

**Transforming Others:  
On the Limits of ‘You’ll Be Glad I Did It’ Reasoning**

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**ABSTRACT:** We often find ourselves in situations where it is up to us to make decisions on behalf of others. How can we determine whether such decisions are morally justified, especially if those decisions may change who it is these others end up becoming? In this paper, I will evaluate one plausible kind of justification that may tempt us: we may want to justify our decision by appealing to the likelihood that the other person will be glad we made that specific choice down the line. Although it is tempting, I ultimately argue that we should reject this sort of appeal as a plausible justification for the moral permissibility of our vicarious decisions. This is because the decisions that we make on behalf of another may affect the interests and values that that person will hold in the future. As I will show, this complicates the justificatory relationship between present decisions and future attitudes, since the latter can depend on the former. This is not to say that the predicted future attitudes of others can play no significant role in justifying our decisions on others’ behalf. Rather, appealing to the future attitudes in our moral justifications may play an important role in our practical thinking but only when we consider the future attitudes of all relevant possible futures.

In the course of our lives, we undergo certain experiences that have the power to transform us. Such experiences radically change how we perceive the world and may alter what of the world we most value. Moreover, the way in which we will be changed cannot be fully understood or imagined prior to undergoing the experiences themselves. Recently philosophers have considered how the potential to undergo these sorts of personally transformative experiences should influence our decision-making. Elizabeth Harman (2009), for example, argues that the fact that we (or someone we love) will undergo certain transformative experiences -- such as getting cochlear implants, joining

the army or having a child -- limits what we can learn from our predicted future preferences that result from these changes.<sup>1</sup> L. A. Paul (2015) asks whether imagining the phenomenal character of undergoing such experiences can ever provide us with a reason to actually undergo them. These investigations have made significant strides in figuring out how to approach life choices that are concerned in part with whether to subject ourselves to such experiences in the first place. However, we should keep in mind that not all our transformative experiences are up to us. While we may have some choice in the matter whether to have a child or go to graduate school, many transformative experiences will happen to us without our choosing, either because of luck or because of the choosing done by others on our behalf.

Take the case of cochlear implant surgery.<sup>2</sup> This seems to be a paradigmatic case of a transformative experience, yet more and more often it is one that people do not choose for themselves, rather it is chosen for them by someone else – namely, their parents or guardians. This is because cochlear implants are generally taken to achieve the most success if they are implanted during early stages of the child’s language and speech development (i.e., before the age of 3) (Connor 2006).<sup>3</sup> The decision concerning cochlear implants can be a difficult one for parents to make. They are not merely deciding about whether to change some physical attribute of the child; their decision also involves choosing the texture of the world that this child will inhabit and the sort of person the child can become. The situation is further complicated by the fact that 9 out of 10 deaf children are born to hearing parents, making it hard for parents to imagine the possible future perspectives of the child and for the child to imagine the perspective of her hearing parents.<sup>4</sup> Finally, there seems to be reasonable disagreement about whether cochlear implant surgery at such a young age is in the best interest of the child. While proponents of the surgery champion cochlear implants

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<sup>1</sup> Although Harman (2009) does not use the terminology of “transformative experiences,” she does talk about how deafness is “transformative of one’s character” and how people can be reasonable to prefer “transformative traits” even if it is worse for them to have them. See p. 192, 197 respectively.

<sup>2</sup> Cochlear implant technology uses electric stimulation of the auditory nerve to help users who are profoundly deaf perceive sound, and in particular, to perceive speech.

<sup>3</sup> I should note that what counts as “success” for cochlear implants is a matter of contention. Whereas medical researchers often measure success primarily in terms of oral language fluency, deaf advocates have argued that cochlear implant success should be determined by whether the child has access to language acquisition more broadly (through oral communication, through signing, or through a combination of both). If cochlear implant surgery at a young age restricts the child’s access to sign language, this may have deleterious results for the child’s overall language and emotional development even as it presents the most acute improvements in terms of oral language fluency. On such occasions, surgery done later in the child’s development may turn out to be more successful for the total wellness of the child even if his/her speaking fluency is diminished. For further information see the position offered by the National Association of the Deaf on cochlear implants: <http://nad.org/issues/technology/assistive-listening/cochlear-implants>. I thank an anonymous referee for pushing me to clarify this point of contention.

<sup>4</sup> See <http://www.nidcd.nih.gov/health/statistics/pages/quick.aspx> last accessed Oct. 28, 2014.

as giving deaf children greater access to the hearing world, opponents worry that implant proponents both misunderstand deafness and overpromise what the implants can deliver. Given these challenges, how ought parents go about deciding whether pursuing or forgoing cochlear implants for their child is a morally justified course of action?<sup>5</sup> And, more generally, what sorts of considerations can play a justifying role in the decisions we make on behalf of others, especially if those decisions may change who it is these others end up becoming?

To begin answering this broad question, I will evaluate one kind of justification that may tempt us when we are charged with the role of making decisions on behalf of others, which I call ‘Predictive Glad.’ A more formal account will be on offer in §2, but for now, one could say that when we employ Predictive Glad, we rely on the prediction of people’s future pro-attitudes to justify a present action. Here is the general phenomenon in which Predictive Glad may tempt us in our practical thinking: Sometimes we are thinking of doing something to someone else or of making a decision on someone else’s behalf and we worry about whether it is morally permissible to treat this person that way (ie., should we throw John a surprise 40<sup>th</sup> birthday party? Should we make little Madison take SAT prep classes?). We wonder whether there is any decisive moral complaint against the action *on that particular person’s behalf*. Given these concerns, we might reason as follows: “May I treat John this way? If I do, he’ll be glad I did it. So it is okay to treat John this way.” Or, “Should I treat Madison this way? I know that she will complain now about the classes, but when she gets into Fancy Pants College, she’ll be glad I made her suffer through them. So it’s okay to treat Madison this way.” Predictive Glad thus arrives at the conclusion that an action is a morally permissible way to treat *a particular person*. It does not arrive at a conclusion that we *should* act in a particular way, nor at the conclusion that a particular way of acting is *all things considered morally permissible*. After all, other people may be involved.<sup>5</sup> While John may be glad we threw him a surprise party, Paul - John’s husband – has been planning to cook John a nice meal for his birthday and our party will overshadow Paul’s efforts. While Madison will be glad for the academic leg up, she already has been unduly advantaged by her fancy pants private school education and my financial resources would be more justly spent elsewhere.<sup>6</sup>

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<sup>5</sup> I am indebted to Elizabeth Harman for suggesting this phrasing as the normative significance of Predictive Glad and for helping me clarify how “You’ll be glad I did it” reasoning can serve a role in our practical thinking that is distinctive from how we engage in “I’ll be glad I did it” reasoning.

<sup>6</sup> Note that if we are not in the appropriate relationship with these particular others, it will be difficult to predict whether an altruistic seeming action on our part will generate the requisite future pro-attitudes on the part of the other person (ie. Will John be glad to have a surprise party thrown by his Fed Ex Delivery Guy? Will Madison be glad her friend’s parents forced her to take the SAT classes?).

Although Predictive Glad can plausibly justify all sorts of decision-making, my focus in this paper will be on parents making decisions on behalf of their children. This focus allows us to bracket certain important questions about when our decisions on behalf of others are morally permissible, like whether or not we have the authority to do make such decisions. But focusing on parents also highlights a feature of deciding on behalf of others that I think is present in many such cases but often goes unnoticed. That is, the interests and values of these others are to a greater or lesser extent not fixed or predetermined. So the decisions that we make on their behalf may affect the interests and values that they will hold in the future. As I will show, this complicates the justificatory relationship between present decisions and future attitudes, since the latter can depend on the former. Ultimately, I will argue that we should reject Predictive Glad as a plausible justification for making a decision on someone else's behalf. Although I do think that the predicted future attitudes of others *can* play a significant role in justifying our decisions on their behalf, they can play this role only when we consider the future attitudes of all relevant possible futures.

### **§1. I'll Be Glad and You'll Be Glad**

Let's start by considering a case concerning cochlear implants as it is put forward by Harman (2009). Imagine a hearing mother is deciding whether or not to give her baby, Stevie, cochlear implants to counteract his deafness. Other things being equal, she would prefer not to have little Stevie undergo invasive surgery unnecessarily, so forgoing the implants is her default choice. She then considers whether this choice is justified. She predicts that if she does not give Stevie the implants, he will grow up to lead a fulfilling life that will no doubt be greatly influenced by his deafness. Through her interactions with adult friends who are deaf, she has come to realize that they greatly value their membership in the Deaf community. Her friends take their participation in Deaf culture to play a significant role in their life and in how they have forged their identity; they find features of this culture to have no clear counterparts in the hearing world and so they are glad they are deaf. 'Glad' here does not merely connote an emotional state; for her friends to be glad is for them to have *preferred* that things turned out as they did rather than turning out some other way. If they could do it all over again, they would still have preferred for their parents to forgo the implants. Not only does the mother recognize that her friends are glad they are deaf, she also recognizes *she* is glad that her friends are deaf since she acknowledges that their character has been shaped by their deafness. Likewise, she predicts that when Stevie will grow up, she will love Stevie for the person that he will become and that person will be significantly shaped by his physical condition. She will be

glad that she chose to forgo the implants and would not wish to have chosen otherwise. The following argument using what Harman calls, “I’ll be glad I did it” reasoning underlies her justification for not giving Stevie the cochlear implants:

**Deafness Argument:**

1. If I do not cure my baby of deafness, I’ll be glad I made that choice.
2. Therefore, I should not cure my baby of deafness. (2009, 178)<sup>7</sup>

Harman thinks this is a bad argument and so do I. However, we diverge on where and how this argument goes wrong. First, Harman doesn’t think that it leads to the right practical conclusion. Since Harman contends that it is worse to be deaf than it is to be hearing, she infers that the mother must be making *some* mistake in her practical reasoning if she ends up concluding that forgoing the surgery is justified (2009, 189). This is the case for Harman even though she acknowledges that the mother can reasonably predict that, were she to forgo the surgery, she would be glad down the road that she chose as she did and that this future gladness would itself be reasonable.

I do not share Harman’s intuition that it is worse to be deaf than it is to be hearing -- especially when we think about the lives of particular people. I don’t think we have sufficient reason to believe that *Stevie’s* life on the whole will go better for him were he to undergo the cochlear implant surgery as a young child. While being deaf and implant-free may limit one’s possibilities in important ways (or alternatively, may make certain possibilities more difficult to attain), this does not imply that the possibilities left open or those that open up are inherently worse than those that have been closed off. Harman claims that whatever unique experiences one is provided by forgoing the cochlear implants, these “do not outweigh what is lost” (2009, 189). Much more needs to be said to make good on this sort of comparative claim and it is one that many members of the Deaf community will not concede. In my argument, I will try to steer clear of these types of comparisons of what sort of life is worse or better for a person and what sorts of benefits outweigh which

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<sup>7</sup> I am using Harman’s language of cochlear implants as presenting a “cure” for deafness. Many members of the Deaf community argue that such terminology is misguided both because deafness is not the sort of condition that needs a cure and also because cochlear implants do not actually cure deafness, since they cannot make someone hearing. Rather the implants, if successful, allow profoundly deaf people to approximate hearing, which is most helpful in oral communication in the hearing world. A further and interesting question (which I will not pursue) is how we to evaluate this argument in the hypothetical situation where there existed a medical procedure that would result in perfect hearing for those who are profoundly deaf. I believe that the forgoing argument would just as well in such a hypothetical situation, though I will focus on the real world case of considering whether to choose cochlear implants.

burdens. So in contrast to Harman's analysis, I think that the mother may actually be arriving at the *right* decision, but by engaging in some faulty reasoning.

In this paper I show how Deafness Argument goes wrong though I do not maintain the controversial claim that being hearing is better than being deaf.<sup>8</sup> To highlight this, I should add that the position I will defend holds the converse argument to be bad as well (and not because I think that it is worse to be hearing than it is to be deaf):

**Cochlear Implant Argument:**

1. If I give my baby of cochlear implants, I'll be glad I made that choice.
2. Therefore, I should give my baby cochlear implants.

While I think both of these arguments are problematic, I don't think either obviously leads to the wrong practical conclusion. This is because, as I mentioned in the introduction, the decision of whether to choose for one's young child to undergo cochlear implant surgery is a hard one to make. But just because it is a hard decision on a controversial matter doesn't mean that there is no right thing or wrong thing to do in the situation. Now there are some arguments that are structured very much like Deafness Argument and Cochlear Implant Argument, which I do think *more obviously* lead to the wrong practical conclusion. Consider the following supposedly true story by A.J. Liebling:<sup>9</sup>

**Happy Old Clown:** "One of the last of the Fratellini family of clowns, an old man, made a television address in Paris a few years ago in which he [offered an explanation] for the dearth of good young circus clowns. 'When I was a child, my father, bless him, broke my legs, so that I would walk comically, as a clown should,' the old man said... 'Now there are people who would take a poor view of that sort of thing.'" (1962, 149)

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<sup>8</sup> I should note that Harman is careful not to rely on this assumption in order to argue that Deafness Argument is an instance of bad reasoning. Her intuition that it is worse to be deaf than to be hearing serves as evidence that Deafness Argument goes wrong somehow, though the intuition does not explain what makes Deafness Argument go wrong. Rather she argues that the argument goes wrong because it relies on the appealing but fallacious "Reflection on Desires" principle. (Harman 2009, 182-184)

<sup>9</sup> It is noteworthy that Liebling (1962) offers us this snippet as he laments the changing child labor laws and compulsory education laws in France that prohibited the training of children as apprentices in restaurants from a young age. He suggests that since chefs are no longer raised in the kitchen, the quality of the top Parisian restaurants in general has been on the decline.

It is not hard to imagine how the old Fratellini clown would have turned out differently – with a different set of aims and values – if not for the actions that his father took long ago. And this old clown now seems to fully endorse the measure his father took; a measure which, no doubt other people consider unconscionable. Imagine the Fratellini father invoking Predictive Glad reasoning: “Being a clown is the best profession in the world. I love doing what I do and I can predict that my son will love it too. But the only way for my son to be a proper clown like me and like his grandfather and his great-grandfather is to break his legs now so that he walks comically as any clown should. I know that this is a big burden for my son to bear now but I predict that someday my son will be glad that I did it. After all, I am glad that my father broke my legs when I was a child.”

We can reframe the father’s reasoning so that it shares a similar structure with Deafness Argument:

**Happy Old Clown Argument:**

1. If I break my son’s legs, he will be glad I did it.
2. Therefore, I should break my son’s legs.

If the father could have reasonably predicted *his son’s* acceptance of the measure, was he justified at the time in breaking his son’s legs? My intuitive answer to this question is, obviously no. So whereas Deafness Argument doesn’t strike me as an obvious challenge to Predictive Glad justifications, I do think that Happy Old Clown makes a strong case that there is something fishy about these kinds of justifications.

I will argue that Cochlear Implant Argument, Deafness Argument, and Happy Old Clown Argument all suffer from the same structural problem: they all appeal to the future attitudes that result from a single course of action, while ignoring the likely future attitudes that would result from the competing courses of action. I will then offer an approach for how to look at the children’s future attitudes in light of these alternatives, and in doing so come to different conclusions in the cases of the Fratellini father and of Stevie’s mother. So the future attitudes of others *can* play a justificatory role in our practical reasoning, but not in the way that these arguments suggest.

There is a second way in which I think Deafness Argument goes wrong: as Harman presents it, the argument is grounded in the mother’s, and not in little Stevie’s, future attitudes. While it may be the case that much of what would make the mother glad about her choice depends on her son’s future attitudes, Deafness Argument does not require this to be the case. However, this doesn’t

strike me as how parents usually make decisions on behalf of their children (at least important life altering decisions such as this one). In all likelihood, parents will allot a central role in their deliberation to *their child's* future attitudes about the decision.<sup>10</sup> Attending to Stevie's future attitudes rather than merely her own seems like a clear-cut way to improve the mother's reasoning in this case. Thus whereas Harman focuses on the merits of "I'll be glad I did it" reasoning, I will consider the corollary, "You'll be glad I did it" reasoning. Here is Deafness Argument in its vicarious form:

**Vicarious Deafness Argument:**

1. If I do not cure my baby of deafness, he'll be glad I made that choice.
2. Therefore, I should not cure my baby of deafness.

There is a sense in which this shift from a first-person to a vicarious outlook is a friendly amendment to Harman's approach. While ostensibly an easy fix, I think the shift does reveal a fundamental difference between the type of reasoning that Harman calls, "I'll be glad I did it" reasoning and the type of "You'll be glad I did it" reasoning we engage in when making decisions involving others. "I'll be glad I did it" reasoning is concerned with figuring out what one ought to do all things considered. It relies on the prediction that one will be glad one did something in the future to draw the conclusion that one *should* do that thing at present. According to Harman, this prediction can provide for the agent an epistemic justification for believing she should do something rather than actually justifying doing it. Look at the following argument in which Harman believes "I'll be glad I did it" reasoning is employed to good effect:

**Paper Argument:**

1. If I work on my paper, I'll be glad I did it.
2. Therefore, I should work on my paper (Harman 2009, 177).

Harman asks us to imagine her in the fairly routine scenario of deciding what to do one evening: should she continue working on a paper or go out to a movie? She reasons that if she continues to work on the paper, she would be glad she did it the next day. This realization is enough to convince her that she *should* continue working on the paper. However we should be clear that her

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<sup>10</sup> In this very limited way, Happy Old Clown Argument can be seen as making a better argument than Deafness Argument.



future preferences don't in themselves justify her continuing to work on the paper. What justifies continuing to work on this paper is that she has a deadline to meet or that the paper will significantly improve with the extra attention or that she will experience a sense of accomplishment from her work. Her predicted future preference is only indicative of the fact that working on the paper is the justified thing to do on this occasion. There are many cases like this one. So Harman concludes that the prediction that we'll be glad we did something is a good but defeasible reason to believe that we should do it.

"You'll be glad I did it" reasoning, on the other hand, is employed to determine whether actions that we take on behalf of others are morally permissible. When a parent says to her child, "You may not like piano lessons now, but you'll be glad I made you take them," she is not articulating an all things considered reason she has to make her child take the piano lessons. Candidates for an all things considered reason would be more like: "Piano lessons will make you musically literate which is a valuable disposition and you have nothing better to do with your Wednesday afternoons and there is nothing better for me to do with my money" or alternatively, "I promised your late grandmother that if I had the means, I would send you to piano lessons; she always cared about giving you opportunities that she did not have." So the question that I ask in this paper is whether the prediction that someone else will be glad we did something is a good reason for that person to believe that we are morally permitted to do it on that person's behalf. If "you'll be glad I did it" reasoning can offer for others a reason to believe that our action is a morally permissible way to treat them, then it can play a legitimate justificatory role in our vicarious decision-making.

Given that Harman is investigating how our future attitudes can inform us about what at present we ought to do all things considered, she examines when it is the case that these future attitudes are indicative that the decision will lead to things turning out for the best (in all the ways we should care about). On the other hand, I am looking at how future attitudes can play a role in determining the moral permissibility of certain decisions on behalf of others, and future attitudes can play this justificatory role even if we don't think they offer any such indication. When we start thinking about how to justify the things we do to others as morally permissible, it is easier to see how some justifications are legitimate even when we cannot demonstrate to the other person that the action will result in the best outcome for them.

So while "I'll be glad I did it" reasoning and "you'll be glad I did it" reasoning play quite different roles in our practical thinking, I do think that it is useful to compare these two types of

reasoning to see if we can learn anything about the limits of using future preferences of another to justify our actions on the other's behalf. For instance, thinking about these two different types of reasoning, leads Harman and me to different conclusions about how the prospect of transformative experiences should figure into our practical thinking. It follows from Harman's view that if we know that a future attitude will result from a transformative experience, then that attitude can no longer play its typical role in recommending certain actions. This is not the case on my account. I will argue that future preferences *can* play their typical role in justifying present actions as morally permissible even if they are likely to be the result of a transformative experience. This is because the typical role that I think our future attitudes play in justification is more complicated than how it is described in Predictive Glad/"I'll be glad I did it" reasoning. My approach thus offers a way to think about how our future preferences can inform our practical thinking in many situations for which Harman's account falls silent. Before presenting the details of my view, however, I want to explore what it is about Predictive Glad that appeals to us when we must decide for others (especially, for our children); and also what it is about such reasoning that should cause some suspicion. I turn to these questions next.

## §2. The Promise and Peril of Future-Oriented Consent

When thinking about deciding on behalf of children, some have defended versions of "You'll be glad I did it" reasoning. Most notably, Gerald Dworkin provides a clear articulation of such a method in thinking:

"There is... an important moral limitation on the exercise of such parental power that is provided by the notion of children eventually coming to see the correctness of the parent's intervention. Parental paternalism may be thought of as a wager by parents on children's subsequent recognition of the wisdom of the restrictions. There is an emphasis on what could be called future-oriented consent – on what children will come to welcome, rather than on what they do welcome."(Dworkin 1983, 28)

In other words, Dworkin argues that a parent's decision in the present is justified if it is reasonable to believe that the child will one day come to accept it. This general method of justification can be formalized as follows:

**Predictive Glad:** If I can predict that you will be glad I  $\varphi$ -ed in the future, then my  $\varphi$ -ing now is a morally permissible way to treat you.<sup>11</sup>

Now clearly, as it stands Predictive Glad is unacceptable as a justifying principle. This is because it ignores the possibility of defective future pro-attitudes. We may be able to predict that the other person's future gladness will be based on misleading evidence, or due to a paucity of evidence, or will be blatantly irrational. If the vicarious decision-maker is in a situation to predict any one of these defects, then the future pro-attitudes cannot be a legitimate source of justification. So we should amend Predictive Glad in the following manner:

**Full Predictive Glad:** If I can predict that you will - reasonably and with adequate knowledge about your situation – be glad I  $\varphi$ -ed in the future, then my  $\varphi$ -ing now is a morally permissible way to treat you.<sup>12</sup>

Full Predictive Glad seems to be the underlying principle that if true, would make “You’ll be glad I did it” reasoning an instance of good reasoning. It is a general formulation of a class of arguments that appeal to some future pro-attitude to justify a current measure; this pro-attitude could be future consent, future acceptance, future endorsement, future satisfaction, or some other future retrospective preference. So as Harman mentions, gladness need not be taken to be a mere emotional state, rather the attitude of being ‘glad’ is best understood as a sort placeholder for whichever of these future pro-attitudes one may think is relevant. Different pro-attitudes may make more or less stringent limitations on what sorts of vicarious decisions are justified as morally permissible. Dworkin argues that the relevant future attitude that can justify parental decisions is consent but there is reason to worry about whether consent can be retrospective (Husak 2010, 114).<sup>13</sup> I will therefore use endorsement rather than consent as the target future pro-attitude. The idea of future endorsement adheres to the spirit of Dworkin’s claim that the child should one day come to see the “wisdom” of the earlier decision.

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<sup>11</sup> The formulation of Predictive Glad is influenced by Harman’s principle “Reflection for Desires” in (2009).

<sup>12</sup> For clarity sake, in the rest of the paper, I will use “reasonably” to connote “reasonably and with adequate knowledge.”

<sup>13</sup> For a defense of the conceptual coherence of subsequent consent, see Chwang 2009.

Endorsement is stronger than mere acceptance. One can accept what one takes to be an unjust state of affairs if one can imagine no better alternative or if the cost of rejecting it are too high. When one endorses a previous decision, on the other hand, one not only finds the consequences of the decision to be tolerable but also sees that decision itself as justified. Imagine a parent who decides to risk his child's modest college fund in order to try his luck at slots. The risk pays off and the parent now has quadrupled the fund. The child may later come to accept the windfall without necessarily endorsing the parent's decision. He may be happy about the outcome of the decision without seeing the decision itself as having been justified. Filling in Full Predictive Glad inspired by Dworkin's account would look like this:

**Future Endorsement:** Though you may not or cannot endorse my  $\varphi$ -ing on your behalf now, if I can predict that, in the future, you will reasonably endorse my decision to  $\varphi$ , then my  $\varphi$ -ing on your behalf now is a morally permissible way to treat you.

There are reasons to be optimistic about Future Endorsement as a means to justify one's decisions on behalf of others who do not have the capacity to make decisions on their own behalf. First, as already noted, it appeals to our commonplace practices. Parents sign their children up for piano lessons with an eye towards the child's future appreciation of his own musical ability. They introduce unfamiliar foods into their children's diets with the hopes that someday pad thai will be as appetizing as pizza.

Second, the idea of Future Endorsement requires the parent to consider the child's own attitudes (albeit future ones) in deciding what one may do. Rather than justify her action by demonstrating some objective benefit that the child stands to gain, the parent must regulate her actions with an eye toward the child's actual preferences and attitudes. This feature is especially important when it is controversial what would constitute the best interest of the child. The child's interests, projects, and values may just be taking shape; and there may be no general consensus about which path of action is of most value. While people generally agree that braces are a worthwhile burden for children to bear, there can be reasonable disagreement whether home school or public school would be a justifiable form of education for a particular child. Future Endorsement seems to sidestep some of these issues since it appeals to the future subjective states of the child rather than some objective standard.

Third, relatedly, the child's future endorsement can be a powerful target when it comes to parents making decisions that have the potential to be transformative of the child's values, interests and perspective of the world. On the one hand, the parents may themselves be on the other side of a kind of transformative experience that they are now thinking about choosing for their child. They may know the joy of musical literacy or the delight of papaya salad with the perfect amount of fish sauce, but such considerations may not yet be salient to their child without the proper training or habituation. Defending their decision by saying "you'll be glad I did it" needn't be flippant in such situations. Instead it can be a compelling justification to a child who does not yet have the experiences necessary to fully endorse her parents' decision on its own merit but who has reason to trust her parents' instincts on the sorts of things she will come to value. On the other hand, parents may be required to make a decision on behalf of a child that involves phenomenological experiences that are foreign to them and for which they have no direct access. Hearing parents must make decisions on behalf of deaf children, parents who are cisgender must make decisions on behalf of trans\* children, parents must make decisions on behalf of children of a different race. In such situations, parents should be open to the possibility that they do not know what it is like or what it will be like for their child to deal with the consequences of their vicarious decisions. However, they may come to accurately predict their child's future preferences by taking seriously the testimony of others who have been through the relevant phenomenological experiences.<sup>14</sup> In such cases, parents may claim, "Although I do not fully understand why in the future you will endorse the decision I am making now, I can reasonably predict that you will, and so I am justified in making it."

Fourth, the child's future endorsement is the right sort of pro-attitude to appeal to when thinking about which vicarious decisions can be justified rather than which actions are the best actions to take. Parents have endless choices about how to raise their children, but these vicarious decisions must be made alongside other important decisions they face. While it is reasonable for parents to want to do what is best for their child, it is also reasonable for them to want to pursue a rewarding career path, to want to maintain healthy relationships with other adults, or to want to live up to their civic duty. Some of these other aims that parents are reasonable in pursuing may lead them to act in ways that they recognize may *not* be the best for their child. For instance, after much research, a deaf single mother may decide that while her deaf son may benefit most from receiving

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<sup>14</sup> See Sharadin (2015) and Dougherty, Horwitz, and Sliwa (2015) about how testimony of others can be informative in first personal practical decision making. See McKinnon (2015) for a powerful illustration about how one can effectively know the probable disutility associated with forgoing gender transitioning, even if one recognizes that there is great variation in trans\* experience.

cochlear implants, this is not the best decision *for her*. Medical experts suggest that a child with cochlear implants should be raised using oral communication at home and in school (Ouellette 2011, 1248). Since the deaf mother may have both cultural and economic reasons to raise her child at home using only sign language, it at least appears reasonable to raise her son without the implants. The idea of securing future endorsement makes room for the moral permissibility of many actions that parents may choose which would benefit the child but may not necessarily secure the *most* benefit for the child given the alternatives.

So Future Endorsement has a lot going for it. In spite of these encouraging features, I will argue that justifying vicarious decisions by appealing to Future Endorsement is insufficient. This is because Full Predictive Glad, taken on its own, is an incomplete justification, regardless of the future pro-attitude one wishes to insert in the schema. The tricky part about making decisions over children is that guardians may act not only in ways that they think are in the best interest of the child, but the vicarious decisions that they end up making also shape what the child himself takes to be in his best interest in the long run. Therefore, if a child's future attitudes are determined by certain decisions we take at present, we should be wary about justifying these decisions solely by invoking the future pro-attitudes.

This skepticism is bolstered by John Rawls's assertion that the fact of future acceptability is not enough for the legitimacy of paternalistic power. Rawls considers the case of an involuntary conversion (1999, 220). He asks us to imagine a psychiatrist who is deciding whether to administer some treatment, such as shock therapy, that will cause the patient to abandon a presently-held philosophical belief for a different one in the future. The fact that the patient may one day conscientiously endorse both her new belief as well as the course of treatment seems irrelevant, says Rawls, to whether or not the psychiatrist's intervention is justified.

Rawls's argument relies on the view that the sole determining factor for the patient's pro-attitude toward the new belief is that she underwent the treatment. The event itself is the cause the subsequent pro-attitude about that event. This can lead to what seems like a bad form of bootstrapping. Were we to ask the psychiatrist, "Why is it permissible for you administer the treatment?" he might respond, "If I administer the treatment, she'll be glad I did it." Our natural follow up, "But *why* will she be glad?" It is unsatisfying for the psychiatrist to respond: "Because I administered the treatment." In an attempt to justify the moral permissibility of the treatment, the psychiatrist is appealing to the predicted future pro-attitudes of his patient and when pushed on what would justify these future pro-attitudes, the psychiatrist is giving a *causal* story about how these

attitudes would come about. But causal stories are not justifying. Administering the treatment is not morally permissible way to treat another person merely because of the fact that in the future the treatment will have been administered. Similarly, one cannot justify an event by direct appeal to a pro-attitude that is exclusively, causally dependent on that event having taken place.

However Rawls's rejection moves too quickly. It all depends on *how* the treatment causes the patient to conscientiously accept the new belief and also the treatment. If the acceptance itself has just been implanted, then yes, the future acceptance doesn't add much in terms of justification. But the patient may have other reasons for being glad that she underwent the treatment. Conscientious acceptance may come from the patient now holding certain views and values that have developed over time as a result of the treatment by which she now endorses it. Certainly the treatment caused her to have these values. But her reasons for acceptance are grounded in the values that she now conscientiously holds and for which she can offer independent justification. And after all, *all* our held values have some causal story. Our life circumstances, our formative relationships, our bodily capacities – these are the causes of the values we hold. What is so special about a subjectively held value being causally traced to some treatment chosen by another person on one's behalf? Of course one feature that seems distinctive about this hypothetical case that Rawls puts forth is that the treatment is involuntary. However this is not a relevant factor in parental decision-making. Parents manipulate the circumstances of their children in an involuntary way that influences their interests and values all the time. It is uncontroversial that education can and should influence the interests and values of children. So even involuntary procedures can and should be justified.

Rawls is right to highlight what it is about justifications based on future preferences that should make us wary, but he is wrong to reject the entire structure. It seems that in some cases, a parent's vicarious decisions are perfectly justifiable *even when* the child's future pro-attitude is causally dependent on those decisions. Recall piano lessons, dreaded at the time but remembered fondly in the future. Dworkin is right that these actions taken by parents are indeed wagers that the child will one day see the wisdom of their efforts. While some wagers about the child's future preferences may be optimistic, they do not necessarily manifest bad reasoning. So the lesson we should draw from Dworkin is that the child's future attitude can play some role in justifying our vicarious decisions; the lesson we should draw from Rawls is that predicting that the child will endorse the decision in the future cannot on its own justify that decision. We thus need to further investigate the justificatory structure of Full Predictive Glad to see when such wagers are acceptable ways of making decisions on behalf of a child and when they are problematic.

### §3. Justification and Optimality

Harman has examined closely the structure of arguments that employ something akin to Full Predictive Glad in its first-personal form. So it will be useful to see where she draws the line between acceptable and problematic cases of “I’ll be glad I did it” reasoning and why. Doing so will help clarify where I think Full Predictive Glad goes wrong as a justification for the moral permissibility of an action.

Although Harman does not think that “I’ll be glad I did it” reasoning is deductively sound, she does take it to be generally good reasoning. Such reasoning may not always provide conclusive reasons to do something, but it does generate some good reasons to think that I should do it. And so it is the sort of commonsense reasoning we should continue employing in our everyday practical thinking. Harman writes that, “*typically*, the fact that I will be glad I did it is genuinely indicative that I should do the thing in question” (2009, 194). This, according to Harman, is because *typically* the fact that we will be glad we  $\varphi$ -ed is genuinely indicative of that fact  $\varphi$ -ing would be best (in that it would bring about the best state of affairs in all the ways we should care about).<sup>15</sup> And furthermore, we often should do what would be best in this way (Harman 2009, 188). Harman then offers some defeaters that identify when the situation is no longer typical and when our future preferences cannot justify our present ones. She writes, “if there are facts that would defeat this justification, and the facts are sufficiently salient to an agent, then ‘I’ll be glad I did it’ reasoning is bad reasoning” (2009, 184). Here is a partial list of defeaters:

#### **“I’ll be glad I did it” is bad reasoning if I believe that...**

1. “I’ll be glad I did it” will be unreasonable, or
2. “I’ll be glad I did it” will be due to misleading evidence, or

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<sup>15</sup> Harman makes the distinction between states of affairs being impersonally best and states of affairs being best for a person (ie. best in all the ways she should care about). Here and in the rest of the paper, I follow Harman in using “best” to connote this second notion: the choice that is best is the choice that brings about a state of affairs that is best in all the ways one should care about. I should also note that Harman oscillates between (a) whether our future preferences are typically indicative of what *turns out to be the best option* and (b) whether our future preferences are typically indicative of which *option turns out to bring about the best outcomes*. Now one may think that the best option *just is* the option that brings about the best outcomes in all the ways that one cares about. I don’t hold this view. Instead, I hold that an option can be best not because of its outcomes but because of the reasons that justify it. One could respond to my view by saying that the state of affairs in which one does the most justified thing is always the state of affairs with the best outcomes. But I don’t think this is true either. I think that you can do the justified thing and make the world a worse place (in all the ways that you care about). Whether or not Harman agrees with me on this point, I take it that she understands “best” to refer to (b) rather than (a).



3. “I’ll be glad I did it” will arise out of love for and attachment to someone, or
4. “I’ll be glad I did it” will arise out of my inability to identify with the person I would have been in the alternative state of affairs.

So what makes Deafness Argument an instance of bad reasoning when the structurally similar Paper Argument manifests perfectly good reasoning? What defeater should be sufficiently salient to Stevie’s mother?

First, we should be clear on what Harman thinks is *not* a defeater in this case. She does not think the problem with Deafness Argument is that the mother’s future preferences will be unreasonable. Consider how that view would go: “Since it is worse to be deaf than to be hearing, it follows that it is unreasonable to prefer being deaf over being hearing. Furthermore, when it comes to our preferences concerning our loved ones, it is unreasonable to prefer their being deaf over their being hearing. So it should be salient to the mother that her predicted future preferences will be unreasonable (Defeater 1).” Harman rightly rejects this assessment of what goes wrong in Deafness Argument. While she maintains that it is worse to be deaf than it is to be hearing, she does not think that this licenses any conclusions about what is unreasonable for Stevie or his mother to end up preferring. As she compellingly argues, it is reasonable for our future preferences to be sensitive to how we and how the people we love will have actually turned out. We can call these preferences for how people turn out “Person-Affecting Preferences.”<sup>16</sup> Deafness Argument involves Person-Affecting Preferences for how Stevie turned out rather than inherently unreasonable ones.

It is this involvement of Person-Affecting Preferences that is the salient feature that makes Deafness Argument problematic on Harman’s account. Although Harman believes that our predicted Person-Affecting Preferences can be reasonable in the future, she doesn’t think that they can give us reason to believe the we should do one action or another at present. Harman reminds us that just because “a preference is reasonable given that a person has a certain character [this] does not imply that the preference is reasonable before the person has come to have this character” (2009, 191). Once Stevie’s character has been shaped by his deafness, it can be reasonable for him and for his mother to be glad that he is deaf. His deafness has become a significant and invaluable part of his life and his identity. But at infancy, his deafness is not yet a significant and invaluable part of his life. It is just a physical condition. Our attitudes about a single event can change over time, so we can

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<sup>16</sup> Both defeater 3 and defeater 4 on the list describe a Person-Affecting Preference. This title is adopted from Barnes 2009a.

reasonably come to be glad that some event took place even though it would be unreasonable to prefer it coming about or to make an effort to bring it about.<sup>17</sup>

All this leads Harman to what she takes to be the basic problem with the reasoning employed in Deafness Argument: often, we should do what brings about the best outcomes and, *typically*, our future preferences are indications of what will turn out best. But sometimes they fail to be indications of this. This is one such occasion. It should be salient to the mother that her future preferences will grow out of her love for her son and how he will have actually turned out (Defeater 3). Such Person-Affecting Preferences track how people actually turn out rather than what would have been best. So the mother's future gladness about her decision in Deafness Argument is not indicative of the fact that the outcome will be best in all the ways that she cares about. In cases like Deafness, the mother's future preferences cannot offer her a reason to believe that she should forgo the cochlear implants.

I don't want to dispute the important lessons that Harman draws about how our future preferences can be reasonable even when things don't turn out for the best. But her assessment of Deafness Argument is problematic for our purposes in two other important ways. First, Harman thinks that whenever they aren't Person-Affecting Preferences, our future preferences can be straightforwardly indicative of optimality (ie. they can be indicative that some option will bring about the best outcome in all the ways we should care about). In contrast, I think that when taken on their own, *all* predicted preferences, not just the person-affecting ones, are insufficient indications of optimality. Even in Paper Argument, one has to compare alternative courses of action and the resultant preferences to discover that working on the paper is the optimal choice. The second feature of her view that is problematic for our purposes results from the fact that Harman and I are concerned different types of practical reasoning and what role future preferences can play in for each type. Harman's investigates whether "I'll be glad I did it" reasoning can tell us about what we should now do all things considered. She argues that the only way our future preferences can be informative for this purpose is if they are indicative of what will be best. I on the other hand, care about the moral permissibility of a vicarious action and not necessarily which action one ought to do all things considered. Pointing out the optimality of some course of action is not the only way to justify it as morally permissible. Given that there is a diversity of ways to justify our actions, future

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<sup>17</sup> Harman 2009, 188. See also, Heathwood 2008 and Hare 2011.

preferences can play a role in some of these justifications, even if we predict that they will be person-affecting. I will develop both of these arguments in turn.

First, let us examine why Person-Affecting Preferences are not indicative of optimality. Once a personally transformative experience has happened and has shaped you, you may come to reasonably endorse that experience; but if the personally transformative experience did not happen and its not-happening shaped you, you may reasonably have endorsed *not* experiencing it. Either way, your future Person-Affecting Preference for how you turned out is not indicative that you turned out for the best. But even in the case of normal non-person-affecting preferences, our future gladness is not always a mark of optimality. The intuitive nature of Paper Argument relies on the presumed disparity between the goodness of the two options – built into one’s preference to continue working on the paper is the implicit knowledge that one would have regretted going to the movie instead. However, consider if writing the paper is pitted against some other good option that is harder to compare: you can either continue working on the paper or you can catch up with an old friend. Neither of these options is going to be transformative or otherwise person-affecting, and yet the fact that you will be glad in either case does not indicate that it is the option that will be the optimal one. You choose to work on the paper and you will be glad you did it – your work will have progressed and your friend isn’t going anywhere. You choose to catch up with an old friend and you will be glad you did it – it is always interesting to hear what she’s up to and the conversation will feel like a well-deserved a break from work.<sup>18</sup> So regardless of whether our future preferences are Person-Affecting or not, we still have to pay attention to how our predicted preference compares to the future preferences that will result from other possible actions to know if it is genuinely indicative of the optimal choice.

Second, insofar as we are in the business of justifying actions as morally permissible rather than figuring out what we should do all things considered, then our future preferences may play certain justificatory roles even when they are not indicative that things will have turned out best. Justifications for an action needn’t explicitly demonstrate how the action is for the best; all they need to do is offer the other person (or the agent herself) a reason to believe that the agent is morally

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<sup>18</sup> I should note that I am committed to the view defended by Dietrich and List (2011) that our preferences can shift without us necessarily learning any new information about our situation. This is because experiences can shift what sorts of considerations are motivationally salient for a particular person rather than provide for the person new information. Working on the paper or spending time with a friend can have this affect on what you will find to be a motivationally salient consideration. For instance, our preferences may shift after spending time with a friend because such an experience change our priorities and makes us more sensitive to certain considerations rather than gives us any extra information about what is valuable about spending time in this manner. I’m disinclined to call these shifts personally transformative experiences, though I recognize that they alter our priorities and self-conception slightly.

permitted to  $\varphi$ . Figuring out whether a vicarious action is justifiable to another and figuring out which vicarious action will bring about the best outcome in all the ways that the other person should care about are conceptually distinct mental activities. Of course, when we have authority to make decisions on behalf of another, one important way justify the morally permissibility of the particular decision we are thinking of making is by demonstrating how that decision to  $\varphi$  would be best for that person. But sometimes we cannot make a good prediction about what would be best in advance and yet we still need to figure out which actions on behalf of this person are permissible ways to treat that person. On such occasions, we may try to determine whether all the alternatives to  $\varphi$ -ing are impermissible courses of action (even as we recognize that the deontic status of  $\varphi$ -ing is still up for dispute).<sup>19</sup> Other times, we may have a view about what would be best in all the ways that the person should care about but recognize that *that person* may view things quite differently. When we find ourselves in such a situation, the morally permissible thing to do may be to track that person's actual cares and interests rather than the ones we think the person should have. If this is what we are morally permitted in doing in such a situation, then the vicarious decision cannot be justified by appealing to our belief that the decision will best in all the ways that *the other person should* care about.

These are just a few ways in which justifications about the moral permissibility of an action do not require appealing to what would be best for the other person in all the ways she should care about. Given that there is a diverse range of methods of justification, Person-Affecting Preferences may have some role to play in justifying our decisions even when they are not indicative that the decision would be for the best. Moreover, if the method of justification we are employing is appealing to optimality, then there should be nothing especially misleading about our predicted future preferences which are person-affecting. The typical way that our future preferences are genuinely indicative of the fact that some course of action is optimal is if we consider the predicted future attitudes of doing that action along with (at least) the hypothetical attitudes of not doing it.

Given these two arguments about optimality and justification, I am led to different conclusions than Harman. Whereas she thinks that "I'll be glad I did it" reasoning is typically good but defeasible reasoning, I think that, taken on its own, the fact that one will be glad one did it *never* offers up a conclusive reason to believe that one should do it. We should always be suspicious of such a justification if we cannot find a further feature of the situation that supports it. The mere fact that we (or someone we love) will be glad we did something is not a defeasible reason to believe we

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<sup>19</sup> For discussion about the normative implications of making decisions in situations of moral ignorance and moral uncertainty, see Harman (2011) and Guerrero (2007).

should do it, nor for that matter is it a reason to believe that we are permitted to do it. Such reasons too easily lead us astray or are employed for pernicious ends. This is especially clear when we look at the case of justifying our vicarious actions. Rather than think that “You’ll be glad I did it” is generally good but defeasible justification, and put the burden on the vicarious decision-maker to find some salient feature that would defeat it, our practical reasoning will go better if we regard “you’ll be glad I did it” reasoning as dubious when taken on its own. The burden is then on the decision-maker to argue why ‘you’ll be glad I did it’ is evidence of some further feature that would indeed make the reasonableness of the future preference justify some action in the present as morally permissible. I think that we often *can* meet this burden even if it is likely that the future preference results from a transformative experience or is otherwise person-affecting. I will turn to some ways in which considering our future preferences can play a role in justifying our action in the final two sections of the paper.

#### **§4. Person-Affecting Preferences vs. Adaptive Preferences**

Harman says that “I’ll be glad I did it” reasoning is typically good but defeasible reasoning. But once we start paying attention to the list of defeaters that she compiles, such reasoning ends up being unsuitable for the many predicaments in which we thought it could be of distinctive help in figuring out what we should do. In particular, if Harman is correct about the fact that Person-Affecting Preferences in the future cannot play a role in informing us about whether we ought to perform a present action, then it seems like “I’ll be Glad I did it” and “You’ll be Glad I did it” style reasoning lose a lot of their intuitive deliberative power. Insofar as some decision has the capacity to transform the child in ways that will resonate with her identity and affect her deeply held values, it can no longer be justified by “You’ll be glad I did it” reasoning based on Harman’s account. So all sorts of parental decisions we thought could be justified by appeal to the child’s future preferences can no longer be justified in this manner: piano lessons, camping, throwing away a kid’s tattered security blanket when they have outgrown it, etc. “I’ll be glad I did it” may turn out to be informative for working on a paper and “You’ll be glad I did it” may justify getting your kid to go to bed, and other sorts of mundane things that are obviously good courses of action, but that’s about it.

This deflationary conception of the uses of “I’ll be glad I did it” reasoning may be a salutary upshot to Harman’s view since part of what she is doing is trying to uncover some common mistakes people make when they think that their current preferences for how things actually turned out should universalize to what other people’s preferences should have been prior to things turning

out their preferred way. But as I articulated in §2, I think that predicting our children's future preferences can be of immense use for our vicarious decision-making, particularly for clarifying our thinking in the face of reasonable disagreement about what would be best for the child. So rather than dismissing people's future attitudes in all these different situations, I think we should dismiss Predictive Glad as the principle that should guide us in employing such reasoning. The problem is not Person-Affecting Preferences; the problem is appealing to the predicted preferences of only one course of action.

In the next section, I will present an alternative approach to Predictive Glad. I think that my approach allows a justificatory role for people's future attitudes in a way that guards against some of the problems that Harman discusses while at the same time retaining some of its intuitive uses. But more importantly, my approach will reveal how our future attitudes can be informative in cases where previously they seemed to be misleading at best. To see this, I want to take some time to discuss the differences I take there to be between Vicarious Deafness Argument and Happy Old Clown Argument.<sup>20</sup> Recall how these two arguments proceed:

**Vicarious Deafness Argument:**

1. If I do not cure my baby of deafness, he'll be glad I made that choice.
2. Therefore, I should not cure my baby of deafness.

**Happy Old Clown Argument:**

1. If I break my son's legs, he will be glad I did it.
2. Therefore, I should break my son's legs.

Given the defeaters that Harman provides, how would we assess these two cases of practical reasoning? In regards to Vicarious Deafness Argument, we can claim that the mother should be able to predict that Stevie's future preference are potentially person affecting in a problematic way. Namely, his preferences for remaining cochlear-implant-free may arise out of his inability to identify

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<sup>20</sup> A number of differences between the two cases that I do not discuss: (1) The father is physically hurting his son and the mother is not. Although, obviously true and important, I don't think that this is the most interesting difference between the two cases. So if one wishes, one could alter the Happy Old Clown Case so that the father agrees to some medical procedure that will alter his son's body for comical walking. (2) The Fratellini father is deciding whether to cause his son's impairment and Stevie's mother's is deciding whether to not alter her son's impairment. I have a hard time seeing how this distinction between causing vs. not causing is of normative significance in the case of parents making decisions on behalf of children, though I could be wrong. For an interesting discussion of this distinction see Barnes, 2014.

with the person he would have become had he undergone the surgery (Defeater 4). Notice that deciding to go forward with cochlear implants based on Stevie's future pro-attitudes would also fall prey to Defeater 4. Were Stevie to get cochlear implants, he would be glad that he got them, but these future preferences may also arise out of an inability to identify with the person he would have become had he remained fully deaf. It follows that Vicarious Deafness Argument as well as a vicarious form of Cochlear Implant Argument would be cases of bad reasoning. Similarly, the Fratellini father should be in a position to be wary of the possibility that his son's future preference for having his legs broken would arise from an inability to identify with the person he would have become had he not been forced to walk comically. So if we are going by the list of defeaters, Happy Old Clown Argument is a case of bad reasoning in exactly the same way as Deafness Argument, they both cannot rule out the possibility of Person-Affecting Preferences.

However, not all Person-Affecting Preferences are on par. There is something about the way that some of our future Person-Affecting Preferences are formed that make them distinctively unreliable grounds for justification. Whereas I think that Vicarious Deafness Argument and Happy Old Clown Argument do face structurally similar problems in employing Predictive Glad – I do think that we can look directly at the future attitudes underlying Happy Old Clown Argument and dismiss certain courses of action as impermissible in a way that I don't think is possible for Stevie's mother in Deafness Argument. This is because not only does Happy Old Clown Argument rely on Person-Affecting Preferences, it also cannot rule out the possibility of adaptive preferences. When we are in a position to see that some preferences are potentially adaptive and compare those to the preferences that result from the alternative course of action, we should be able to draw stronger conclusions than the conclusion that they don't justify our actions.

There are many different ways of understanding how to determine whether some agent's preferences are problematically adaptive. Some views understand adaptive preferences as those preferences formed in oppressive circumstances (Superson 2005),<sup>21</sup> others view adaptive preferences as those preferences formed in response to diminished options but only if people end up preferring *suboptimal options* (Nussbaum 2001). But in order to have something to challenge the justificatory structure of the Fratellini father's reasoning, I am going to follow Jon Elster's original formulation of adaptive preferences as being unreliable purely because of some formal features about the way that a person comes to have them rather than some normative view about the badness of the circumstances or the badness of the preferences that develop. Doing this allows me to show what is

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<sup>21</sup> Superson (2005) calls these sorts of adaptive preferences, 'deformed desires.'

bad about the father's reasoning without making comparative claims about whether it is worse to walk comically than it is to walk plainly. Thus my account can end up presenting reasons to think that it is impermissible to break one's son's legs that can be made salient to people like the old Fratellini Clown who deeply value their clownish gait. If such reasons are sufficiently salient to the father than we can charge him with engaging in bad reasoning rather than merely reasoning from tragically false assumptions.

For Elster, the problem with adaptive preferences is that they are subconsciously formed in response to a person's diminished set of feasible options. As the person's set of options is diminished, that person's preferences change to the point where the person prefers something that is within the feasible set of options rather than preferring some option from the larger set of conceivable alternatives – some of which may no longer be within reach (Elster 1983, 114). When this happens, the person's future preferences become indistinguishable from accepting a suboptimal situation.

Let us consider how the possibility of adaptive preferences would work for the case of Happy Old Clown. While the father may not be in a position to think that his son's future pro-attitudes are unreasonable by looking at their content, he must concede regardless of his values, that the decision to break his son's legs will significantly diminish his son's set of feasible life options. The position that the father could consistently hold in light of this fact is that such a diminishment is justified by the overwhelming value of his son being able to masterfully carry on the Fratellini family tradition of clowning. It is a necessary tradeoff, the Fratellini father could say, between the diminishment of his son's options and the exclusive focus on a path to clowning excellence. If this is the case, the Fratellini father would have to concede that his son's future preferences may be unreliable markers for the moral permissibility of his actions – since they are indistinguishable from accepting a suboptimal situation. Although the son may value his physical impairment for the intrinsic value of clowning, he may also only value it in response to his constrained circumstances. In an effort to cope with his diminished set of options, the Fratellini son may manage to convince himself that he not only accepts his condition but that he does not regret his father's decision to break his legs.<sup>22</sup> Such convincing may help the son get by, and may in some sense be an understandable response to his sub-optimal situation, but it should still be seen as an instance of

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<sup>22</sup> Regret here just is the opposite of being glad. It is to prefer a state of affairs in which things would have turned out differently rather than the state of affairs in which things turned out as they did. I thank an anonymous referee for asking to clarify this point.



unreliable adaptive preferences. The following argument is thus available to the father given his values and deliberative position:

**Possibly Adaptive Happy Old Clown Argument:**

1. If I break my son's legs, he will be glad that I did it (and possibly, reasonably so.)
2. My son will be glad in spite of a diminished set of feasible life options.
3. Given my present deliberative position, I have some reason to think that my son's future preferences may result from adaptive preference formation and so I cannot distinguish these predicted preferences from mere acceptance of a sub-optimal state.
4. However, my son's future acceptance would not justify my present action as a morally permissible way to treat him.
5. Therefore, my son's future gladness cannot justify my breaking his legs as morally permissible way to treat him.

We should note that the possibility that his son's future attitudes will be adaptive may be salient to the Fratellini father even if he endorses his own broken legs and believes his own gladness to be warranted.

If adaptive preferences are a problem for the Fratellini father, shouldn't it also be a problem for Stevie's mom? One could argue along similar lines as Possibly Adaptive Happy Old Clown that growing up deaf in today's society may constrain Stevie's options to such a significant extent that it may affect the reliability of his attitudes about his condition. In an effort to cope with his situation, he may manage to convince himself that he not only accepts his deafness but that he does not regret his mother's decision to forgo the surgery. Such convincing may help Stevie get by, and may in some sense be an understandable response to his sub-optimal situation, but it should still be seen as an instance of unreliable adaptive preferences. This is the story one could tell in order to argue that Stevie's future attitudes may be the result of adaptive preference formation.

But I don't think that the mother has to concede this story in the same way that the Fratellini father should concede Possibly Adaptive Happy Old Clown Argument.<sup>23</sup> Stevie's mother and the Fratellini father are at present in different deliberative positions. The mother can reasonably maintain that forgoing cochlear implants and instead learning American Sign Language as one's first

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<sup>23</sup> For a more comprehensive argument against regarding the preferences of people who are disabled as adaptive, see Barnes 2009a.

language does not diminish one's feasibility set. Disability rights advocates and philosophers have forwarded the view that at least some disabilities are mere differences from standard physicality rather than inherently sub-optimal (Aas 2015, Barnes 2009b, Silvers and Francis 2005, Thomson 1996). While it is undoubtedly the case that the way the world is set up, being deaf presents one with certain hardships that being hearing does not, these hardships don't necessarily diminish one's feasibility set, though they do make some goals more challenging to reach. Moreover, when the hardships that are presented to a deaf person become diminutions of that person's feasibility set, this is not necessarily a result of their impairment but rather the result of the way their impairment is accommodated by society and the way that others, including their loved ones, relate to them in light of their deafness.<sup>24</sup> So while the mother must accept that being deaf in this society presents one with certain hardships, she may have practical and political reasons not to accept the view that just because one is presented with some hardship, this inherently represents a diminution of one's feasibility set. Accepting this assumption means accepting unjust conditions of society as fixed features of the condition of the disability. In particular, her personal acceptance of such a view could limit Stevie's life prospects in unwarranted ways. Notice that this is different from the Fratellini father case. The whole point of breaking his son's legs is to diminish the feasibility set in exchange for what the father presumes is a worthy outcome. The Fratellini boy is to have his legs broken to become a clown, not to become whatever his heart desires. The mother on the other hand can be committed to the view that little Stevie can remain profoundly deaf and still pursue the same variety of worthwhile life plans as someone with cochlear implants.

This is obviously too simple a gloss and the view that disability rights advocates defend is much richer and more nuanced. But this gloss highlights (and perhaps exaggerates) a fairly weak claim that I wish to defend here. Namely, that the mother would be reasonable in refusing to see forgoing cochlear implants as diminishing Stevie's set of life options in any significant way and in refusing to view the genuinely held gladness of her deaf friends as potentially adaptive. If the mother is reasonable in maintaining such a view, then she is reasonable in rejecting the possibility that Stevie's future pro-attitudes may be the product of adaptive preferences. The mother has reason to believe that if she decides to forgo the surgery, her son will be reasonably glad for the decision and this gladness should not be mistaken as a mere coping mechanism. So the following augmented argument should still hold:

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<sup>24</sup> For a historical example of a society in which deafness was not a disability look at Martha's Vineyard from the seventeenth century to the early 20<sup>th</sup> century, see Groce 1985.

### **Reasonable Deafness Argument:**

1. If I do not cure my baby of deafness, he'll be glad I made that choice and reasonably so.
2. Given my present deliberative position, I have little reason to think that his future gladness will be the result of adaptive preference formation.
3. Therefore, my baby's future gladness offers me a reason to believe that not curing him of deafness is a morally permissible way to treat him.

From looking more carefully at their sons' predicted future attitudes and the circumstances in which those attitudes have been formed, Stevie's mother and the Fratellini father should reach different practical conclusions. These conclusions are fairly minimal, however. The father learns that his son's predicted attitude cannot justify breaking his legs and the mother learns that her son's predicted attitude offers a reason to believe that forgoing the implants is morally permissible. But is this reason decisive? In the next section, I will show how once we compare different options that are available to these parents they may be led to more decisive conclusions about which decisions are morally permissible.

### **§5. Entertaining Competing Options**

When we are charged with making decisions on behalf of others, we cannot justify our decisions as morally permissible solely based on the prediction that the others will glad we made that choice. I have argued that, when taken on their own, people's future pro-attitudes about some action can never justify that action at present. This does not mean that people's future pro-attitudes have no role to play in our thinking. Nor does it mean that we should always be suspicious of future attitudes if they come about because of a transformative experience. As we have seen already in the case of Happy Old Clown, thinking about the future attitudes of the child *can* inform our decisions about how to act on their behalf, at least in a negative way. Let us look at more schematized version of Possibly Adaptive Happy Old Clown:

### **Schematized Possibly Adaptive Happy Old Clown Argument:**

1. If I break my son's legs, he will be glad I did it. But I have reason to believe that this gladness may be the product of adaptive preference formation.

2. Therefore, my son's future gladness does not justify my breaking his legs as morally permissible way to treat him.

One thing to notice about this argument is that it does not yet justify any action on the part of the father. The practical conclusion that this argument offers is a negative one: the father is *not* justified in breaking his son's legs by appeal to his son's future attitude. In appealing to the future attitudes of the son, can we learn anything about what the father would be justified in doing?

When we are trying to figure out how to act, either on our own behalf or on behalf of another, we are often faced with two conflicting courses of action that can be taken. So if it turns out that one's future pro-attitude does not justify one course of action, it seems reasonable to assume that *the negation* of the action would be justified. But this does not follow. This is because the opposite action may not be justified *by* one's consequent future attitudes either.

Consider Milo at the beginning of the children's book *The Phantom Tollbooth*. He is a sad specimen of a young man, "when he was in school he longed to be out and when he was out he longed to be in" (Juster 1961, 3). Milo is presented with two tedious seeming options: he can either go to school or not go to school. When faced with such a decision, he pictures each action he can take and then he imagines how he would feel about the outcome of that action. If he pictures himself going to school, then he can predict his attitude would be to wish he had stayed home; and if he pictures himself staying home, he can predict his attitude would be to wish he had gone to school. Either way, his predicted attitudes do not justify the opposite action. While there is something indeed sad about Milo's state, it doesn't seem to be characterized by practical irrationality. It may just be the case that Milo is saddled with two bad options. Each predicted attitude could be a reasonable response to the choice that Milo would make. So his predicted future attitudes justify neither going to school nor staying home. There may, of course, be *other* sorts of justifications such as going to school is good for Milo or it gets Milo out of his parent's hair for a few hours. But considerations about his future attitudes end up being silent on what Milo should do.

However, the old Fratellini father is not in the same camp as Milo. While his son's predicted pro-attitudes cannot justify breaking his legs, we have yet to explore what attitude his son would have were his father to refrain from breaking his legs. Let us imagine that in deliberating about what to do, the father pictures *both* possibilities of action and tries to determine his son's consequent attitude in response to either path:

### Expanded Happy Old Clown Argument:

1. If I break my son's legs, he will be glad I did it. But I have reason to believe that this gladness may be the product of adaptive preference formation.
2. If I don't break my son's legs, he'll be glad I didn't do it and reasonably so.
3. My son's predicted future attitudes cannot justify breaking his legs but they can justify refraining from doing so.
4. Therefore, considering my son's future attitudes, deciding to refrain from breaking his legs is a morally permissible way to treat him.

This finally looks like the kind of practical reasoning that can offer up a justification for why the father should refrain from breaking his son's legs. The father thinks about both paths which he could take and imagines whether his son would approve of that path. Whereas Milo's deliberation about the possible paths he can take turns out to be unsettled, the Fratellini father deliberation can – perhaps unsurprisingly – lead to persuasive results. Notice that the father is not comparing the son's future attitudes against each other and seeing whether the son would be *more glad* about one course of action or another. This strategy would be problematic because the father's actions transform what the values and aims of the son turn out to be and hence what attitudes he would come to hold. Rather, what the father is testing out is whether the son would approve or disapprove of each particular course of action and *if* the son approves, whether that attitude could reliably be predicted to be reasonable and not maladaptive. *Ceteris Paribus*, if the father is faced with a choice between two conflicting courses of action and as a result of one of the choices the son's pro-attitudes can be viewed as reasonable and as a result of the other course of action the son's pro-attitudes cannot be assured to be reasonable, then the father is justified in pursuing the course of action that would lead to his son's *reasonable* pro-attitudes.

Although unwieldy, this way of appealing to our future pro-attitudes seems like the appropriate way to proceed in our present deliberations. We cannot simply appeal to the future pro-attitude of the principal to justify some specific action. Moreover, we cannot appeal to the reasonableness of the principal's future pro-attitude alone to justify that action. Instead, we must determine the predicted future pro-attitudes of both courses of action to see if there are any lessons we can draw. This holistic method could even be of use in first personal deliberation cases such as Paper Argument:

### Expanded Paper Argument:

1. If I work on my paper, I'll be glad I did it and reasonably so.
2. If I don't work on my paper, I will *not* be glad that I didn't do it and reasonably so.
3. Therefore, I should work on my paper.

Expanded Paper Argument demonstrates that my action can be justified by appeal to my future pro-attitudes if I can claim that (a) I would be glad if I worked on the paper; (b) I would be not glad if I didn't work on the paper; and (c) both these future preferences are reasonable responses to the competing possibilities of action. Again, the argument does not rely on the view that I would be more glad if I worked on the paper than if I put it off. While it may be true that in one situation I would be more glad than the other, the important point of comparison is what course of action I would be glad about and what course of action I would regret. *Ceteris Paribus*, if I would regret the course of action and would be glad about the opposite course of action than I am justified in doing what I would not regret.

It is possible then for future attitudes to justify one's current actions, but not in the way that was suggested by "I'll be glad I did it" reasoning. Given these two expanded arguments, we can see how Predictive Glad is an inadequate schema for the purposes of justifying our vicarious decisions. Predictive Glad only focused on *one* possible line of action and determines what attitudes would be reasonable in response to that line. So in its place we may want to offer the following justificatory schema:

**Predictive Glad/Conjectured Regret:** For any person, A, making a decision on behalf of person, B, the reasonable prediction that B will, reasonably be glad A  $\varphi$ -ed along with the reasonable conjecture that B would reasonably have regretted A not  $\varphi$ -ing, justifies A's  $\varphi$ -ing now.<sup>25</sup>

In the case of vicarious decision-making, A and B represent two different people; in the case of first personal decision-making, A and B represent the same person.<sup>26</sup> Where does Predictive

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<sup>25</sup> Harman (2009, 192) considers and ultimately rejects a principle that is very similar to entertaining competing options. She argues that just as "reasonable attachments" (ie. person-affecting preferences) act as defeaters, so too should "reasonable aversions" act as defeaters. Since I don't think that there is anything particularly problematic with person-affecting preferences justifying our actions when understood in the right way, I also don't think that there would be anything problematic about reasonable aversions. I thank an anonymous referee for pushing me on this point.

<sup>26</sup> Predictive Glad/Conjectured Regret is suitable for Paper Argument but not for Expanded Old Clown Argument since the father doesn't predict that his son will regret either choice. In both cases, what is important is that in entertaining competing options and their consequent attitudes the agents are able to come to some persuasive practical conclusions about which courses of actions are justified.

Glad/Conjectured Regret leave us with Deafness Argument? Let me expand on the competing courses of action put before the mother:

**Expanded Deafness Argument:**

1. If I forgo cochlear implants on Stevie's behalf, he'll be glad I made that choice and reasonably so.
2. If I agree to cochlear implants on Stevie's behalf, he'll be glad I made *that* choice and reasonably so.
3. Predicting reasonable gladness does not help me to adjudicate between these two options as morally permissible.
4. Stevie's future pro-attitudes are insufficient to justify either action in this case as morally permissible.

As opposed to the Expanded Paper Argument and Expanded Happy Clown Argument, we are left with a negative conclusion when we expand the Deafness Argument. Like Milo, neither course of action is fully justified *if we appeal solely* to the principal's pro-attitude. So in some situations – I think in many situations actually – when we compare the different possible lines of action, we are left with inconclusive results. However, this result should not be surprising. After all, as we saw with Milo, our predicted attitudes are responding to the different courses of action that we may take. These courses of action are themselves mutually exclusive, so the manner in which it would be reasonable to respond to each action needn't correspond to the manner in which it would be reasonable to respond to the other action.

One may be tempted to say that in the case of Stevie, the mother just can't go wrong. Regardless of how she decides, she can reasonably predict that Stevie will be glad for it and reasonably so. However, I do not think that this conclusion is warranted either. There are people in the Deaf community who work as determined advocates of deaf infants who seem to think that the mother would be mistaken were she to agree to cochlear implants for Stevie at such a young age. Like Harman, these advocates recognize that if everything goes well enough, Stevie would be completely reasonable in preferring whichever option his mother ended up choosing. Nonetheless, they argue that cochlear implants do a genuine disservice to the child's welfare and that the practice of providing cochlear implants as the default medical position is disrespectful to the deaf community at large. I take this to be an open question. The point I want to emphasize is that when considering

future attitudes leads to an inconclusive result, that doesn't mean both options are equally good; it just means that we need to continue the deliberation on other grounds.

So here we have seen different ways in which future attitudes *can* play some role in justifying a present action, even if those attitudes are person-affecting and even if those attitudes result from a transformative experience. Importantly, in none of these cases does the future attitude play the sole justificatory role. Moreover, there are many cases in which even when we entertain competing options, understanding our future pro-attitudes about these options is just not going to be sufficient in figuring out what we are justified in doing. This is not to say that our future attitudes aren't actual sources of reasons for action and are always merely epiphenomenal of other reasons that we may have. Sometimes it is perfectly reasonable to invoke, "I'll be glad I did it and I'll regret it if I don't" reasoning as the justification for our actions. When one thinks about whether or not to get up to do a song during Karaoke night, the fact that one will be glad one did it and regret not doing it is a good enough reason to go up there.

When it comes to parents making decisions on behalf of children, however, the predicted attitudes do seem to be indicative of some other underlying reason. This leads to one final conclusion we can draw from this discussion. For parents choosing a potentially transformative experience for their child, they can make a justified decision using the predicted attitudes of the child without necessarily understanding *what makes it the case* that they ought to make that decision. In considering their child's future attitudes, parents needn't imagine what it is like to undergo the transformative experience first hand, which we have good reason to believe they would do poorly.<sup>27</sup> Rather, they just need to reasonably predict the child's attitudes and preferences that result from the experience. This can be done without understanding fully what it will be like for their child to be in those circumstances and what it is about their child's experience that will be of distinctive value. Instead parents can reasonably predict the child's future preferences by taking into consideration the testimony of others whose experiences more closely relate to those that the child is likely to undergo. In this way, my account offers a way for the predicted attitudes of others to serve a distinctive role in justifying our decisions on their behalf.<sup>28</sup>

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<sup>27</sup> At least hearing parents and deaf parents who have not undergone cochlear implant surgery are likely to be unable to fully appreciate the phenomenological character of living with the implants. See Paul (2015).

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