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ARTICLES

Posthumous Harm and Changing Desires

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Abstract

The desire-satisfactionist defense of the existence of posthumous harm faces the problem of changing desires. The problem is that, in some cases where desires change before the time of their objects, the principle underlying the desire-satisfactionist defense of posthumous harm yields implausible results. In his prominent desire-satisfactionist defense of posthumous harm, David Boonin proposes a solution to this problem. First, I argue that there are two relevantly different versions of the problem of changing desires, and that Boonin's proposed solution addresses only one of them. Second, I argue that modifying the underlying principle is a better approach to overcoming the problem of changing desires since it addresses both versions of the problem. I defend this approach against objections by showing that the problems raised are problems for the principle as a general theory of harm, not for the principle as part of the desire-satisfactionist defense of posthumous harm.

Keywords: posthumous harm; desire satisfaction; well-being; death; non-existence

1. Introduction

The existence of posthumous harm, understood as a person's being harmed by an act or event that obtains after their death, has been extensively defended on desire-satisfactionist grounds. In essence, the idea behind the desire-satisfactionist defense of posthumous harm is that posthumous harm can occur when a state of affairs that obtains after a person's death frustrates one or more of the desires that the person had while they were alive (Boonin 2019; Feinberg 1987; Luper 2012; Pitcher 1984). The general, underlying principle is (some version of) the following (Boonin 2019: ch. 1; Luper 2012; Portmore 2007):

> *Desire Principle*: A person, B, is harmed by an act or event E if: (1) B wants P to be true, and (2) E makes P false.[1]

[1]I will follow Boonin (2019) and Luper (2012) in assuming a counterfactual account of harm according to which E harms B if and only if E makes B worse off than they otherwise would have been. Note, though, that the combination of the Desire Principle and the counterfactual account of harm seems inconsistent, since the Desire Principle entails that E harms B even if, had E not made P false, something else would have made P false. That is, according to the Desire Principle, E harms B even if it does not make B worse off than they otherwise would have been. To avoid this inconsistency and maintain both the

Note that the Desire Principle is consistent with there being other things beside desire satisfaction that affect well-being (Boonin 2019: 77). It can also be adapted to be part of an account in which *not all* desires affect well-being. That is, the set of desires that the principle operates on can be restricted to exclude desires that do not seem relevant to well-being. Hence, although the desire-satisfactionist defense of posthumous harm clearly requires accepting that the frustration or satisfaction of at least some desires affects well-being, it does not require adopting a pure or all-encompassing desire-satisfactionist theory of well-being. Moreover, it is important to note that the Desire Principle is merely a sufficient, not a necessary condition for harm.

The principle assumes that to desire something is to want some proposition to be true (Boonin 2019: 74). For example, when I desire that Charlie empties the litter box tomorrow, it means I want the proposition P: Charlie empties the litter box tomorrow, to be true. On this view, my desire is satisfied if it is true that Charlie empties the litter box tomorrow, and it is frustrated if it is false that Charlie empties the litter box tomorrow. Charlie's act of omitting to empty the litter box tomorrow, makes P false, which harms me. Similarly, Charlie's act of emptying the litter box makes P true, which benefits me.[2] According to the desire-satisfactionist defense, it works the same way in the case of posthumous harm, only the act or event that makes the relevant proposition true or false obtains after the person's death.

Consider an example:

> **Alice**: While she is alive, Alice desires that her ashes be scattered at the top of her favorite mountain. But, after her death, her husband Ted flushes Alice's ashes down the toilet (Boonin 2019: 13–14).

Ted's act makes it false that Alice's ashes are scattered at the top of her favorite mountain. Hence, the Desire Principle entails that Ted's act harms Alice, and since Ted's act takes place after Alice's death, the argument goes, this is an instance of posthumous harm (Boonin 2019: ch. 1). Of course, posthumous harm is special since the person does not exist at the time when the act that supposedly harms them occurs. Because of this, questions naturally arise about the timing of posthumous harm. Since my argument does not hinge on any particular view about the timing of posthumous harm, I will simply assume for the sake of argument that the harm is incurred while the person is alive and holding the desire (Boonin 2019, ch. 4; Luper 2012). On this view, Alice is harmed while she desires that her ashes be scattered at the top of her favorite mountain.

A prominent objection to the desire-satisfactionist defense of posthumous harm comes from *the problem of changing desires*. In short, the problem is that, in order to support the existence of posthumous harm, the Desire Principle must include future-oriented desires in its scope, but, in cases where future-oriented desires change before the time of their objects, the principle yields implausible results. In his desire-satisfactionist defense of posthumous harm, David Boonin (2019) proposes a way to overcome the problem of changing desires. He argues that, once we properly clarify the seemingly problematic results, we will see that they are not implausible after all. This way, the problem of changing desires is dispelled. Another approach to overcoming the problem is to avoid the results altogether by modifying the Desire Principle.

Desire Principle and the counterfactual account of harm, we must assume a third, implicit condition in the *Desire Principle*: that if E had not occurred, P would have been true, and B would still want P to be true.

[2]I will assume a corresponding benefit-version of the Desire Principle (cf. Boonin (2019: ch. 5)).

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This second approach, call it the Modified Desire Principle approach, has been endorsed for instance by Steven Luper (2005, 2012).

In this paper, I argue, first, that there are two relevant versions of the problem of changing desires, that Boonin's (2019) proposed solution is implicitly focused on one of them, and that, on the other version, the problem of changing desires remains unsolved despite Boonin's suggested measures for overcoming it. Second, I argue that the Modified Desire Principle approach is better suited for solving the problem of changing desires, since it allows the desire-satisfactionist defense of posthumous harm to overcome both versions of the problem.

Finally, I defend the Modified Desire Principle approach against some prominent objections by Douglas Portmore (2007) in two steps. First, I suggest that insofar as Portmore's objections pose problems for the Modified Desire Principle, they are problems for the principle only when it is taken *as a general principle of harm*. Second, I point out that the desire-satisfactionist defense of posthumous harm does not require adopting any general principle of harm. Rather, it merely requires a principle that provides a sufficient condition for harm without yielding other, unacceptable results. For this purpose, the Modified Desire Principle is sufficient.

The outline of the paper is as follows. In section 2, I explain the problem of changing desires and Boonin's (2019) proposed solution. In section 3, I argue that there are two relevantly different versions of the problem. In section 4, I introduce the Modified Desire Principle approach as a solution to the problem of changing desires and defend it against objections. Section 5 concludes.

2. The problem of changing desires

In order to support the existence of paradigm cases of posthumous harm, the Desire Principle must include future-oriented desires in its scope, where a future-oriented desire is a desire that some state of affairs occurs at a time subsequent to the time of desire (Boonin 2019: 74).[3] However, including future-oriented desires in the scope of the principle gives rise to the problem of changing desires. The problem is that the Desire Principle will yield implausible results in cases where future-oriented desires change before the time of their objects (Boonin 2019: ch. 3; Heathwood 2006; Luper 2012; Portmore 2007).

Consider an example:

> **Chris**: For years, Chris had a desire to listen to rock music on his 50th birthday. But, one week before his birthday, his tastes start to change, and, come his birthday, he desires to listen to easy listening music instead. On his birthday, we play easy listening music for Chris (Boonin 2019: 75; Heathwood 2006: 541).

[3]Since posthumous events are necessarily future from the time that a person holds any desire, it might appear that only future-oriented desires can be satisfied or frustrated by posthumous events. However, a desire that is *not* future-oriented could be satisfied or frustrated by a future event, including a posthumous event. For instance, if I desire that, at some point, someone admires me, this desire could be satisfied by a future state of affairs even though it is not specifically about the future and thus not future-oriented. Hence, the Desire Principle need not include future-oriented desires to support the existence of *some* instance of posthumous harm. However, in order to support the existence of posthumous harm in the *paradigm cases* like Alice, where a desire that is specifically about a posthumous state of affairs is frustrated, the scope of the Desire Principle must include future-oriented desires.

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Since Chris wanted it to be true that he listens to rock music on his 50th birthday, and our act of playing easy listening music for him makes it false that he listens to rock music on his 50th birthday, the Desire Principle entails that our act of playing easy listening music for Chris harms him, even though, on his 50th birthday, he no longer wants rock music but prefers easy listening music instead (Boonin 2019: sec. 3.4; Heathwood 2006). Put in general terms, the problem is that if the Desire Principle includes future-oriented desires, it may yield the seemingly implausible result that a person is harmed by the frustration of a desire that they abandon or replace before the time of the object (Luper 2012; Portmore 2007).

Boonin's (2019) proposed solution to this problem proceeds in two steps. First, he points out that the problem does not arise for every future-oriented desire that is abandoned or replaced before the time of the object. This is because many of our future-oriented desires are conditional on their own persistence. Having a desire that X obtains at some future time t where the desire is conditional on its own persistence means wanting that X obtains at t only if, at t, one wants X to obtain (Boonin 2019: sec. 3.4; Luper 2012). For example, if Chris's desire to listen to rock music on his 50th birthday is conditional on its own persistence, then Chris wants it to be true that *if* he wants to listen to rock music on the day of his 50th birthday, then he listens to rock music on his 50th birthday (Boonin 2019: 80).

When the antecedent of a conditional desire is not fulfilled, the desire is cancelled, meaning it is neither satisfied nor frustrated (McDaniel and Bradley 2008).[4] Hence, if Chris's desire to listen to rock music on his 50th birthday is conditional on its own persistence, his changing his mind means the antecedent is not fulfilled, and the desire is cancelled. Therefore, Chris is not harmed by our playing easy listening music instead of rock music for him on his birthday (Boonin 2019: 80–81). In general, if a person desires that X obtains at some future time t on the condition that their desire persists until t, and the desire does not persist until t, then the desire is cancelled, and whether it is true or false that X obtains at t does not affect the person's well-being from desire satisfaction, all else equal.

It seems, however, that there are important future-oriented desires that are *not* conditional on their own persistence; call these *unconditional* desires. For instance, it has been suggested that, in general, desires that express ideals, such as the desire to be committed to one's religion or to reach goals that one considers particularly worthwhile, are often unconditional (Bykvist 2003; Parfit 1986). For example, if I now desire that I remain a Buddhist in old age, it is reasonable to think that what I want is not that I remain a Buddhist only if when I reach old age I still want to be a Buddhist, but that I remain a Buddhist regardless of whether I still want to be a Buddhist in old age. Parfit's (1986: ch. 8) well-known poet case is another example: when he was young, Parfit most of all wanted to become a poet when he grew up. His desire to become a poet was not conditional on its own persistence; he wanted to become a poet regardless of whether he would still want it when he grew up.

For clarity, note that a desire's not being conditional on its own persistence is consistent with the person wanting that the desire persists until the time of the object. When I desire that I remain a Buddhist in old age regardless of whether I still want to be a Buddhist by then, it is not that I am indifferent with respect to whether I

[4]Depending on how conditional desires are conceived of, there may be slightly different verdicts about what happens when the antecedent of a conditional desire is not fulfilled, but the general point is that if the antecedent is not fulfilled, the desire is not frustrated.

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will want to be a Buddhist when I reach old age. The ideal scenario is that, when I am old, I remain a Buddhist *and* I want to be a Buddhist. But my present desire is that, *even if* I no longer want to be a Buddhist when I am old, I still remain a Buddhist.

Note also that the fact that a desire is unconditional does not mean that it cannot change. Even unconditional desires can be abandoned or replaced. Again, take my desire to remain a Buddhist. It may well be that I convert to Christianity and replace my unconditional desire to remain a Buddhist with an unconditional desire to be a Christian in old age. In that case, I no longer want that **even if I no longer want to be a Buddhist when I reach old age, I still remain a Buddhist in old age**, but this does not make the original desire any less unconditional.

It is in these cases, where *unconditional* desires change, that the Desire Principle will yield the result that a person is harmed by the frustration of a desire even if they abandon or replace it before the time of the object. If, as suggested in section 1, we adopt the view that harm accrues to the person at the time of desire, then in the Buddhist case we get the result that, if it is false that I remain a Buddhist in old age, I am harmed while I hold the desire to remain a Buddhist. However, in the time after I have abandoned or replaced my desire to remain a Buddhist, I am not harmed. Hence, in a scenario where during my twenties I desire to remain a Buddhist in old age, but for the rest of my life I desire to be a Christian in old age, if I end up being a Christian in old age, I am harmed in my twenties but benefited during the rest of my life.

This brings us to the second step in Boonin's (2019) proposed solution. He argues that the result that a person is harmed by the frustration of an *unconditional* desire that they have abandoned or replaced before the time of the object is perfectly acceptable given that we apply a second distinction, one between *two senses of harming*: harming in a whole-life sense and harming in a remaining-life sense.

On Boonin's view, assuming the Desire Principle is true, harming in the whole-life sense means decreasing the extent to which the desires someone has across their lifetime are satisfied, while harming in the remaining-life sense means decreasing the extent to which the desires someone has from some particular time, i.e. from the time of the object of a desire, and onwards are satisfied. In other words, the distinction is between making someone's life as a whole go worse for them in terms of desire satisfaction and making the rest of someone's life go worse for them in terms of desire satisfaction (Boonin 2019: 81–82).

We have seen that, if Chris's former desire to listen to rock music on his 50th birthday is unconditional, the Desire Principle implies that our act of playing easy listening music for him on his birthday harms him since it frustrates that desire. Once we apply the distinction between harming in the whole-life sense and harming in the remaining-life sense, we see that, while our act harms Chris in the whole-life sense, it does not harm him in the remaining-life sense. Instead, it benefits him in the remaining-life sense (from his birthday and onwards) since it satisfies his desire for easy listening music.[5]

Boonin suggests that the result that Chris is harmed *in the whole-life sense* by our act of playing easy listening music on his birthday is acceptable given that his desire for

[5]Similarly, I take it that if Chris had simply abandoned his desire for rock music without forming any other desire about what to listen to on his birthday (that is, if he had not replaced his earlier desire with another where the objects of the two desires are mutually exclusive), our playing easy listening music for him would have harmed him in the whole-life sense, but it would have had no effect on his well-being from desire satisfaction in the remaining-life sense.

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rock music was unconditional. Hence, the idea is that once we acknowledge the distinctions between conditional and unconditional desires, and between the two senses of harming, we see that the results yielded by the Desire Principle in cases where future-oriented desires change are not implausible after all, and so the problem of changing desires is resolved. Moreover, this view is consistent with the existence of posthumous harm since it entails that if a posthumous act or event frustrates a future-oriented, unconditional desire that the person had when they were alive, it harms the person in the whole-life sense (Boonin 2019: 85).

In the next section, I suggest that there are two relevantly different versions of the problem of changing desires and that Boonin's approach to overcoming the problem implicitly assumes one version rather than the other. I then argue that, on the second version of the problem, the result that a person is harmed by the frustration of an unconditional desire that they abandoned or replaced before the time of the object is not acceptable, not even once we apply the distinction between the two senses of harming. Hence, on the second version, the problem of changing desires remains unsolved.

3. Two versions of the problem of changing desires

We have seen that applying the distinction between conditional and unconditional desires helps identify the set of cases where the problem of changing desires arises, namely cases where unconditional desires change before the time of their objects. It is in these cases that the Desire Principle may yield the result that a person is harmed by the frustration of a desire that they abandoned or replaced before the time of the object. Then, according to Boonin's (2019) proposed solution, if this result seems implausible, applying the distinction between harming in the whole-life sense and harming in the remaining-life sense vindicates it and thereby resolves the problem.

However, whether applying this distinction solves the problem of changing desires clearly depends on how we conceive of the problem. How we conceive of the problem in turn depends on the reason why we find it implausible that a person is harmed by the frustration of a desire that they abandoned or replaced before the time of the object. I suggest that there are two relevantly different versions of the problem of changing desires:

1) We find it implausible that a person is harmed by the frustration of a desire that they abandoned or replaced before the time of the object because we are implicitly focused on harm in the remaining-life sense, that is, on what makes *the rest* of the person's life go worse for them in terms of desire satisfaction. Of course, the idea that we make Chris's life from his birthday and onwards go worse for him by playing the music that he wants to hear on his birthday seems unacceptable. However, once we apply the distinction between harming in the whole-life sense and harming in the remaining-life sense, we see that, actually, it is *false* that Chris is harmed in the remaining-life sense. If all that was problematic was the idea that Chris is harmed in *the remaining-life sense*, and the idea that he is harmed in *the whole-life sense* is considered acceptable, applying the distinction between the two senses of harming solves the problem (Boonin 2019: sec. 3.4; Lukas 2010).
2) We find it implausible that a person is harmed *at all* by the frustration of a desire that they abandoned or replaced before the time of the object, because we think that the fact that the person *changed their mind* matters in terms of the effect on

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well-being from desire satisfaction. On one such view, changing one's mind and thereby abandoning or replacing a desire before the time of the object renders the desire *irrelevant* to well-being (Luper 2005: 343; Parfit 1986: ch. 8). It follows that the frustration of a desire that is abandoned or replaced before the time of the object does not harm the person and its satisfaction does not benefit them, at least not qua desire frustration or satisfaction. That is, given that a person abandons their desire before the time of the object, not getting the object does not seem to harm the person in virtue of the frustration of that desire. However, the frustration of a desire that persists until the time of the object or until the person *involuntarily ceases* to have the desire – call these *persistent* desires – may still harm the person on this view.

The distinction between abandoning a desire and involuntarily ceasing to have it is important. If ceasing to have a desire due to death counts as abandoning it, the view that abandoning a desire before the time of the object makes it irrelevant to well-being is clearly inconsistent with the existence of posthumous harm. However, it may not be obvious what counts as abandoning a desire as opposed to involuntarily ceasing to have it. Presumably, many of our desires come and go through subconscious processes, and many, if not all desires appear to depend both on internal and external factors. It also seems that we typically cannot change our desires directly at will; even when we actively change our desires it tends to happen through deliberation over time. Hence, it may seem that most desires (or changes thereof) are to some extent involuntary. Nevertheless, I will proceed on the basic view that abandoning or replacing a desire involves *changing one's mind*, be it through a conscious or subconscious process (and the same goes for forming new desires). Since ceasing to have a desire due to something like sudden cognitive impairment or death does not involve the person changing their mind, this does not constitute abandonment, but rather involuntary change.[6]

On the second version of the problem, applying the distinction between the two senses of harming does not help overcome the problem since the issue is not with the result that the person is harmed specifically in the remaining-life sense by the frustration of their former desire, but rather with the result that the person is harmed *at all* by this frustration given that they abandoned the desire before the time of the object. There may be various explanations for why one might think that a person's changing their mind matters in this way, and they undoubtedly tie into the more general issue of the relevance of past desires. I will not delve far into this question here, but I will offer some brief reflections in favor of the view that abandoned desires do not count toward well-being while persistent desires do. Insofar as such a view can be plausibly held, the second version of the problem of changing desires needs to be addressed.

To see the pull of this view, let us start by considering some analogies with things that seem to lose moral significance for their own sake once abandoned. First consider promises: At time t, A promises B that A will display B's artwork in a gallery at a future time t1 no matter what (the *no matter what* qualification indicates that the promise is unconditional in a sense similar to that of unconditional desires). At some time between t and t1, B changes their mind and tells A that they no longer care whether their art is displayed in a gallery at t1, and that A need not bother with it.

[6]See e.g. Pettigrew (2019: 169) for a similar distinction between abandoning a desire and ceasing to have it due to death.

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When B changes their mind about A displaying the artwork and tells A that they need not bother with it, B is saying that, as far as they are concerned, A does not need to perform the act of **displaying B's artwork no matter what**. In this case, it seems that B's changing their mind voids the promise. That is, B's changing their mind seems to imply that the promise is morally irrelevant qua promise, meaning that its fulfillment or thwarting is itself morally neutral. Moreover, in a case where B changes their mind and asks A *not* to display the art in a gallery at t1, fulfilling the promise seems to be morally worse than neutral, all else equal.

Second, consider an analogy with a contract, such as a will: At time t, my parents sign a will saying that their estate is to be divided equally between me and my brother no matter what. That is, the estate shall be divided equally on no condition (barring of course some event that makes this impossible, e.g. mine or my brother's death). Later on, at t1, I start pursuing a lifestyle that my parents strongly disagree with and we become estranged. Because of this, my parents reconsider and change their will to exclude me from inheritance. In this case, even if not fulfilling the original will is morally problematic for other reasons, e.g. because it severely disadvantages me, it seems clear that the original will is legally and morally irrelevant qua contract, and that, in a choice between the two wills, it is the new one that counts.

Some might appear to disagree and point out that, in scenarios like these, there still seem to be moral reasons to fulfill the terms of the former contract. Similarly, some promises seem morally significant even if the promisee changes their mind. For instance, Parfit's example of the Nineteenth Century Russian may prompt such intuitions: a young Russian with socialist ideals will inherit land and wants to donate it to the poor. He knows that his ideals might change and therefore makes his wife promise that she will not let him keep the land. By the time the inheritance comes, the young Russian has abandoned his ideals and asks his wife to let him keep the land (Parfit 1986: 327). In this case, it seems there is moral reason for the wife to keep her promise not to let her husband keep the land.

However, I contend that these reasons do not have to do with the promise itself, but rather with the presumed objective value of its content. It is a morally better outcome that the poor get the land, and this seems to be what gives the wife moral reason to keep the promise. In an opposite scenario, where the young Russian first wants to keep the land and asks his wife to promise not to let him donate it, the intuition that the wife has moral reason to keep the initial promise once the husband changes his mind and wants to donate the land seems much weaker. This indicates that whatever moral reasons there may be for fulfilling a promise or a contract that has been abandoned or replaced before its object is supposed to be realized, they stem from something other than the moral significance of the promise or contract itself.

Although these examples have to do with morality or the law, and not with well-being, they are relevantly analogous to the issue of desires and well-being. The analogies seem to indicate that there is a sense in which a person's abandoning or replacing a desire before the time of the object voids the former desire and ascribes relevance to the new desire (or to the lack thereof) instead. This view gains further intuitive support once we consider trade-offs between abandoned and persistent desires that are mutually exclusive.

Take the following example:

Andy: Andy's 80th birthday is coming up. He loves poetry and wants exactly one special poem to be recited at the celebration. At t1, Andy desires that Maya

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> Angelou's poem Still I Rise be recited on his 80th birthday (D1). However, after careful consideration, at t2 he changes his mind and desires instead that her poem On Aging be recited on his 80th birthday (D2). Neither desire is conditional on its own persistence; for each desire, Andy wants the poem in question to be recited regardless of whether he still wants to hear that poem come his birthday. At t3, a few days before his 80th birthday, Andy suffers a stroke, which renders him cognitively impaired and unable to have desires about anything as complex as poetry. Hence, on the day of his 80th birthday, Andy has no desires regarding which poem is to be recited. His family recites On Aging on Andy's birthday.

Because the family's act of reciting On Aging makes it false that Still I Rise is recited on Andy's 80th birthday, thereby frustrating D1, the Desire Principle entails that the family's act harms Andy. But since the family's act makes it true that On Aging is recited on his birthday, thereby satisfying D2, the (corresponding benefit version of the) Desire Principle entails that the family's act also benefits Andy. If we assume that D1 and D2 are equal in all relevant respects, it seems that, unless we apply some additional, external qualifications, we get the result that the overall effect of the family's act on Andy's well-being is neutral (that is, the overall effect on well-being as far as the frustration or satisfaction of D1 and D2 is concerned, barring any other effects of the family's act).

The above result indicates that, insofar as these desires are relevant to Andy's well-being at all, it does not matter for his well-being whether the family recites Still I Rise or On Aging on Andy's birthday. This in turn seems to imply that, all else equal, there is no moral reason for the family to recite one poem rather than the other on Andy's birthday (at least none that have to do with Andy's well-being from desire satisfaction). However, it is intuitive that the family does have moral reason to recite the poem Andy last wanted (On Aging), rather than the one he wanted earlier (Still I Rise). If instead the family decided to recite Still I Rise rather than On Aging on Andy's birthday, this seems like the wrong choice; if he could contemplate his family's choice in this scenario, it seems that Andy would have a reasonable complaint against them.

If these intuitions are compelling, perhaps the best explanation for this is that (again, insofar as either of these desires is relevant to Andy's well-being at all) it is better for Andy that his family satisfies his later desire for On Aging rather than his earlier desire for Still I Rise. Having D1 frustrated and D2 satisfied seems to be a net benefit to Andy, and perhaps the best explanation for *this* is that Andy is not harmed by the frustration of the desire he replaced, and that only the desire that persisted until he suffered the stroke affects his well-being from desire satisfaction. At the very least, these intuitions provide some support for the view that abandoned or replaced desires do not count toward well-being whereas persistent desires do.

It can be argued, though, that this view is unnecessarily strong, and that even if a person's changing their mind matters for how the frustration or satisfaction of certain desires affects well-being, it need not be in the sense that desires that are abandoned before the time of the object do not count toward well-being *at all*. A more moderate view is that abandoned desires count toward well-being although *not in the same sense* as persistent desires do. On such a view, the result that a person is harmed by the frustration of an abandoned desire would be considered implausible insofar as the result presupposes that the abandoned desire counts in the same sense as a persistent desire.

The distinction between the two senses of harming may appear to offer a way to interpret the result in a way that accommodates the view that there is *one sense* in

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which the frustration or satisfaction of an abandoned or replaced desire affects the person's well-being, and *a different sense* in which the frustration or satisfaction of a persistent desire affects their well-being. In the case of Chris, the distinction shows how our act of playing easy listening music affects his well-being in two different ways, not just in that our act both harms and benefits him, but in that the sense in which it harms him is separate from the sense in which it benefits him. Our act harms him in the whole-life sense, and benefits him in the remaining-life sense.

However, I argue that, although in cases like Chris the distinction between the two senses of harming appears to be helpful in this way, the case of Andy indicates that the distinction does not do the same work in other relevant cases, and thus does not solve the problem across the board. Hence, the problem of changing desires persists even on the more moderate view. As we have seen, since the family's act of reciting On Aging frustrates Andy's earlier desire to have Still I Rise recited, the Desire Principle entails that the family's act harms Andy even though, on his birthday, he no longer has a desire that Still I Rise (or any other poem) be recited. Since the family's act also satisfies Andy's later desire to have On Aging recited, the principle entails that the family's act benefits Andy as well.

Note that since Andy has no desires about poetry at the time of the recital, the family's act does not affect his well-being from desire satisfaction in the remaining-life sense; it only affects his well-being in the whole-life sense. Hence, once we apply the distinction between the two senses of harming, we see that Andy is harmed and benefited only in the whole-life sense, not in the remaining-life sense, by the family's act of reciting On Aging. The distinction thereby separates the sense in which Andy is harmed and benefited by the family's act from the sense in which the act has no effect on his well-being from desire satisfaction.

However, the distinction between the two senses of harming tracks the change in Andy's desires that was due to the stroke, not the change *from D1 to D2*. The Desire Principle entails that the family's act of reciting On Aging rather than Still I Rise harms Andy even though he replaced the desire for Still I Rise (D1) with a desire for On Aging (D2). Since the family's act affects Andy's well-being only in the whole-life sense, the distinction between the two senses of harming does not indicate one sense in which the frustration of D1 affects Andy's well-being and another sense in which the satisfaction of D2 affects his well-being.

The same issue arises in similarly structured posthumous harm cases. Consider the case of Alex, which is like the case of Andy, but instead of desiring to have a poem recited on his birthday, Alex desires to have a poem recited at his funeral. Since there is no remaining life at the time of the recital, the family's act only affects Alex's well-being in the whole-life sense. So, just like in the case of Andy, the distinction between harming in the whole-life sense and harming in the remaining-life sense is not helpful in the case of Alex since it does not address the result that Alex is harmed by the family's act of reciting On Aging instead of Still I Rise, even though he replaced his desire for Still I Rise with the desire for On Aging before he died.

It should be emphasized, though, that this is a matter of *pro tanto* harm, not necessarily *overall* harm. Since the family's act does not just harm but also benefits Andy/Alex in the whole-life sense, the family's act is not necessarily an overall harm to Andy/Alex (again, that is the overall effect on well-being as far as the frustration or satisfaction of D1 and D2 is concerned). Nevertheless, if we find it implausible that a person is harmed by the frustration of a desire that was abandoned before the time of the object because we do not think that these desires count toward well-being, or because

we do not think that they count *in the same sense* as persistent desires, then it is enough that it is a matter of *pro tanto* harm for the result that Andy/Alex is harmed by the frustration of D1 to be considered implausible.

4. The modified desire principle

We have seen that, on the second version of the problem of changing desires, the problem persists despite efforts to vindicate the seemingly implausible results implied in cases where future-oriented, unconditional desires change before the time of their objects. An alternative approach to overcoming the problem is to avoid the problematic results altogether by adding a third condition to the Desire Principle (Boonin 2019: 78–79; Luper 2012; Portmore 2007: 30):

> *Modified Desire Principle*: A person, B, is harmed by an act or event, E, if: (1) B wants P to be true, (2) E makes P false, and (3) B will not abandon their desire that P before the time of the object.

Unlike the original Desire Principle, the Modified Desire Principle does not entail that a person is harmed by the frustration of a future-oriented desire that they abandon or replace before the time of the object. Hence, the principle does not entail that Chris is harmed by the frustration of his desire to listen to rock music on his 50th birthday, nor does it entail that Andy/Alex is harmed by the frustration of his desire to have the poem Still I Rise recited on his birthday/at his funeral. But, if Andy's/Alex's later desire for the poem On Aging were frustrated, the Modified Desire Principle would entail that Andy/Alex is harmed by this frustration since he did not *abandon* that desire but instead ceased to have it due to the stroke/his death.[7]

Despite the restriction imposed by the new condition, the Modified Desire Principle supports the existence of posthumous harm as it is understood on the desire-satisfactionist defense; if a person has a relevant future-oriented desire that is not conditional on its own persistence, they do not abandon it before their death, and it is frustrated by a posthumous act or event, then the Modified Desire Principle entails that the posthumous act or event harms the person (Boonin 2019: 78).[8]

[7]An anonymous referee pointed out that since the Modified Desire Principle's third condition says that B *will not* abandon their desire before the time of the object, the principle may entail that a person is harmed by the frustration of an unconditional desire that persists until their death, even if they *would have* abandoned it before the time of the object had their actual death not occurred. Whether such results are acceptable is undoubtedly controversial, but it is not crucial to the present argument. Suffice it to say that it seems plausible to think that it is a person's *actual* desires and the *actual* changes thereof that matter to their *actual* well-being. Merely counterfactual desires or changes thereof presumably do not affect one's actual well-being.

[8]Boonin (2019: 78–79) considers but ultimately rejects the Modified Desire Principle approach on the grounds that it seems *ad hoc* to think that the frustration of a voluntarily abandoned desire does *not* harm a person while the frustration of a desire that a person involuntarily ceases to have *does* harm the person. That is, he sees no reason to think there is a difference in terms of the effect on well-being from desire satisfaction between abandoning a desire and involuntarily ceasing to have it. However, this response simply rejects the view that a person's *changing their mind* matters to the effect on well-being from desire satisfaction. Again, insofar as this view can be plausibly held (and I hope to have provided good reason to think it can), it needs to be addressed.

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It has been argued, however, that even if in some cases it is implausible that a person is harmed by the frustration of a desire that they abandoned or replaced before the time of the object, adopting the Modified Desire Principle is not an appropriate approach to overcoming this problem since the principle comes with problems of its own (Boonin 2019: ch. 3; Portmore 2007). In this section, I discuss Douglas Portmore's (2007) prominent objections to the Modified Desire Principle and argue that they do not undermine the Modified Desire Principle as part of the desire-satisfactionist defense of posthumous harm.

First, Portmore argues that, in some circumstances, which desire is and which desire is not abandoned is arbitrary, and thus the Modified Desire Principle's verdict that the frustration of whichever desire was not abandoned harms the desirer, is arbitrary. For example, if while he is alive Alex keeps switching back and forth between wanting Still I Rise to be recited at his funeral and wanting On Aging to be recited, whether he is harmed by the family's act of reciting On Aging depends on whether he happens to die while desiring the first poem or while desiring the second. In such a case, it seems arbitrary that the desire he just happened to have right before he died should be the one to count in terms of well-being, especially if it is the case that, had he died just a little later, Alex would have changed his mind again (Portmore 2007: 31).[9]

Second, Portmore finds it problematic that the Modified Desire Principle seems to obscure potentially relevant factors such as the duration and intensity of desires. He suggests that, if a desire is held unconditionally for many years, the person puts significant effort into fulfilling it, and they only abandoned it because they suddenly became infatuated with something else, it seems implausible that the person would not be harmed by its frustration simply because of this abandonment (Portmore 2007: 31).

Importantly, Portmore's objections focus on a stronger version of the Modified Desire Principle on which conditions 1–3 are necessary and sufficient conditions for harm. Like the Desire Principle, the Modified Desire Principle as it is formulated above is weaker, since it merely provides a sufficient condition for harm. A merely sufficient condition for harm does not tell us anything about which desire frustrations do *not* harm the person. Hence, the weaker Modified Desire Principle does not entail that the frustration of an abandoned desire is *not* a harm, it just does not entail that it *is*. This means that to the extent that Portmore's concerns have to do with the Modified Desire Principle arbitrarily *precluding* certain results, e.g. that the frustration of an intense, long-standing (yet abandoned) desire is a harm, this is not a problem for the weaker Modified Desire Principle.

On one interpretation, though, the problem is not with the fact that the principle arbitrarily precludes certain results, but with the fact that it arbitrarily *fails to yield* those results, which would concern the weaker Modified Desire Principle as well. However, this is not a problem for the desire-satisfactionist defense of posthumous harm. The aim of the desire-satisfactionist defense of posthumous harm is to establish the *mere existence* of (paradigm cases of) posthumous harm. It is not to provide the most general account of posthumous harm (in the sense that it accounts for all

[9]Assume that if a person desires X at t1, then abandons the desire at t2, but again forms a desire for X at t3, then the desire at t1 is distinct from the desire at t3. That is, even though they have the same object, they are separate desires. If they were not separate desires, but one and the same desire that was abandoned and then resumed, the Modified Desire Principle would not entail that either frustration harms the person since both desires were abandoned before the time of the object, thereby violating the principle's third condition (Portmore 2007: 31, fn. 15).

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instances of it), nor is it to provide a general account of harm simpliciter. The desire-satisfactionist defense only requires a principle that supports the existence of posthumous harm without yielding any unacceptable results, and for this the Modified Desire Principle is sufficient. Moreover, since the principle is merely a sufficient condition for harm, it is consistent with the truth of other, more fundamental harm principles. Hence, it is consistent with there being harm in cases where the principle does not identify it.

It can be objected, however, that if the verdicts of the Modified Desire Principle are arbitrary in some cases as Portmore suggests, the problem is not just that the principle will fail to identify harm in cases where it reasonably seems to be present, but that it will identify harm where it does *not* reasonably seem to be present. If so, the principle will yield implausible results. For instance, in the case where a person keeps switching between two mutually exclusive desires before they die, it may seem implausible that the frustration of either of these very unstable desires should harm the person. Yet the Modified Desire Principle entails that the frustration of whichever desire happens to be present at death does harm the person. Moreover, in a case where someone abandons a strong, long-held desire because they become suddenly infatuated with something else, it may seem implausible that the frustration of the new, seemingly unfounded desire would harm the person, yet this is what the principle entails.

Whether these results are acceptable or not seems to ultimately depend on whether the desires in question can be considered relevant to well-being. Recall that the set of desires that the Desire Principle operates on can be, and typically is, restricted to exclude desires that are deemed irrelevant to well-being. For instance, intrinsically irrational desires, ill-informed desires, non-pertinent desires, or desires that are formed artificially, out of temptation, or through some otherwise suspect process, may be considered irrelevant (Bykvist 2003; Heathwood 2005, 2019; Lukas 2010; Pettigrew 2019: sec. 12.1). It may be plausible to think that desires that are formed on the basis of some brief, sudden infatuation, as well as desires that are highly unstable, might count among those that are irrelevant to well-being. If these types of desires are irrelevant to well-being, and thus are not part of the set of desires that the Desire Principle or the Modified Desire Principle operate on, the potentially problematic results highlighted by Portmore's objections will not arise.

However, the question of how the set of relevant desires is to be restricted and defined need not be settled for the purposes of defending the existence of posthumous harm. That is, the desire-satisfactionist defense of posthumous harm does not require deciding on exactly which desires are relevant to well-being and which are not. Instead, given that we identify *some* desires that seem irrelevant to well-being, potentially implausible results pertaining to these desires can be avoided simply by further restricting the Desire Principle. For instance, proponents of the defense may adopt something like the following version of the principle:

> *Modified Desire Principle**: A person, B, is harmed by an act or event, E, if: (1) B wants P to be true, (2) E makes P false, (3) B will not abandon their desire that P before the time of the object, and (4) B's desire that P is long-standing and stable.

The Modified Desire Principle* does not entail that the frustration of a briefly held or unstable desire harms the person, and thus avoids the potentially implausible results emphasized by Portmore's objections. Note, though, that the Modified Desire Principle* is just an example. The fourth condition on this principle can be altered

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to reflect whatever views we may have about which desires are (not) relevant to well-being. Adding this kind of condition to the principle will of course limit the range of cases where the principle will identify harm. Once again, however, it is enough for the purposes of defending the *existence* of posthumous harm in paradigm cases that, for *some* relevant desire that is frustrated by a posthumous act, the principle entails that its frustration is a harm.

It might be objected that it is *ad hoc* to add conditions in this way, and to adopt a weaker principle that will not suffice as a general principle of harm, for the purposes of defending the existence of posthumous harm. It may seem that a more straightforward strategy would be to defend a general principle of harm and show that it supports the existence of posthumous harm. However, it is important to recognize the desire-satisfactionist defense of the existence of posthumous harm as separate from a defense of a desire-satisfactionist *theory* of harm or well-being. The point of the former is to provide a plausible account of the existence of posthumous harm that can be accepted by many, not just *pure* desire-satisfactionists. For this purpose, a weaker principle is better suited. Moreover, given that defending the existence of posthumous harm is a worthwhile project in its own right, it seems that proponents of the defense are justified in only taking the steps required for this project, and that any further issues that arise in the pursuit of other goals can be set aside.

5. Conclusion

The desire-satisfactionist defense of the existence of posthumous harm faces the problem of changing desires. The problem is that the Desire Principle, which the defense relies on, yields implausible results in cases where unconditional desires change before the time of their objects. I have argued, first, that despite measures proposed by Boonin (2019), the problem of changing desires remains unsolved. This, I argued, is because there are two relevantly different versions of the problem and Boonin's (2019) suggested solution addresses only one of them.

Second, I argued that adopting the Modified Desire Principle, an alternative version of the Desire Principle that is restricted to avoid implausible results, is a better approach to overcoming the problem of changing desires since it addresses both versions of the problem. In response to objections to the Modified Desire Principle approach, I argued that the problems raised are problems for the principle as a general theory of harm, not for the principle as part of the desire-satisfactionist defense of posthumous harm. I pointed out that, since the aim of the defense is to establish the mere existence of posthumous harm, a principle that supports some paradigm instance of posthumous harm, and that does not yield implausible results, is sufficient.

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