

Rationally Not Caring about Torture: A Reply to Johansson

Taylor W. Cyr

Forthcoming in *Journal of Ethics*; please cite published version.

Abstract Death can be bad for an individual who has died, according to the “deprivation approach,” by depriving that individual of goods. One worry for this account of death’s badness is the Lucretian symmetry argument: since we do not regret having been born later than we could have been born, and since posthumous nonexistence is the mirror image of prenatal nonexistence, we should not regret dying earlier than we could have died. Anthony Brueckner and John Martin Fischer have developed a response to the Lucretian challenge by arguing that it is rational to have asymmetric attitudes toward posthumous and prenatal nonexistence. Recently, Jens Johansson has criticized the Brueckner/Fischer position, claiming that it is irrelevant whether it is actually rational to care about future pleasures but not past pleasures. What matters, according to Johansson, is whether it *would* be rational for us to care about past pleasures had we come into existence earlier. In this paper, I add to the conversation between Johansson and Brueckner/Fischer by suggesting a way to defend the latter side’s position in a way that has not yet been suggested. I do this by considering a suggestion of Johansson’s for interpreting the Brueckner/Fischer position and by arguing that Johansson’s worry for the position I consider is actually incoherent.

Keywords Anthony L. Brueckner and John Martin Fischer • Death • Deprivation approach • Jens Johansson • Prenatal and posthumous nonexistence • Symmetry argument

Introduction

The most popular account of what makes death bad for the one who dies is what has been called the “deprivation approach.” On this view, death is overall bad for a person if and only if, and to the extent that, she would have been on balance intrinsically better off if it had not obtained.¹ One worry for this account of death’s badness is the Lucretian symmetry argument: since we do not regret having been born later than we could have been born, and since posthumous nonexistence is the mirror image of prenatal nonexistence, we should not regret dying earlier than we could have died. Anthony Brueckner and John Martin Fischer have developed a response to the Lucretian challenge by arguing that it is rational to have asymmetric attitudes toward posthumous and prenatal nonexistence. Recently, Jens Johansson has criticized

¹ This is an application of a general principle that Jens Johansson (2013: 52) attributes to deprivation theorists such as Bradley (2009: 50), Broome (1993), and Feldman (1992: 138).

the Brueckner/Fischer position, claiming that it is irrelevant whether it is actually rational to care about future pleasures but not past pleasures. What matters, according to Johansson, is whether it *would* be rational for us to care about past pleasures had we come into existence earlier.

Johansson suggests a possible reply on behalf of Brueckner and Fischer according to which death is bad for me insofar as it deprives me of something I *actually* care about, not insofar as it deprives me of something I *would* have cared about had I not died. But, Johansson argues, taking this line is an *alternative* deprivation approach that is worse than the standard.

In this paper, I will argue that Johansson's criticism of the alternative deprivation approach is actually incoherent. And since, as I will argue, this "alternative" deprivation approach just is the Brueckner/Fischer position, my defense of alternative approach should be happily received by Brueckner and Fischer. I begin by sketching Brueckner and Fischer's view (which I hereby dub 'BF'). I then consider Johansson's main criticism of BF, on the one hand, and his suggestion of an alternative deprivation approach and his criticism of it, on the other hand. The first of these (Johansson's main criticism) has received more attention in the interchange between Johansson and Brueckner/Fischer, but his criticism of the alternative is susceptible to a challenge (or so I will argue) that has not yet been raised. Once BF has been sufficiently spelled out, I contend, it turns out just to be the "alternative" approach Johansson considers, and Johansson's criticism of it is actually incoherent.

The Brueckner/Fischer Approach

In their first paper on the topic, Brueckner and Fischer claimed that "[d]eath deprives us of something we care about, whereas prenatal nonexistence deprives us of something to which we are indifferent" (1986: 219). They argued that this is a particular instance of our general bias

toward the future.² To show that we do in fact have asymmetric attitudes toward past and future pleasures, Bruckner and Fischer present the following case:

Imagine that you are in some hospital to test a drug. The drug induces intense pleasure for an hour followed by amnesia. You awaken and ask the nurse about your situation. She says that either you tried the drug yesterday (and had an hour of pleasure) or you will try the drug tomorrow (and will have an hour of pleasure). While she checks on your status, it is clear that you prefer to have the pleasure tomorrow. (1986: 227)

Because we have such a bias toward future pleasures, they argue, we care more about the pleasures of which death may deprive us than we care about the pleasures of which a late birth might have deprived us. On their view, both prenatal and posthumous nonexistence can be bad for us, since both can deprive us of pleasures; but, despite this mirror image between death's badness and the badness of prenatal nonexistence, our attitudes toward death and prenatal nonexistence need not be symmetric.

In subsequent work, Fischer and Brueckner have modified BF: "Although we originally put our point in terms of what we took to be people's actual preference patterns, we should have put it in terms of the *rationality* of such patterns of preference" (2014a; see also Fischer and Brueckner 2012). In response to various criticisms, Fischer and Brueckner have articulated their view as follows:

BF*(dd)*.³ When death is bad for an individual X, it is bad for X because it is rational for X to care about having pleasant experiences after t (where t is the time of his death), and

² This bias is defended as not irrational by Parfit (1984).

³ The 'dd' in the principle's name refers to the fact that it is a *de dicto* construal of BF, and the asterisks represent modifications to the *de dicto* construal of BF. For more on the development of this view, see Feldman (2011) and Fischer and Brueckner (2012).

his death deprives him of having pleasant experiences after t (whereas prenatal non-existence is not bad for a person because, even though it deprives him of having had pleasant experiences before t^* [where t^* is the time at which he came into existence], it is not rational for him to care about having had pleasant experiences before t^*). (2014a)

Whereas BF maintained merely that we have a certain sort of bias toward the future, BF*(dd)* maintains that it is *rational* for us to have asymmetric attitudes toward the past and the future.

Johansson's Claim

Johansson raises one main criticism of BF*(dd)*,⁴ which has been the subject of a recent interchange between Johansson (2014) and Fischer and Brueckner (2014a, 2014b), and considers a possible reply on behalf of Fischer and Brueckner, which he then criticizes.⁵ Let us consider the main criticism first. Johansson claims that

...just as how well off I am in a certain possible world w does not seem to depend on what I care about in some world other than w [reference to earlier section omitted], so it does not seem to depend on what it is rational for me to care about in some world other than w [reference to earlier section omitted]. It might well depend on what it is rational for me to care about in w ; but there is no reason to deny that if I had been born earlier, it *would* have been rational for me to care about the pleasures that I would thereby receive. (2013: 63)

⁴ Strictly speaking, Johansson's criticism was aimed at an earlier version of BF*(dd)*, but, he thinks, his criticism applies to BF*(dd)* as well.

⁵ I am indebted to an anonymous referee for urging me to be clear about the dialectical situation. I had previously, following Fischer and Brueckner (2014a: 4ff), construed Johansson's critique of BF as two substantial criticisms of BF rather than as one main criticism, a suggested possible response, and a criticism of that suggestion. As I will argue, though, once BF is sufficiently spelled out, it just is the view Johansson suggests and then criticizes. If one is not convinced by this, however, then one could think of my project as suggesting that BF be interpreted as the "alternative" Johansson suggests.

In response to this criticism, Fischer and Brueckner have said of Johansson that

as he moves to different possible worlds in order to evaluate the relevant counterfactuals, he is *also* illicitly changing temporal perspectives: he is moving from a temporally situated perspective posited to be *after* some of the relevant pleasures and *before* others to either a nonlocalized temporal perspective or a temporally situated perspective *before or during* all of the pleasures in question. This shift of temporal perspective is inappropriate and results in distorted and inaccurate judgments. (2014a)

Johansson has argued that his temporal shift is not unjustified, and he has also claimed that BF*(dd)* would not have been sufficiently defended even if his temporal shift is illicit (2014). To avoid this worry altogether, Fischer and Brueckner have argued that their view can (with a slight modification that I will not discuss here) accommodate the counterfactual attitudes that Johansson thinks undermine the view (2014b).

In an interesting footnote, Fischer and Brueckner confess that they “remain somewhat dubious about this counterfactual approach” since “[t]he traditional puzzle about the asymmetry between prenatal and posthumous nonexistence begins with consideration of the rationality of attitudes that we actually have” (2014b). I am inclined to agree with this sentiment, so I find it worthwhile to develop a response to Johansson’s criticism that does not rest on accommodating counterfactual attitudes in the way that Fischer and Brueckner’s recent paper (2014b) does. I am convinced by Fischer and Brueckner (2014a) that Johansson’s criticism I have been discussing can be shown to be unsuccessful without needing to accommodate counterfactual attitudes.

Furthermore, Johansson suggests a possible reply on behalf of Fischer and Brueckner, which he calls an “alternative” deprivation approach. Johansson then argues that the alternative is worse off than the standard deprivation approach, so Fischer and Brueckner should not accept it. But, as

I will argue for the rest of this paper, Johansson's criticism of the alternative is susceptible to a challenge that has not yet been raised. If I am right about this, then there is no need to adopt the more recent and more accommodating Fischer/Brueckner position.

Before considering Johansson's criticism of the alternative approach, it should be noted that Fischer and Brueckner take this so-called "alternative" just to be their view. They consider what they take to be Johansson's *three* criticisms of their view (2014a: 4), the first of which goes away once their position is formulated as BF*(dd)*, the second of which is Johansson's main criticism of their view, and the third of which is the criticism of the alternative approach suggested by Johansson. Since Fischer and Brueckner see this last criticism as a criticism of their view, I take it that they do not see a difference between the "alternative" suggested by Johansson and their actual view. The upshot of this is that, though Johansson presents his criticism of the alternative approach as a way of solidifying his main criticism of BF (by showing a problem with a certain type of possible reply), it turns out that Johansson's criticism applies to Fischer and Brueckner's actual view. Though I will continue following Johansson's presentation of the dialectic (referring to Johansson's criticism as one of an alternative position), it should be kept in mind that my response to Johansson's criticism is important for defending Fischer and Brueckner's actual position.

Johansson raises his criticism of the alternative approach (for an earlier articulation of Brueckner and Fischer's view, before its recent modifications) with the following thought experiment:

Suppose you are able to torture me, but do not. Suppose also that I do not, in fact, care about the prospect of being in pain. (For instance, I might have managed to take up an attitude of indifference towards anything that might happen to my body.) Surely it is still

good for me that you refrain from torturing me – at least if I *would* have cared very much about the pain if it *were* inflicted upon me, and if that scenario would be overall worse for me than the actual scenario. And pleasure can hardly be different in this regard. If you prevent me from receiving pleasant experiences which I do not actually care about, but which I would have cared about if I had gotten them and which would have made me overall much better off, then you are acting against my interests. (2013: 62)

Since prenatal nonexistence deprives us of pleasures that we would have cared about had we come into existence earlier, according to Johansson, there is no asymmetry in what is bad for us between prenatal nonexistence and posthumous nonexistence. Both a later birth and an earlier death can thwart our interests by depriving us of pleasures that we would have cared about if we were around to experience them. To support this claim, Johansson introduces a thought experiment in which someone does not care about the prospect of being in pain. If someone does not care about the prospect of being in pain and yet *would* care about pain if it were inflicted upon her, then it can be good for her to avoid pain even though she is indifferent toward the prospect of it. I will say more on this shortly.

Recall, though, that Fischer and Brueckner have refined their view. Instead of putting their point in terms of what we in fact care about, they have opted to put their point in terms of what it is in fact *rational* for us to care about. Johansson argues that his criticism applies to the modified view as well. In a footnote, Johansson claims that

just as the deprivation approach, in order to be plausible, should not be construed as saying that an event is bad for me by depriving me of something I *in fact* care about [reference to earlier section omitted], so it should not be construed as saying that an event is bad for me by depriving me of something it is *in fact* rational for me to care about.

Again, compare with pain and goodness: even if, for some reason, it is not actually rational for a person to care about a painful torture, it is still good for her to avoid the torture, at least provided that, if she had been tortured, it *would* have been rational for her to care about it and she would have been on balance worse off. Surely the analogous thing holds for pleasure and badness. (2013: 63)

According to Johansson, the alteration of the view to incorporate preferences it is in fact rational for agents to have does not allow the view to escape his criticism, for it still neglects to account for counterfactual preferences. To show this, Johansson modifies his thought experiment: if it is not in fact rational for someone to care about the prospect of being tortured and yet it *would* be rational for her to care about being tortured if she were to be tortured (and being tortured would make her on balance worse off), then it can be good for her to avoid being tortured even if it is not in fact rational for her to care about the prospect of it.

Against the Coherence of Johansson's Claim

Johansson's thought experiment, once it has been modified to apply to Fischer and Brueckner's refined view, is incoherent. My main claim is that it cannot be rational for a person *X* not to care about being tortured as long as both (1) it would have been rational for *X* to care about the torture if *X* had been tortured and (2) *X* would have been on balance worse off if *X* had been tortured. To demonstrate this, I will provide a case that I take to exemplify Johansson's thought experiment. Once the details have been filled in, it will be even clearer that this type of thought experiment cannot present a coherent objection to the alternative approach Johansson proposes.

In Johansson's first presentation of his thought experiment, he suggests that someone might come to stop caring about the prospect of being in pain by managing "to take up an

attitude of indifference towards anything that might happen to [her] body” (2013: 62). Let us make this example more concrete. Imagine that Susan has taken up an attitude of indifference toward bodily pain. She does this, let us suppose, by conditioning herself in the following way: whenever she is in pain, Susan focuses her attention exclusively on her pain. By doing this while she is in pain, Susan finds that later on – when she is not in pain – the prospect of being in pain does not seem as terrible. After repeating this process of conditioning for several years, she is able to become indifferent toward pain. One thing to keep in mind about Susan is that pain does not cease to be a bad thing for her. When she is in pain, her interests are set back and she wishes for it to end. Because of the way that she conditions herself, however, she comes to have a certain constitution that enables her not to care about the prospect of being in pain.

So far I have been describing how a particular instance of Johansson’s original thought experiment might look. It does seem that it would be a bad thing for Susan to be tortured even though she does not in fact care about the prospect of being in pain. The reason that it would be bad for her to be tortured despite her indifference toward pain is that, if she *were* to be in pain, she *would* care very much about it and wish for it to end.

But Johansson’s original thought experiment, as I have mentioned, requires a modification in order to apply to Fischer and Brueckner’s modified view. Recall that their view concerns not what agents in fact care about but rather what it is rational for agents to care about. Thus, Johansson modifies his thought experiment: “even if, for some reason, it is not actually rational for a person to care about a painful torture, it is still good for her to avoid the torture, at least provided that, if she had been tortured, it *would* have been rational for her to care about it and she would have been on balance worse off” (2013: 63). Let us consider how this would affect Susan. In order for Johansson’s thought experiment to work, it would need to be the case

that it is not actually rational for Susan to care about torture *even though* torture would make her on balance worse off and, if she were to be tortured, it would be rational for her to care about being tortured.

But now the case is incoherent. In order for Johansson's objection to get off the ground, both of the following claims must be true about Susan while holding fixed that Susan would be on balance worse off if she is tortured:

A) It is not actually rational for Susan to care about whether or not she is painfully tortured.

B) If Susan were to be tortured, it would be rational for her to care about painful torture. But these claims are mutually exclusive. If (A) were true, it would have to be for the reason that Susan is so constituted that she would not "feel" or "be bothered by" pain if she were subjected to it, or for some very similar reason. According to (B), though, it would also have to be the case that it would be rational for Susan to care about being tortured if it were to happen to her. But it would not be rational for her to care about it if she could not "feel" pain (or "be bothered by" pain, or something of this sort), as we have stipulated in order to explain how (A) might be true. So, to summarize, any reason that we can stipulate to make (A) true (and, it is worth noting, any reason we give is going to be a farfetched one⁶) is going to falsify (B) by making it the case that it would not be rational for her to care about the painful torture. Conversely, if (B) is true, and thus it is rational for her to care about painful torture, (A) cannot also be true, for it *is* rational for her to care about painful torture.

⁶ Johansson's description of the case even hints at this when he says: "even if, *for some reason*, it is not actually rational for a person to care about a painful torture ..." (2013: 63, emphasis added).

Another way to put this point is to say that Fischer and Bruckner's addition of a rationality component to their view is not a redundancy.⁷ Whatever it is that makes it the case that it is rational for Susan to care about torture when she is actually tortured *also* makes it the case that it is rational for her to care about it when she is not being tortured. This is not to say that she must care about torture to the same extent when she is not being tortured as when she is; rather it is just to say that it cannot be rational for her not to care about torture at any time if it is rational for her to care about it when she is being tortured. She might be indifferent toward the prospect of pain, as we supposed when considering Johansson's original thought experiment, but if it is rational for her to care about pain when she is in pain then it cannot be rational for her not to care at all about pain at any other time.⁸

Conclusion

The Lucretian symmetry argument challenges the deprivation approach to accounting for death's badness. I have defended Fischer and Brueckner's refined position that responds to the Lucretian challenge by pointing to an asymmetry toward past and future pleasures that it is rational for agents to have. Johansson's main criticism of Fischer and Brueckner's view attempts to show that counterfactual attitudes, especially what attitudes it would be rational for agents to have if they were born earlier, present a problem for the view. I have argued that, on an alternative approach (one that Fischer and Brueckner apparently already accept), one that

⁷ Thanks to Ben Mitchell-Yellin for suggesting this way of putting the point.

⁸ Suppose you think that what makes it rational for someone to care about *X* is that *X* provides her with reasons to act in certain ways in particular circumstances. In the case of torture, then, Susan has reason to care about it because caring about it helps her to avoid being in pain, which is bad for her. As long as pain torture gives Susan reason to behave in ways that enable her to avoid pain, it is rational for her to care about torture. But there is no way for it to be rational for Susan to care about pain in some circumstances, such as when she is actually being tortured, but not in others.

maintains that death is bad insofar as it deprives one of pleasures it is in fact rational for her to care about, Johansson's criticism is incoherent. This is good news for Fischer and Brueckner since, as they confess in a footnote of their most recent article, they would prefer not to accommodate counterfactual attitudes (though they argue that it is consistent with their position to do so) because "[t]he traditional puzzle about the asymmetry between prenatal and posthumous nonexistence begins with consideration of the rationality of attitudes that we actually have" (2014b). I have argued that there is an additional reason not to take one of Johansson's criticisms as an incentive to accommodate counterfactual attitudes, namely that the criticism is not coherent.

Acknowledgements I owe special thanks to John Fischer and to an anonymous referee for helpful comments on an earlier draft of this paper.

References

- Bradley, B. 2009. *Well-being and death*. Oxford: Oxford University Press.
- Broome, J. 1993. Goodness is reducible to betterness: The evil of death is the value of life. In *The good and the economical: Ethical choices in economics and management*, Eds. P. Koslowski, and Y. Shionoya, 70-84. Berlin: Springer.
- Brueckner, A. L. and J. M. Fischer. 1986. Why is death bad? *Philosophical Studies* 50: 213-223. Reprinted in *The metaphysics of death*, Ed. J. M. Fischer, Stanford: Stanford University Press, 1993: 221-229.
- Feldman, F. 1992. *Confrontations with the reaper*. New York: Oxford University Press.
- Feldman, F. 2011. Brueckner and Fischer on the evil of death. *Philosophical Studies* 162: 309-312.

Fischer, J. M. and A. L. Brueckner. 2012. The evil of death and the Lucretian symmetry: A reply to Feldman. *Philosophical Studies* 163: 783-789.

Fischer, J. M. and A. L. Brueckner. 2014a. Prenatal and posthumous non-existence: A reply to Johansson. *Journal of Ethics* 18: 1-9.

Fischer, J. M. and A. L. Brueckner. 2014b. Accommodating counterfactual attitudes: A further reply to Johansson. *Journal of Ethics* 18: 19-21.

Johansson, J. 2013. Past and future non-existence. *Journal of Ethics* 17: 51-64.

Johansson, J. 2014. Actual and counterfactual attitudes: Reply to Brueckner and Fischer. *Journal of Ethics* 18: 11-18.

Parfit, D. 1984. *Reasons and persons*. Oxford: Clarendon Press.