill: a blissful childhood and youth, precocious triumphs and rewards in early adulthood, followed by a midlife strewn with disasters that lead to misery in old age. Surely, we can imagine two such lives containing equal sums of momentary welfare. Your retirement is as blessed in one life as your childhood is in the other; your nonage is as blighted in one life as your dotage is in the other. (1991, 49-50)

Intuitively, it seems that the first life, where things get progressively better, is preferable to the second, where things get progressively worse. The first is a better life, not (just) in the sense that it makes for a better life story, but (also) in the sense that it is a better life to lead, prudentially speaking. But why is this? Some philosophers (e.g., Slote 1983) think that such examples show that the benefits and harms that are incurred later in life have a proportionately greater effect on the value of one's life than the benefits and harms that occur very early in life. On this view, it's the mere timing of a harm/benefit that affects its impact on one's life. However, Velleman convincingly argues that this is not the case. On his view, the reason a benefit that comes later in life can have a more profound impact on the value of one's life is that benefits experienced later in life can redeem earlier misfortunes. So a life that gets progressively better is, in some cases, to be preferred to a life that gets progressively worse, because only in the case of the former and not the latter can one's earlier misfortunes be redeemed. In the life that gets progressively better, the earlier trials and tribulations can lead to the later successes and thereby redeem themselves. But in a life where the successes precede the misfortunes, the misfortunes could not have served as the foundation for those successes and so will have been suffered in vain.

So it's not the timing of the benefits and misfortunes but the causal connections between them that explains why a life that gets progressively better is often preferable to one that gets progressively worse. This point can be illustrated by another one of Velleman's examples:

In one life your first ten years of marriage are troubled and end in divorce, but you immediately remarry happily; in another life the troubled years of your first marriage lead to eventual happiness as the relationship matures. Both lives contain ten years of marital strife followed by contentment; but let us suppose that in the former, you regard your first ten years of marriage as a dead loss, whereas in the latter you regard them as the

foundation of your happiness. The bad times are just as bad in both lives, but in one they are cast off and in the other they are redeemed. (1991, 55)

In this example, the timing, sequence, and trajectory of events and experiences are identical, for in both cases the years of strife and the years of happiness occur in the same order and at same stage of one's life, and both lives have the same positive trajectory—improving rather than declining. The two differ only in terms of the causal relations between the years of strife and the years of happiness. In one case, the years of strife were instrumental in bringing about the later years of happiness. In the other, the subsequent years of happiness were just a windfall, and the proceeding years of strife were a complete wash. So, again, we see that it is not the timing, order, or trajectory of events and experiences within a life that impact its prudential value, but rather the causal relations between them. For, as the Not-for-Naught View holds, it is better to suffer and as a result achieve something worthwhile than it is to just suffer in vain.

To sum up, then, the Not-for-Naught View has a great deal of explanatory power: (i) it explains why it is better to lead a life in which one's efforts and sacrifices have meaning and purpose, (ii) it accounts for our prudential concern for what happens after our deaths in a way that is not overly inclusive in what counts as a posthumous harm, (iii) it explains why the fulfillment of certain desires (e.g., the desire that the stranger succeed in his battle with cancer) only count as a benefit if we have done something to ensure their fulfillment, (iv) it explains why the badness of the death of a normal adult human being cannot be offset simply by bringing into existence another being whose life would contain just as much aggregate pleasure, while allowing that the badness of the death of a fetus or lower animal could possibly be offset in just this manner, and (v) it explains why a life that gets progressively better is often preferable to a life that gets progressively worse. The fact that the Not-for-Naught View can explain and unify such a diverse set of prudential judgment does, I think, amount to a rather compelling case for the view, but, of course, we still need to consider potential objections.

## **7. Objections to This New Account of Posthumous Harm**

There are, as I see it, at least four potential objections to this account of posthumous harm:

(1) Someone might suggest that I have misidentified the harm—that the harm doesn't lie in the pointlessness of Dr. Smith's sacrifices but in something else. I'll be considering two alternatives. One alternative is that the harm lies in the non-fulfillment of Dr. Smith's desire that she not be making pointless sacrifices. This will not do, for the desire that her current sacrifices not be pointless is a future-dependent desire, and, as I argued in section 4, the desire-fulfillment theorist should reject the prudential relevance of future-dependent desires. In any case, there are at least two other reasons to reject this alternative account of the nature of the harm that Dr. Smith suffers.

First, this alternative account doesn't seem to be able to do the same explanatory work that the Not-for-Naught View can. For instance, it cannot explain our judgment that the life that gets progressively better (call this "the Uphill Life") is preferable to the life that progressively worse (call this "the Downhill Life") whenever the former is a story of efforts rewarded and the latter a story of efforts wasted.<sup>29</sup> On this alternative account, people would be better off leading the Uphill Life instead of the Downhill Life only if they prefer the Uphill Life to the Downhill Life. And what's even more implausible is that those who strangely prefer the Downhill Life to the Uphill Life are better off leading the Downhill Life. Clearly, this is absurd; people are better off leading the Uphill Life whether or not they prefer the Downhill Life instead. In fact, the reason most people prefer the Uphill Life to the Downhill Life is that they recognize that they would be better off leading the Uphill Life. What we have here, then, is an instance of a more general problem associated with the desire-fulfillment theory: the desire-fulfillment theory mistakenly takes desires to have a constitutive as opposed to an identificatory role in determining what is beneficial and harmful. This gets the order of explanation backwards. People prefer the Uphill Life to the Downhill Life because the former is preferable to the latter; it's not that the Uphill Life is preferable to the Downhill Life only because people prefer the one to the other, for it's not as if we could entirely eliminate what's tragic about someone leading the Downhill Life by merely getting her to prefer the Downhill Life to the Uphill Life. That would be like arguing that what's so tragic about Dr. Smith's life is not the fact that her sacrifices have been in vain but the fact that she desired not to make sacrifices in vain—if only

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<sup>29</sup> I borrow these labels from Feldman 2004, 127.

she had desired to make sacrifices in vain, the pointlessness of her sacrifices would have been a good thing, prudentially speaking. Absurd!<sup>30</sup>

Second, this alternative account is unable to accurately account for the degree to which pointless suffering makes someone worse off. On this alternative account, the degree to which one is made worse off by sacrificing pointlessly would depend on the intensity of one's desire not to sacrifice pointlessly. So if we compare someone who has sacrificed very little in vain but who has a very intense desire not to sacrifice in vain with someone who has sacrificed a great deal in vain but who has only a moderately intense desire not to sacrifice in vain, it could be that the former is worse off than the latter. To the contrary, though, it seems, as the Not-for-Naught View implies, that the degree to which people are worse off having sacrificed pointlessly depends on the extent to which they have sacrificed in vain. Thus the Not-for-Naught View, and not this alternative account, seems to capture the true nature of Dr. Smith's harm.

Another alternative suggestion is that the harm lies in the regret that Dr. Smith feels when she realizes that her sacrifices have been in vain. But, of course, this won't do, because Dr. Smith dies not knowing that her sacrifices have been in vain. More generally, though, it seems a mistake to identify the harm in sacrificing pointlessly with the regret that one feels as a result of having done so for the same reasons that it was a mistake to identify it with the non-fulfillment of one's desire not to be sacrificing in vain. That is, this alternative account is subject to the same problems that befell the previous alternative. For one, this alternative account implausibly implies that leading the Downhill Life is worse than leading the Uphill Life only if one notes the downhill trajectory and regrets that it has this trajectory. For another, it implausibly implies that it is better to lead the Downhill Life if one would strangely regret the fact that one's life doesn't have a downward trajectory. Lastly, this account implies that the degree of harm is solely a function of the extent of one's feelings of regret and not at all a function of the extent of one's sacrifices and their pointlessness. (Note that, on the Not-for-Naught View, feelings of regret do diminish

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<sup>30</sup> The failure to account for the Uphill Life being preferable to the Downhill Life is just one example of how this alternative account fails to do the explanatory work of the Not-for-Naught View. I leave it as an exercise for the reader to discover that this alternative account also fails to explain (1)-(4) of section 6.

one's welfare, as it is plausible to suppose that experiencing unpleasant states of consciousness are detrimental to one's welfare.)

(2) Many will object to my account, saying that I am confusing the perfectionist value of a life with its prudential value. They will admit that, had Dr. Smith's research not been posthumously destroyed, her life might have been a better specimen of its kind, but they will deny that Dr. Smith would have been any better off as a result. However, I would argue that even if the presence of a causal connection between one's sacrifices and one's ends can, in certain instances, make one's life a better specimen of its kind, it doesn't always do so, as, for instance, where one's end is evil. In contrast, it seems that the presence of such a causal connection does always increase the prudential value of a life, even where one's end is evil. Thus it really is prudential value, not perfectionist value, that I have in mind here.

To illustrate, consider the case of Dr. Evil.<sup>31</sup> Dr. Evil detests cats and those that love them. He wants all cats dead. Consequently, he sets out to genetically engineer a strain of feline Ebola that will spread rapidly, eventually infecting all cats, causing them to die in the most horrific fashion. Like Dr. Smith, Dr. Evil is dedicated to his cause and is thus willing to sacrifice his happiness, his family life, and even professional recognition for the sake of this end. Of course, he wishes there was some other way to ensure the extermination of all cats without having to make such sacrifices. In fact, if he thought that someone else might do his dirty work for him, he would direct his efforts elsewhere. But he believes that he is the only man for the job, and so he toils for many years until he has developed just the right strain of virus. When he finally succeeds, he injects the neighbor's cat with this strain and sits back and watches with glee while in the coming weeks the infection spreads throughout the world, killing all cats and causing cat-lovers everywhere horrible grief.

At this point, we might consider two possible scenarios. In the first scenario, everything is as it seems. Dr. Evil's sacrifices are what enabled him to engineer the virus, and it was his virus that was responsible for the ensuing extinction of cats. In the second scenario, however, someone else, unbeknownst to Dr. Evil, was working to achieve the exact same end. And, as it turns out, the cat that Dr. Evil injected with

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<sup>31</sup> This sort of example draws inspiration from similar examples in Keller 2003 and Keller forthcoming.

his strain had already been infected with another very similar strain that had been engineered by this other person. And so, as it turns out, no cat died as result of anything Dr. Evil did; it was all the result of the other viral strain. This means, of course, that all of Dr. Evil's efforts and sacrifices were for nothing. Yet Dr. Evil never learns of this, and he dies happily thinking that his sacrifices were meaningful. Thus in both scenarios Dr. Evil dies a happy man. Is Dr. Evil's life of greater perfectionist value on the first scenario? If anything, it seems the opposite is true. For on the first scenario he is the one responsible for all the death and suffering, and a life in which one is responsible for so much evil is, in terms of perfectionist value, worse than a life in which one isn't. Nevertheless, it seems that Dr. Evil is better off on the first scenario. After all, had Dr. Evil known that someone else was going to do his dirty work for him, he wouldn't have made any of those sacrifices and he would have been happier for it. So in the second scenario, all his efforts and sacrifices were pointless, and it seems tragic *for him* to have sacrificed so much for nothing. Consequently, he seems better off on the first scenario, where his sacrifices were, by his own lights, entirely worthwhile. So, contrary to this objection, it seems that the Not-for-Naught View does concern the prudential value, not the perfectionist value, of a life.

(3) Still, someone might insist that a person's welfare can be affected by only that which causes some change in her intrinsic properties, and since whether or not a person's efforts and sacrifices turn out to be pointless needn't involve any such a change, one might argue that it can have no effect on that person's welfare. This sort of position has been most prominently defended by Shelly Kagan in his "Me and My Life" (1994), and it is to this issue that I now turn.

Kagan has suggested that there is a difference between judging how well off a person is and judging how well that person's life is going. On Kagan's view, two people can be equally well off even though one person's life is going better than the other's. To illustrate, Kagan employs the following example from Nagel.<sup>32</sup> Imagine two businessmen: one is well-loved and successful and the other is neither. Suppose that, despite this difference, both believe that they are loved and successful and that consequently both have qualitatively identical mental states. Now Kagan thinks that there can be a

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<sup>32</sup> See Nagel 1979.

difference in the welfare of two individuals only if there is some intrinsic difference between the two. Thus he believes that the two businessmen are equally well off, for they differ only in their extrinsic properties (e.g., whether or not they are loved). He does admit, however, that this will seem counter-intuitive at first blush but believes that much of this counter-intuitiveness will be assuaged once we recognize that it's one thing for a person to be well-off, and another thing for that person's life to go well. He thinks that although both businessmen are equally well off, the life of the businessman who is actually loved and successful is going much better than the life of the businessman who is neither. Kagan calls being loved and being successful (as opposed to feeling loved and believing that one is successful) "external personal goods" (1994, 318)—external because they are, according to Kagan, external to what matters in determining a person's welfare, personal because they pertain to something about the person, i.e., his life.

Given these views, Kagan would likely object to my account of posthumous harm. He would claim that since the difference between the presence or absence of a causal connection between one's sacrifices and some desired end is an extrinsic property, the presence of such a link isn't an internal personal good (something that makes someone better off) but an external personal good (something that makes someone's life go better). So, as Kagan would see things, I have not shown that Dr. Smith is less well-off, but have shown only that Dr. Smith's life goes less well than it would have had her briefcase not been destroyed. But, as we will soon see, we should question Kagan's narrow interpretation of welfare, where a change in a person's welfare requires a change in her intrinsic properties.

Whether Kagan's case for understanding welfare in this narrow sense is successful ultimately depends on how successful he is in assuaging the counter-intuitiveness of his judgment that the two businessmen are equally well off. And this in turn would seem to depend on one of the questions that he admittedly leaves unanswered: "Rationally speaking, should my concern be with my own welfare, or with how well my life is going [or both]?" (1994, 323). There are at least two possible answers. One possibility is that I have the same self-interested reason to pursue external personal goods as I do internal personal goods. This would mean that in addition to whatever reason I have to promote the good generally, I have a self-

interested reason to ensure that my life goes better. Thus, from a purely self-interested perspective, the reason I have to ensure that my life goes better is much stronger than whatever reason, if any, I have to ensure that some stranger's life goes better just as the reason I have to promote my own welfare is much stronger than whatever reason, if any, I have to promote some stranger's welfare. If this is what Kagan has in mind, then it does seem that he has done much to assuage the counter-intuitiveness of the claim that the two businessmen are equally well-off, for we will still be able to make sense of the thought that people should care about whether or not they are actually loved and not just about whether they feel loved, and that indeed they have a self-interested reason to pursue a life where they not only feel loved but are loved. In this case, though, I don't see that much hangs on making this distinction between how well off a person is and how well her life is going. And it seems that substance of what I have argued for in this paper is left unaffected, although the terminology I use will need to be changed. I won't be able to say that the meaningfulness of one sacrifices affects how well-off someone is but only how well their life is going, something that is just as important and about which someone has just as much reason to care about. So I will still be able to make sense of the special concern we have for what will happen after our deaths, I just can't say that a posthumous event can be responsible for someone being worse off. I can say only that a posthumous event can be responsible for someone's life going less well, which, in this case, would be just as important to her as her being less well off would.

There is another more radical possibility. Perhaps the reason one has to pursue external personal goods is quite different from the reason one has to pursue internal personal goods. Perhaps, the reason I have to pursue external personal goods is an agent-neutral one in the sense that I have no more reason to secure such goods for myself than I have to secure such goods for others. In this case, the reason I have to ensure that I'm loved is no greater than the reason that I have to ensure that others are loved. And so if I had to choose between myself or some stranger living the life of the undecieved, as opposed to the deceived, businessman, I would have no greater reason to choose the undecieved life for myself. This is quite counter-intuitive. On this way of seeing the rational significance of Kagan's distinction, the distinction does very little to assuage the counter-intuitiveness of Kagan's judgment that two businessmen are

equally well off, for in this case we need the claim that the undeceived life is better with respect to internal personal goods than the deceived life in order to account for the fact that we have an agent-relative, self-interested reason to prefer the undeceived life for ourselves.

I suspect that the only reason Kagan's argument has the force that it does is that it trades on equivocation between "welfare" as it is used in ordinary language and "welfare" as it has been appropriated by philosophers as a philosophical term of art.<sup>33</sup> In ordinary language, welfare is most naturally identified with the state of being happy, healthy, and/or prosperous. On this ordinary usage, it is quite a stretch to suggest that something that doesn't affect how happy, healthy, and/or prosperous a person is could possibly affect her welfare. This accounts, I think, for why people are often first drawn toward a view like hedonism and resist a view like the desire-fulfillment theory even in the face of such thought experiments as Nagel's two businessmen and Nozick's experience machine. Philosophers employ such thought experiments because they show that we have a self-interested concern for something other than the experiential quality of our lives. But, as many of us philosophers know from our experiences with such examples in the classroom, students' reactions to such cases are often puzzling.<sup>34</sup> On the one hand, if you ask them whether, from a purely self-interested perspective, they would prefer a normal life to a life attached to the experience machine or the life of the undeceived businessman to that of the deceived businessman, the typical answer is "yes." Yet if you ask them whether either the person attached to the experience machine or the deceived businessman are worse off in terms of their welfare than their undeceived counterparts, the typical answer is "no." The source of this disparity, I think, is that we philosophers don't make clear that we're appropriating the word "welfare" to designate whatever it is that is the proper and most fundamental object (or objects) of self-interested concern whether that be something like happiness or not. So if a person prefers the undeceived life because, say, she has a self-interested concern for being loved as well as feeling loved, then she ought to say that she would be better

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<sup>33</sup> That the ordinary language use of the words "welfare" and "well-being" differ from the use for which philosophers have appropriated them has been noted by Crisp (2003), Keller (2003), and Sumner (1996).

<sup>34</sup> For an interesting discussion of this phenomenon, see Scott Wilson's "What Can We Learn from the Experience Machine" and the ensuing commentary at [http://peasoup.typepad.com/peasoup/2004/09/what\\_can\\_we\\_lea.html](http://peasoup.typepad.com/peasoup/2004/09/what_can_we_lea.html).

off in terms of her welfare leading the undeceived life even if there is no experiential difference between it and the deceived life. But this is where the tension arises with our students, who are more entrenched in the ordinary usage of the terms “welfare” and “well-being.” For them, welfare refers to state of being happy, healthy, or prosperous, whereas, for us philosophers, welfare refers to whatever is (are) the proper and most fundamental object(s) of self-interested concern, and that may very well go beyond states of health, happiness, and prosperity. So, in communicating with our students, we might do better to introduce an entirely new term for what we have in mind and showing them via various thought experiments that they do have a self-interested concern for other things besides the experiential quality of their lives. For instance, they do have a self-interested concern in being loved and not just in feeling loved. (Note that their concern here does seem to be self-interested in that they are certainly more concerned that they are actually loved than that others are.)

So, in the end, Kagan might be right that there is a difference between how well off one is and how one’s life is going so long as we have the ordinary notion of welfare in mind as opposed to the philosophical term of art. But the philosophically interesting question is the one that Kagan leaves unanswered: whether we should have a self-interested concern for how our life goes just as we have a self-interested concern for how well off we are. And given the sorts of thought experiments that we’ve been discussing as well as the prudential judgments that I cite in the previous section, there seems to be a fairly compelling case for an affirmative answer to this question.

(4) The last potential objection that I will address concerns the fact that there seem to be at least three different types of posthumous harm, corresponding to three different ways in which the deceased can be harmed (see Gerrand 2003), and that my account may seem to be able to account for only one of these three. The three types are as follows. First, the deceased can be harmed by a failure to carry out her advance directives (e.g., a failure to keep a death-bed promise or a failure to execute the deceased’s wishes). Second, the deceased can be harmed by the defamation of her reputation or character. Third, the

deceased can be harmed by acts that undermine her efforts.<sup>35</sup> So someone might object to my account on the grounds that the Not-for-Naught View seems able to account for only this third type of posthumous harm. It should, however, be obvious that the Not-for-Naught View can account for the first two types of posthumous harm in terms of the third, as where violating the deceased's wishes or defaming the deceased's character undermines the deceased's previous efforts. So this putative objection won't cut any ice unless we are to assume that violating someone's wishes and defaming her character is harmful even where she hasn't made any efforts to ensure that her wishes and reputation will be respected. But, as we've seen, this is an implausible assumption. As I've argued, it just isn't plausible to suppose that the non-fulfillment of a person's desires has a detrimental effect on her welfare except in so far as it affects the meaning of earlier events and experiences in that person's life.

To illustrate, compare the following two cases. In one case, a movie actress who wishes to be remembered as a beautiful woman goes to great lengths to ensure that, when she dies, she will be made to look beautiful for her viewing. She spends many months looking for the most talented mortician in the country. She finds him, and, to make sure that she gets the best, she pays him in advance, taking an otherwise unattractive part in a B-movie to get the money. Unfortunately, though, she dies at a time when this brilliant mortician is swamped with cadavers, and, consequently, he breaks his promise to her and relegates the job of her restoration to an inexperienced apprentice who botches the job, making her look decidedly average-looking at her viewing. Intuitively, this is a compelling case of posthumous harm, but contrast this with another case. Suppose, for instance, I would, other things being equal, like to look good for my viewing, yet how good I look at my viewing is pretty unimportant to me. I certainly don't think that it's worth any extra effort or money to ensure that I get a particularly talented mortician. Interestingly, though, I happen to do a favor for this brilliant mortician one day, and, as a gesture of thanks, he promises to take care of my restoration personally for no extra charge. And, as with the previous case, he ends up breaking his promise, relegating my restoration to his apprentice who does a

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<sup>35</sup> I speak loosely here. In actuality, it's not the deceased/postmortem person that's harmed, but the ante-mortem person who is now deceased that is harmed by the posthumous event.

sub-par job. Now, in this case, we may want to say that the mortician has wronged me, but I don't think that we should say that he's made me any worse off given what little role, if any, how I look at my viewing plays in the narrative of my life. Of course, depending on how bad a job his apprentice did, he may have harmed my family and friends, but not me. After all, the broken promise and the resulting botched job don't have any effect on me or my life. It would seem, then, that the fact that the Not-for-Naught View is parsimonious in what it allows to count as a posthumous harm is, if anything, a merit of the view.

## **8. Conclusion**

In this paper, I've tried to make sense of people's prudential concern for what will happen after their deaths. Those who have tried before me have typically done so by arguing for the possibility of posthumous harm while basing those arguments on a desire-fulfillment theory of welfare. However, this theory is problematic in its own right and especially problematic when it comes to giving an account of posthumous harm. I have, therefore, tried to offer a different account of posthumous harm, one that avoids all the problems associated with the standard account. So rather than arguing that the dead can be harmed by that which posthumously contravenes the desires they once had, I've argued that the living can be harmed by events that will occur after their deaths, for such posthumous events can be responsible for the fact that they now toil and sacrifice in vain. And, as I've argued, toiling and sacrificing pointlessly is prudentially worse than toiling and sacrificing meaningfully. Thus, on my account, it makes perfect sense for the living to be prudentially concerned with what will happen after their deaths. Moreover, my account seems quite promising in that it can both explain and unify various intuitively compelling prudential judgments that we have.

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