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Retroactive Harms and Wrongs
Steven Luper

According to the immunity thesis, nothing that happens after we are dead harms or benefits us. It seems defensible on the following basis:

1. If harmed (benefitted) by something, we incur the harm (benefit) at some time.
2. So if harmed (benefitted) by a postmortem event, we incur the harm (benefit) while alive or at some other time.
3. But if we incur the harm (benefit) while alive, backwards causation occurs.
4. And if we incur the harm (benefit) at any other time, we incur it at a time when we do not exist.
5. Yet nothing incurs harm (benefit) while nonexistent.
6. And nothing is causally affected at one time by events that occur at a later time.
7. So no postmortem event is ever bad (or good) for us (the immunity thesis).

Despite its plausibility, I mean to resist this argument. I will reject premise 1 on the grounds that dying may be atemporally bad for us. I will also reject premise 3. Some postmortem events are bad for some of us while we are alive. But I am not going to report some new exotic particle that makes backwards causation possible. As far as I know, 6 is true. If an event is responsible for a harm that we incur before the event itself occurs, it might be said to harm us *retroactively*; if when or after it occurs, it might be said to harm us *proactively*. My view is that some postmortem events harm us retroactively, but without backwards causation (Pitcher 1984).

Premise 6 is not the only thing worth retaining. I will salvage other bits of the argument for the immunity thesis, too, and put them to use in support of the claim that postmortem events do not harm anyone proactively. As I see things, postmortem events harm us retroactively or not at all.

Is anything of significance at stake here? I think so. If the immunity thesis is true, our prudential horizon is limited to things that happen during the time we exist, and not a moment beyond. Once we die, it makes no sense for others to do anything, like carrying out our final wishes, out of concern for our interests. Meeting our final wishes may even be impossible, since, on one view which I will discuss, it is impossible to fulfill any of our desires after we die. Yet probate law requires that legally declared wishes be carried out. And it is standard practice in hospitals to honor the directives that competent patients create concerning the treatment they are to receive if they later become incompetent, say due to dementia or brain injury. Yet a severely demented patient will no longer have the desires she had while competent. These familiar practices make sense if people may be benefitted, and their desires fulfilled, retroactively. And that is not insignificant. Some will say it is not very important, though, for the charges may be met without appeal to the idea of retroactive benefit. Even if we cannot be *harmed* by posthumous events we can be *wronged* by things people do after we are dead, and obviously people have good reason not to wrong us. But I do not think we can make such pronouncements about wronging the dead until we tell a clear story about the way such wrongs are wrought. I will attempt to clarify one way, but my story involves retroactivity.

My argument against premise 1 appears next. In the section that follows I develop a case against the existence of proactively harmful postmortem events. After that, I argue that postmortem events sometimes harm people retroactively. In the final section I defend the view that an action taken after people die may wrong them retroactively, by harming them, or interfering with their desires, while they are alive.

Harm

I reject premise 1 of the argument for the immunity thesis. To explain why, I need to make some points about the nature of harm.

First, something is intrinsically good (bad) for us if and only if it is good (bad) for us and its goodness (badness) is not derivative from or due to the goodness (badness) of anything beyond itself. Anything else that is good (bad) for us is extrinsically good (bad) for us. For example, other things being equal, a cut is extrinsically bad for us because it causes us to suffer, while the suffering itself is intrinsically bad for us. On this view, something may be intrinsically good for us even though its goodness depends on various relations it bears to (nonevaluative features of) other things, or on various conditions being met that concern (nonevaluative features of) other things. For example, the view is consistent with the claim that things are (intrinsically) good by virtue of being the objects of a suitable kind of rational desire (Korsgaard 1983).

Second, some of the things that are extrinsically good for us in a limited context or timeframe are not overall good for us: they are not good for us all things considered. Comparativism, the view I will assume here (and whose proponents include Nagel 1970, Feldman 1991, 1992, and many others), says roughly that an event is overall good (bad) for us if and only if it makes life better (worse) for us than it would have been had the event not occurred. In what follows, I assume that something benefits (harms) us if and only if it is good (bad) for us.

We can state comparativism a bit more clearly if we measure how good our life is in terms of our lifetime welfare level, and our lifetime welfare level in terms of the intrinsic goods and evils included in our life. Our lifetime welfare level is the sum of the intrinsic goods we have during our life, which boost our welfare, and our intrinsic evils, which lower it. There are events that boost or reduce our goods or evils, events that preclude our having goods or evils, and events that do combinations of these things. Comparativism says that an event is overall good (bad) for us just in case it makes our lifetime welfare level higher (lower) than it would have been had the event not occurred.

Using the same idea, we can measure how overall good or bad life is over a period of time in terms of our welfare level during that time, and our welfare level over a period of time in terms of the intrinsic goods and evils we have during that time. Then we can say that an event is overall good (bad) for us *at a time*, or during a period of time, if and only if it makes our welfare level during that time higher (lower) than it would have been had the event not occurred.

Back to premise 1 of the argument for the immunity thesis. Typically, when an event is overall bad for us *simpliciter*, it is also overall bad for us *at* some time or another. But this is not always the case. Consider

Cheerful Mary: Mary is a cheerful soul who does not concern herself about the future.

On New Year's Eve, she is killed painlessly, in her sleep, by a previously undetected aneurysm; had she not died, she would have had many more years of good life.

Dying on New Year's Eve was bad for Mary *simpliciter*, as her life would have been much better had she not died. But at no time is she worse off as a result of dying. After she is dead she lacks any level of welfare at all. As this example illustrates, some things harm their victims (*simpliciter*) without harming them at any time. To be bad for us *simpliciter* is to be *timelessly* (or atemporally) bad for us. Hence premise 1 is false.

To make the case against 1 clearer, I need a bit of jargon. I will say that an event E is *negative for us* at time T if and only if E is responsible for our having, at T, intrinsic evils we would not otherwise have had at T, or for our failing to have, at T, intrinsic goods we would

otherwise have had. E might be negative for us before it occurs or later. I will say that E is *retroactively* negative for us if and only if E is negative for us at some time prior to E's occurrence, and E is *proactively* negative for us if and only if E is negative for us at some time T at or after E's occurrence.

Comparativism implies that an event harms us *simpliciter* only if it is retroactively or proactively negative for us. Cheerful Mary's death was proactively negative for her—it deprived her of goods she would otherwise have had during the following year. But her death also made her nonexistent during that year; because of it she *incurred* no harm during that year.

This argument against 1 is not uncontroversial. It relies on the claim that when death harms its victims wholly by depriving them of goods they otherwise would have had, as Mary's did, then its victims do not incur harm at any time, as they are left without any welfare level. This claim has resourceful critics, such as Ben Bradley (2009) and Chris Belshaw (2009). But in rejecting this claim they pay a price: they also reject 5.

According to Bradley, if I die at time T, I may actually incur harm, for which my death is responsible, *after* T, in that I can be *worse off* after T than I otherwise would have been. His argument involves the following assumptions. Our welfare level in world W at time T equals the intrinsic value for us *of* time T in W. The latter value, in turn, equals the value of the intrinsic goods we attain in W *at* T together with the (dis)value of the intrinsic evils we attain in W at T. The overall value of event E for us in W *at* T equals the intrinsic value for us of T in W minus the intrinsic value of T in the nearest world in which E fails to occur. Thus E is good (bad) for us at T, and E makes us worse off at T, if and only if E's overall value for us at T is greater (less) than zero.

Suppose that if, had I not died at T, my welfare level would have been on the whole positive for a period of time following T. Suppose also that my welfare level while I do not exist is 0. Then death is bad for me during that time: it leaves me worse off during that period of time, as it leaves me with a welfare level of 0 during that time, and a welfare level of 0 is not as good as a positive welfare level. So says Bradley.

Of course, Bradley's position presupposes that people have a welfare level while dead (namely 0). This I question (see Luper 2009a and 2009b). It is not plausible to attribute a welfare level to a subject at a time when that subject does not exist, or is for some other reason wholly incapable of attaining anything intrinsically good or evil. It is the capacity to attain intrinsic goods or evils that distinguishes subjects who have some welfare level from things, such as shoes and shingles, which do not.

In support of his claim that the dead have a welfare level, Bradley points out (p. 108) that it is reasonable for a person, say Kris, to be (prudentially) indifferent as between two futures that might follow his being struck by an anvil: F1, being killed instantly, or F2, being made comatose for the ten years prior to death. Kris's indifference makes sense only if F1 and F2 have (the same) value for Kris, which in turn entails that Kris has a welfare level during F1--i.e., at a time when he is dead.

As Bradley says, we can assess the intrinsic value of the times during which F1 and F2 unfold; during each, Kris attains neither intrinsic goods nor evils, and so it makes sense to say that the intrinsic value of these times for Kris is 0. But it does not follow that Kris has a welfare level during these times. That time T has a value for Kris, as assessed in terms of intrinsic goods and evils Kris attains during T, does not imply that Kris has a welfare level at T. After all, a shoe cannot have a welfare level, yet the value for a shoe of any time T, as assessed in terms of the intrinsic goods and evils the shoe attains at T, is always 0. There is an intimate relationship

between our welfare level at a time and the value for us of that time as assessed in terms of the intrinsic goods and evils we attain then: as long as we exist, and have a welfare level at all, the two coincide. But we cannot equate our having a welfare level at time T with T's having a value for us as assessed in terms of the intrinsic goods and evils we attain at T.

Since we have a welfare level only when we exist, I doubt it makes sense to say that death leaves its victims worse off than they otherwise would be. So I accept 5.

Proactive Harm

If asked whether a postmortem event harms anyone proactively, most people would respond in the negative, and draw on something like premise 5 to prove it, as follows: by the time a postmortem event occurs, we no longer exist; so if a postmortem event harms us proactively, we incur harm while we are nonexistent. But nothing incurs harm (benefit) while nonexistent (premise 5). So no postmortem event harms us proactively.

I have attempted to show (in the previous section) that reservations about 5 can be allayed. So I think the argument that deploys 5 against the existence of proactively harmful postmortem events is sound. However, for good measure, I will provide another argument, one which does not draw on premise 5.

I assume that an event E is responsible for our incurring harm at a time T only if E is overall bad for us at T. Given this assumption, an event E is responsible for our incurring harm proactively only if E is overall bad for us when E occurs or later. Now, if E is overall bad for us when E occurs or later, then E is proactively negative for us. So to show that no postmortem event is responsible for our incurring harm proactively, I need only show that no postmortem event is proactively negative for us. And this I can do by establishing that (a) no postmortem event is responsible for our having intrinsic evils we would not otherwise have had at or after E's occurrence, and that (b) no postmortem event is responsible for our failing to have intrinsic goods we would otherwise have had at or after E's occurrence.

It is easy to defend (a). We are not afflicted with intrinsic evils at times when we fail to exist. (Even death cannot make *that* happen.) So if an event is responsible for our having intrinsic evils we would otherwise not have had at a time T, then we exist at T. However, when a postmortem event occurs, and at all later times, we do not exist.

Now consider (b). Suppose Cheerful Mary dies at time T. It may be that, had she not died, she would have had various intrinsic goods after T. If so, death is responsible for her not having these goods. Whether or not it deprives her of goods she would otherwise have had, however, her death ensures that she will have no goods after T. Hence no event that occurs after she dies—that is, after T—is responsible for her failing to have goods she would otherwise have had after T.

I conclude that postmortem events never harm us proactively. However, I am not ready to declare them to be entirely innocuous, as I have yet to consider whether they harm some people retroactively. I will get to that next. First a recap of the argument I just gave:

1. An event E is responsible for our incurring harm at a time T only if E is overall bad for us at T.
2. So E is responsible for our incurring harm proactively only if E is overall bad for us when E occurs or later.
3. E is overall bad for us when E occurs or later only if E is proactively negative for us.

4. E is proactively negative for us only if either (a) E is responsible for our having intrinsic evils we would not otherwise have had at some time T at or after E's occurrence, or (b) E is responsible for our failing to have intrinsic goods we would otherwise have had at some time T at or after E's occurrence.
5. If E is postmortem, neither (a) nor (b) hold.
6. So no postmortem event harms us proactively.

Retroactive Harm

What about it: does retroactive harm exist? Consider the following case:

The Achievement: Suppose I want to conduct research that will lead to a cure for Lou Gehrig's disease, ALS. Suppose, too, that my desire is essential to my life plan, and that my plan is rational (more about this later). Unfortunately, I will die before I achieve what I want, but I will still succeed if various events occur, and fail if some other events occur, after I am dead. For example, I will succeed if my research gives another scientist a critical clue which she develops into a cure that she otherwise would not have found. And I will fail if all of the records of my research are destroyed in a fire before they prompt another scientist to devise a cure. Upon reflection, I dread the prospect of the fire destroying my files even though I will be dead at the time it would occur; I judge that it would be against my interests. By contrast I welcome the prospect of my research inspiring a colleague; I judge that it would be in my interests.

I presume that people make the sort of judgments that appear in this example, and that these judgments are *prima facie* plausible. Many of us want to accomplish things we consider significant, and our motives are not (entirely) altruistic. We devote our lives to bringing certain things about, and we believe that succeeding bears heavily on how good *for us* our lives will turn out to be. Things that help us succeed we consider to be in our interests, and things that make us fail we regard as against our interests, other things being equal.

Such judgments are true only if retroactive harm and benefit occur, for they imply that certain postmortem events harm me while others benefit me, and we have seen that postmortem events harm or benefit me, if at all, only retroactively. Hence the plausibility of the judgments supports the existence of retroactive harm. However, the support is defeasible; if we cannot make good sense of retroactive harm, we must give up both the judgments as well as the claim that retroactive harm exists. So let us see whether we can make sense of it.

The existence of retroactive harm entails that some events are responsible for our having intrinsic evils, or failing to have intrinsic goods, at a time that precedes the events. To make good sense of retroactive harm, we will need to identify the kind of intrinsic good or evil it involves and the sense in which future events are 'responsible for' our having or lacking such goods or evils.

Of course, retroactive harm is inconsistent with some accounts of value, such as the following:

Exclusive hedonism: for any subject S, S's experiencing pleasure at time T is the one and only thing that is intrinsically good for S at T; S's experiencing pain is the one and only thing that is intrinsically bad for S at T.

(This view is usually called *hedonism*; I call it *exclusive hedonism* because it implies that pleasure is the *only* thing that is intrinsically good for us.) Paired with comparativism, exclusive hedonism says that it is not bad for me if my research records burn in a fire, and my life's work ends in failure. It says that no postmortem event whatever benefits or harms me. So why do

people fret about such things? For exclusive hedonists, the explanation must be that achieving things typically *is* (extrinsically) good for us, as it is pleasant, so we mistakenly think that any achievement will be good for us and that events that make us fail are bad for us. But this explanation is unsatisfactory for two reasons. First, exclusive hedonism is itself implausible. It faces well known objections which I will not rehearse here (for a resourceful defense of hedonism, see Feldman 2004). Second, it forces us to reject claims that are *prima facie* quite plausible, namely judgments like those in the achievement case. We should explain them away only if we cannot make sense of their truth.

The following partial account of value (versions of which are defended by Scanlon 1998 and Keller 2004) may point the way:

Achievementism: for any subject S, it is intrinsically good for S at time T that, at T, S succeeds at something S set out to achieve; it is intrinsically bad for S at T that, at T, S fails at something S set out to achieve.

(Achievementism says that achievements are *one* of the things that are intrinsically good for us; we can use the term *exclusive achievementism* for the position that achievements are the only things that are intrinsically good for us.) As achievementists, we can explain the judgments in the achievement case this way: I have set out to do research that leads to a cure for ALS; whether or not I succeed depends on postmortem events; if a fellow scientist picks up where I left off, I will achieve what I set out to do; if a fire burns my files, I will fail. Achievements are intrinsically good for me, so the former event is in my interests, while the latter is against my interests.

It might appear that this explanation fails because what I do, what I achieve, depends only on what is directly under my control, and not, for example, on the actions of others. In the achievement case, all I really accomplish is some research; if it leads to a cure, that is the doing of others. However, this criticism seems misguided. It is not uncommon for the things we do to depend crucially on things that are not in our control. Having planned to bring about your death, my pulling the trigger of my gun can be all I need to do directly for my act to constitute killing you. Yet whether you die depends on many other things. I might obtain my objective even if I die well before you do (say because you kill me back). Similarly, my doing my research may be all I need to do directly for my act to constitute ‘doing research that will lead to a cure for cancer.’

While the preceding objection is unconvincing, achievementism faces others. It is not clear that succeeding at just anything I set out to do is intrinsically good for me. My aims might be irrational. They might also be of no real importance to me, but rather something I take on in order to pass the time. Simon Keller (2004) says that accomplishing even trivial and silly things is at least a little bit good in itself. But those who disagree with Keller could easily revise achievementism.

However, even if we draw on an improved version of achievementism, we may be unable to show how retroactive harm is possible, since it is hard to see how something I achieve posthumously can be an intrinsic good I *accrue*. I accrue goods only while I exist; if I set out to do something, and I succeed with the help of postmortem events, I succeed after I am dead. We are left wondering how I can accrue a good whose existence does not begin until my own is over. (Should we say that my achievement is a good I can accrue before it (fully?) exists? Do I take hold of the entire thing by accruing the first part of it, much as I might seize a snake by its tail?)

Perhaps we can tell a clearer story about retroactive harm if we draw on a different account of welfare, according to which it is intrinsically good for us that we get what we want.

Assuming that the object of a desire can be expressed in the form of a proposition, we can formulate this view as follows:

Simple Preferentialism: for any subject S, it is intrinsically good (bad) for S at time T that, at T, S desires P, and P is true (false). The stronger S's desire for P is, the better (worse) it is for S that P is true (false).

A bit of jargon will help me to clarify this account. Call the event that makes a proposition true its *truth maker*. For example the proposition *I am now typing* is made true by my typing now. This proposition is made true at the very same time as its truth maker occurs, but many propositions are made true at one time by events that occur at some other time. For example, it is true now that *I will marry next week*, and what makes this true is the marriage that takes place next week. According to simple preferentialism, it is good for me, now, that two things come together: *I desire* that I will be married next week, and I *will* be married next week. I accrue this good now, even though the relevant truth maker, my marriage, does not occur until next week. This good is retroactive in the sense that an event that happens after I incur the good is responsible for it. None of this involves backwards causation; events that occur at some time make propositions true then or at other times without causing anything to happen.

On this approach, it is easy to make good sense of the judgments in the achievement case: I desire, now, that I will conduct research leading to a cure for ALS; if, in the future, my research causes a colleague to think of a cure, it follows that what I desire is true now, which is good for me now, and I am benefitted, now, by an event in the future. If, on the other hand, the records of my research are burned before they prompt another scientist to devise a cure, then what I desire is false now, which is bad for me now, and I am harmed by a future event.

Unfortunately simple preferentialism is overly simple. Some desires concern the welfare of others; getting what we want for others may be good for *them* rather than us (Parfit 1984). Another problem is that, typically, the fact that something is desired has no bearing on whether it is desirable. Friendship is intrinsically good for me whether I desire it or not. A third worry is that it is not intrinsically good to have and meet irrational desires, such as the desire to wash one's hands ten thousand times a day.

It may be possible to close these holes by adopting a version of preferentialism that borrows a bit from achievementism. Let our *life plan* be our plan for how our life is to go, the shape it is to take. Let the term *achievement desire* refer to any desire to accomplish something. For example, the desire that I will build a rocket is an achievement desire. Finally, if an achievement desire is essential to (or plays a substantial role in) our life plan, let us say that it is one of our *essential* achievement desires. Now to pack all this into a formulation of preferentialism:

Strategic Preferentialism: for any subject S, it is intrinsically good for S at time T that, at T, S desires P, S's desire for P is an achievement desire that is essential to S's life plan, and P is true; it is intrinsically bad for S at T that, at T, S desires P, S's desire for P is an achievement desire that is essential to S's life plan, and P is false. The larger the role S's desire plays in S's life plan, the better (worse) it is for S that P is true (false).

Strategic, like simple preferentialism, provides for the possibility of retroactive harm. In the achievement case, my desire to do research leading to a cure for ALS is an achievement desire, and, by hypothesis, it is essential to my life plan. What is more, some later events would determine that I fail, and that would be intrinsically bad for me now while I desire what I do.

How does the new account fare against the objections to simple preferentialism? It handles the worry about desires that only concern others, since it focuses on desires embedded in

my plan for my own life. Although these desires might concern others, their being embedded in my life plan entails that they concern me as well, and that fulfilling them is in my interests. (Those who disagree can restrict the account to desires that solely concern the individual whose life plan is in question.)

The second criticism was that the desirableness of things does not hinge on their being desired. Some readers may well reject strategic preferentialism on the strength of this objection. However, in my view the objection is weak. There is no doubt that we may judge something to be valuable for its own sake, and set out to attain it for that reason. We desire it because we judge it to be desirable. But achievements have this peculiarity: their desirability, qua achievements, hinges on their being desired. To achieve is to reach a goal; a goal is a kind of desire (even though not all desires are goals; as Keller notes, having a goal entails intending to attain it); so if reaching some sort of goal is in itself good for us, fulfilling some sort of desire is in itself good for us.

In response to the third criticism, concerning irrational aims, we can emphasize that many frivolous desires (such as obsessive hand washing) are not essential to our life plan, and may even be irrational in that fulfilling them makes it more difficult for us to achieve our plan. Hence fulfilling such disconnected desires is not intrinsically good. Individuals who occupy themselves with disconnected pursuits, and who take no interest in the shape of their lives as wholes, can be criticized on the grounds that they deny themselves the distinctive kind of intrinsic good envisioned by strategic preferentialism.

However, it is not obvious that this sort of response goes far enough. An entire life plan, as well as an individual desire, might be flawed in various ways. A person might plan her life around silly projects such as counting blades of grass, or eating marbles, and it is not clear that fulfilling such plans is good in itself. In order to meet this kind of worry, some theorists (such as Rawls 1971, Brandt 1979, and Railton 1986) develop versions of critical preferentialism, according to which the only desires that bear on one's welfare are one's *rational* aims. Our aims are *rational*, on this view, if and only if we would retain them after rational scrutiny and under conditions of full information.

It is tempting to combine critical preferentialism with strategic preferentialism; doing so provides us with more resources for resisting criticisms that draw upon bizarre desires. To combine the two accounts, we need only specify that the desires whose fulfillment is intrinsically good for us are achievement desires that are essential to our *rational* life plan. However, there are good reasons not to replace strategic preferentialism with a critical variant. One is that critical preferentialism itself faces significant objections (see Sobel 1994, Rosati 1995, and Loeb 1995, and the replies by Murphy 1999; some of these criticisms are directed at *exclusive* critical preferentialism, the view that the *only* thing that is good for us is the fulfillment of our rational aims). Another is that strategic preferentialism is not as vulnerable as at first it might appear to be. It does not say that the fulfillment of salient desires is the *only* thing that is intrinsically good for us. Preferentialists can be pluralists; they can say that various things, such as pleasure and friendship, are also intrinsically good for us. Accordingly, they can insist that it is a bad idea to plan one's life exclusively around counting grass, even though, for those with this plan, success is intrinsically good. It is good for grass counters to succeed in the one thing they set out to do, but bad for them to limit themselves to such a narrow concern, as they will miss out on other things that are intrinsically good.

Strategic preferentialism also resists an objection, raised by Douglas Portmore (2007), to accounts that imply that whether the fulfillment of a desire is bad for us depends on whether or

not it is later given up. Such accounts are implausible, Portmore says, since we might vacillate about giving up desires. Portmore also worries about the situation in which we would have given up a desire, but died first: it seems strange to say that fulfilling a desire is good for us if we do not live to give it up. Such worries are not serious. Strategic preferentialism says that fulfilling desires that are essential to our life plans is good for us, and although there is no doubt that, while forming our life plan, we might waffle, and revise as we go, such a plan is apt to be a fairly stable matter. It strikes me as quite plausible to say that if we adopt a goal as a tentative part of our plan, only to abandon that goal in the course of revising our plan, then failing to reach that goal is not bad for us. It is the life plan we ultimately would adopt that determines which achievement desires affect our interests.

Consider a further complication. Earlier it was assumed that my desire for P is fulfilled at time T (at T I get what I want in desiring P) if I desire P at T and P is true at T. For example, in now desiring that I will marry next week, I now get what I want if it is now true that I will marry next week. There is, however, another view. Perhaps my desire for P is not fulfilled at T unless P's *truth maker* occurs at T. At issue is which of the following positions is correct:

Conformist claim: Subject S's desire P is fulfilled at T only if, at T, S desires P and P holds.

Effectivist claim: Subject S's desire P is fulfilled at T only if, at T, S desires P and P's truth maker occurs.

On the conformist claim, and not on the effectivist claim, it make sense for the preferentialist to countenance retroactive benefit and harm: conformists can say that if what I desire right now is that I will marry next week, and it is true now that I will marry next week, I get what I want now, even though my marriage has yet to occur.

One problem with the effectivist claim is that not all desires have objects with temporally discrete truth makers (e.g., the desire that some law of nature or mathematical truth hold); for such desires, presumably the conformist claim is more plausible.

But conformism faces objections too. Recall that often the objects of desires are true before the occurrence of the events that make them true. The object of my desire that I will meet with Warren Buffett next week is made true, now, by the meeting which takes place next week. The conformist claim is consistent with the view that we can get what we want in desiring something before our desire's object's truth maker has occurred. However, when people desire something P, they typically just do not think they have gotten what they want until P's truth maker occurs. That suggests that effectivism is correct.

There are at least two good responses to this objection. One is that people who desire P are not satisfied until P's truth maker occurs only because they do not *know* P holds until P's truth maker occurs. Suppose we had a crystal ball that revealed the future, and we spent some time checking to see whether our desires would come true. In time, I suspect, we would come to regard our present desires as fulfilled *now* if the ball reveals that their objects are made true now by the relevant bits of the future. Now consider

The Award: Hal has a crystal ball. He desires that he will win some award that is to be decided tonight. He consults his orb; immediately upon seeing the future (he wins!), he concludes that he now has what he now wanted.

I would say that Hal is correct, and so would we be in his place. Of course, we must be clear about what it is that we desire; if, in Hal's place, we desire that we will win, then right now, before the award is decided in our favor, we can have what we want. But we may want *other* things which we do *not* get now. For example, we may want to have the money now, or we may

desire that we are *now winning* the award. We cannot fulfill the desire to *be* winning until we *are* winning.

A second response to the objection helps confirm the first. Consider the following case:
The Contest: Today Bart becomes aware of a contest that took place last week. Not knowing who won, he comes to desire that he did. Later he discovers that he won, and concludes that he got what he wanted.

If effectivism were correct, Bart would be mistaken! Effectivism says we get what we want in desiring P only if two things coincide: our desiring P and the occurrence of P's truth maker. For Bart, these things never coincide: the events that make his desire's object true are over and done with long before he forms his desire. Effectivism implies that we cannot get what we want in cases like the Contest, which cannot be right.

By contrast, conformism seems to get things right. Not only can conformists say that Bart got what he wanted, they can tell a plausible story about *when* Bart got what he wanted. It wasn't when he won the contest, although winning was the event that made his desire's object true. Conformism and effectivism alike rule out *that* story, since Bart lacked the desire to win at the time he won. Both imply that a desire cannot be fulfilled at a time when it does not exist. According to conformism, he fulfilled his desire after he won; specifically, at the time he desired to have won. We can fulfill a desire concerning the past even though the truth maker of its object occurs in the past, prior to our forming the desire. It suffices that the desire and the truth of its object (and of any requirements on which it is conditional, as will be discussed later) hold simultaneously. Why should the same not be true of desires concerning the future, as in the Award case?

Are there any other grounds for preferring the effectivist claim? Perhaps; it seems to be supported by the fact that our desires are tentative (Luper 2005); in desiring what we do, we defer to our own future judgment, in the following way: suppose we desire P now, but later, before P's truth maker or falseness maker occurs, we voluntarily give up the desire. Then we never get what we want, even if P's truth maker eventually occurs. For example, if we now desire to go to Pakistan, but change our minds, we never get what we want in desiring to go to Pakistan—not now and not ever—even if we end up in Pakistan. Our desires are, in this sense, conditional on our not voluntarily giving them up before the truth makers (or falseness makers) of their objects hold. If mere conformity between the desire P and P's truth were what we wanted, dropping our desire in the future would not stop us from getting what we want now. Yet dropping a desire before its truth maker occurs does stop us from getting what we want, which suggests that what we really want is that the truth makers of our desires occur.

In order to meet this objection, I will need to say more about what it is for a desire to be conditional on something. Here is a rough account (which borrows heavily from McDaniel and Bradley, 2008). If I desire to eat at Joe's tonight on condition that you will come, then my desire is conditional in this way: eating at Joe's gives me what I want, but only if you come, and not eating at Joe's gives me something I do *not* want, but again only if you come. If the conformist claim is correct, then, we can adopt the following account of conditionality:

Subject S's desire P is conditional on C if and only if (a) P's truth gives S what S wants only if C holds, and (b) P's falseness gives S what S does not want only if C holds.

Effectivists will prefer the following account of conditionality:

Subject S's desire P is conditional on C if and only if (a) the occurrence of P's truth maker gives S what S wants only if C holds, and (b) the occurrence of P's falseness maker gives S what S does not want only if C holds.

We can now redraw the battle lines over what is entailed by ‘getting what we want.’ Let us stipulate that our desire P is fulfilled if and only if we get what we want in desiring P, and unfulfilled if and only if we get what we do not want in desiring P. On one hand there is the following position concerning the fulfilling of a desire:

Conformism:

--Subject S’s desire P is fulfilled at T if and only if: at T, S desires P, P holds, and, if S desires P on condition C, then C holds.

--S’s desire P is unfulfilled at T if and only if: at T, S desires P, P does not hold, and, if S desires P on condition C, then C holds.

On the other hand, proponents of the effectivist claim will insist on the following account:

Effectivism:

--Subject S’s desire P is fulfilled at T if and only if: at T, S desires P, P’s truth maker occurs, and, if S desires P on condition C, then C’s truth maker occurs.

--S’s desire P is unfulfilled at T if and only if: at T, S desires P, P’s falseness maker occurs, and, if S desires P on condition C, then C’s truth maker occurs.

Back to the objection before us, which was that if, in desiring P, we got all we wanted when P holds, then dropping our desire before its truth (or falseness) maker occurred would not prevent us from getting what we want, yet it does, which supports effectivism and, in turn, effectivist conditionalism. We can now see that this objection overlooks the fact that most if not all of our desires are conditional on not being dropped. If, for example, my current desire to go to Pakistan one day is conditional on not being dropped before its truth (or falseness) maker occurs, and later it *is* dropped, then I never get what I want, not even while I still (conditionally) want to go to Pakistan. Hence the tentativeness of our desires cannot be cited in favor of effectivism.

This response assumes that we can fulfill a desire now, even though it is conditional on some requirement concerning the future, as long as that requirement is met. But this does not strike me as odd. Consider a different case where the object and the condition of a desire are made true at distinct times: say we desire to rise before dawn on condition that the fish will be biting later, or we desire to become an activist for some cause, but only on condition that we will not later decide that the cause is unjust. Clearly we *can* fulfill these desires. Presumably we fulfill them when their objects hold (assuming that the fish bite and the cause always seems just). Or should we say that we do not fulfill a desire at T unless the *truth maker* of its object and of the requirement upon which it is conditional both occur at T? In that case, absurdly, we cannot get what we want in desiring to rise before dawn: our desire’s object’s truth maker occurs before dawn, but the truth maker of the requirement upon which it is conditional does not occur until later in the day, and by that time the first truth maker is no longer occurring.

This last point suggests a further response to effectivism: if, as it implies, a desire may be fulfilled only at the time its object’s truth maker occurs, then presumably it may be fulfilled only at the time the truth maker of the requirement upon which it is conditional occurs. But that would mean that we cannot fulfill desires whose objects and conditions have truth makers that never coincide in time. Yet we can. We can fulfill the desire to rise before dawn if the fish will be biting, even though the object of our desire is made true before dawn, and our desire is conditional on a requirement that is not made true until later. The view left standing is conformism.

(There are, of course, further alternatives to conformism and effectivism, but the ones that come to mind strike me as less plausible than the accounts I have considered. I will briefly

comment on a few of these. Conformism and effectivism are consistent in that they focus on the truth of propositions or on the truth *makers* of propositions and not both; each of the following alternatives lack such consistency:

Conformist effectivism: If S's desire for P is conditional on C, then S's desire is fulfilled at T if and only if: at T, S desires P, *P holds*, and C's truth maker occurs.

Effectivist conformism: If S's desire for P is conditional on C, then S's desire is fulfilled at T if and only if: at T, S desires P, *P's truth maker occurs*, and C holds.

Something else that conformism and effectivism take for granted is that the fulfillment of a desire hinges solely on things that are *concurrent* with that desire; the following account rejects this assumption:

Antecedent effectivism: If S's desire for P is conditional on C, then S's desire is fulfilled at T if and only if: S desires P at T and, *at T or earlier*, but not necessarily simultaneously, P's and C's truth makers occur.

If we also abandon the assumption that a desire is fulfilled, if at all, only *when* it exists, we might consider a further account:

Detached effectivism: If S's desire for P is conditional on C, then S's desire is fulfilled at T if and only if: *P's truth maker occurs at T* and, at some time or other, but not necessarily simultaneously, S desires P and C's truth maker occurs.

The first two accounts depart from conformism and effectivism in ways that seem arbitrary. The third, antecedent effectivism, has the implausible consequence that we cannot fulfill desires whose conditions' truth makers occur after the desires cease to exist [e.g., my desire that my money go to AA after I die, on condition that AA use it wisely]. The last account, detached effectivism, has the strange consequence that a desire may be fulfilled before we form it or after it has ceased to exist.)

Let us apply these points about desire fulfillment to the analysis of welfare. Conformism and effectivism point advocates of preferentialism to different views concerning when desire fulfillment benefits us. For simplicity, I will formulate these views without the complication added by strategic preferentialism:

Conformist preferentialism: for any subject S, it is intrinsically good for S at T that, at T, S desires P on condition C, C holds, and so does P; it is intrinsically bad for S at T that, at T, S desires P, C holds, and P does not hold.

Effectivist preferentialism: for any subject S, it is intrinsically good for S at T that, at T, S desires P on condition C, and the truth makers of C and P occur; it is intrinsically bad for S at T that, at T, S desires P, the truth maker of C occurs, and P's falseness maker occurs.

Given that conformism is the better account of desire fulfillment, the preferentialist should prefer conformist preferentialism over effectivist preferentialism. This is important, as the former, unlike the latter, supports the existence of retroactive harm.

Retroactive Wrongs

I have argued that retroactive harm exists. Some will say that if I am mistaken, little of consequence follows. We still would have good reason to act on behalf of the dead, for even if nothing we do after people die *harms* them, it can still *wrong* them. I think that this view needs more support than it has received. There are various reasons for saying that we may wrong the dead, but the most straightforward reason is that we have a *prima facie* duty to respect, hence fulfill, the desires of self-determining beings, even ones who have died, in at least some matters

concerning themselves, and to avoid acting against their interests, except perhaps when that is what they wish. Similarly, when people are alive but no longer competent, we must honor various decisions they reached while competent, such as their decision to forgo various forms of medical treatment (Buchanan and Brock 1990; a different approach is taken by Barilan 2010). Unless retroactive harm is possible, this way of defending the possibility of wronging the dead is easy to challenge. Against the claim that we must act in (or at least not against) the interests of someone who has died, there is a case that taps the immunity thesis:

1. If, at time T, nothing we do will further (impair) subject S's interests, then, at T, we are not obligated to further (avoid impairing) S's interests.
2. Nothing we do after S has died will further (impair) S's interests (immunity thesis).
3. So after S has died we are not obligated to further (avoid impairing) S's interests.

And against the claim that we must fulfill the desires of someone who is now demented or dead, there is the following, related, argument:

1. If, at time T, nothing we do will fulfill subject S's desire for P, then, at T, we are not obligated to fulfill S's desire for P.
2. Nothing we do after S has lost the capacity to desire P will fulfill S's desire for P.
3. So after S has lost the capacity to desire P we are not obligated to fulfill S's desire for P.

In this final section I will rebut these arguments then briefly argue for the existence of retroactive wrongs.

I doubt that anyone will question the first premises of either argument. Both follow from the truism that 'ought' implies 'can'--we need not do what we cannot do. Hence each argument is as good as its second premise.

We can immediately reject the first argument, however. It stands or falls on the strength of the immunity thesis, and earlier it was shown that the immunity thesis is false since interests may be furthered (or impaired) retroactively.

So we are down to the second argument. According to effectivism, a desire for P is fulfilled at time T only if two things come together at T: S desires P and P's truth maker occurs. Once S dies, or becomes demented, S's desire for P cannot be fulfilled, even if P's truth maker is made to occur. Hence if effectivism were correct the second premise would be true. However, it was shown above that conformism is more plausible than effectivism. If conformism is correct, some desires are fulfilled retroactively.

So much for rebutting the two arguments. Next let us see if there is positive reason for saying that we wrong some of the people whom we harm retroactively, and that we wrong some of those whose desires we fail to fulfill retroactively.

I assume that, other things being equal, it is morally objectionable to harm anyone. Given this assumption, it is reasonable to conclude that harming others retroactively is *prima facie* wrong.

I also assume there is a *prima facie* duty to fulfill the desires of self-determining beings concerning at least some matters concerning themselves, such as the medical treatment which they do not wish to receive. And given this assumption, we may infer that there is a duty to fulfill these desires even if it can be done only retroactively.

What we do when we wrong others by harming them, or by thwarting their desires, retroactively, seems well described as *retroactive wrongdoing*, since the people we wrong become victims before we act. They are *wronged* before we act, hence they are wronged

retroactively. However, there is plenty of ambiguity in the way we use the term ‘wrong,’ and it is as natural to say that we wrong others at the time we act as it is to say that we wrong them at the time they incur harm. (Suppose I set up a bomb to injure you a week later: we are similarly torn between saying that I wrong you at the time I act, and at the time, a week later, when you are injured.) We can also speak of timeless wrongdoing. I see no grounds for insisting on one of these ways of speaking rather than the others. The salient point, on which I do insist, is that some of our acts are objectionable because they are responsible for the fact that their victims have unfulfilled desires or lower welfare before the acts are performed. We may as well call these acts retroactive wrongs.

An interesting question remains: if we wrong others retroactively, at what time is it appropriate to punish us? It can be tempting to reject the possibility of retroactive wrongdoing on the grounds that, if it exists, we may properly punish people before they perform their objectionable acts (an argument like this is given by Callahan 1987). But that response is simplistic. The proper timing of punishment is a complicated topic, and it is entirely possible to acknowledge the existence of retroactive wrongdoing yet deny that it is ever appropriate to punish people before they act improperly (Taylor 2008). E.g., one might argue that punishment for *any* wrongful act is appropriate only after the act is performed since only then will it be *known* that someone has acted improperly. (But what if, per impossible, it *were* known that we will do something in the future that wrongfully harms someone now—or in the future?)

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