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BUT WHAT KIND OF BADNESS? AN INQUIRY INTO THE ETHICAL SIGNIFICANCE
OF PAIN

by

ANDREW L. HOOKOM

Under the Direction of Andrew J. Cohen

ABSTRACT

In this thesis, I argue against a claim about pain which I call the “Minimization Thesis” or MT. According to MT, pain is objectively unconditionally intrinsically bad. Using the case of grief, I claim that although MT may be true of pain as such, it is not true of particular pains. I then turn to an examination of the justification provided by Thomas Nagel for offering the MT and find that his argument in its defense is inadequate because it depends on an implausible phenomenology of pain experience. I believe it is more plausible to claim, as Kant does, that pain has *desire-conditional* badness. Finally, I present a Nietzschean argument for the irreducible complexity of badness. I suggest that we may be willing to concede pain’s badness only because it has not been specified what kind of badness it actually has.

INDEX WORDS: Pain, Thomas Nagel, Ethics, Intrinsic value, Axiology, Friedrich Nietzsche

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ANDREW L. HOOKOM

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DEDICATION

To Tom Davis, for starting me on this journey

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1 INTRODUCTION

Certainly when we reflect on the pain and suffering in the world, a thought that very often occurs is that something must be done about it. Putting it that way may seem like an understatement. To many, the suffering caused by any number of things like poverty, disease, and our treatment of animals is a central moral concern. If those who devote themselves to alleviating suffering in these areas are not strictly duty-bound to do so, they are at least involved in something praiseworthy. (I take no position here on which.) Peter Singer offers a characteristic treatment of one such issue in his “Famine, Affluence, Morality”:

I begin with the assumption that suffering and death from lack of food, shelter, and medical care are bad. I think most people will agree about this, although one may reach the same view by different routes. I shall not argue for this view. People can hold all sorts of eccentric positions, and perhaps from some of them it would not follow that death by starvation is in itself bad. It is difficult, perhaps impossible, to refute such positions (Singer 1972, 231).¹

If there is nothing wrong with dismissing his critics, it would seem to be because that is what we do with people who challenge our basic moral assumptions, and what we are dealing with here is one of those.² When it comes to forms of suffering like the ones he lists, we feel that something would have to go terribly awry in order for our desire to see them eliminated to be taken from us.

¹ I don't know what Singer's account of the badness of death is, and I will not be investigating that issue here.

² Singer also says things that are in tension with the practice that he seems to be engaged in here. For example: “Philosophy ought to question the basic moral assumptions of the age. Thinking through, critically and carefully, what most people take for granted is, I believe, the chief task of philosophy” (Singer 2002, 112).

If we consider these possibilities at all, we do so with something like horror and so it is a relief to be more or less asked to set such possibilities and the questions to which they lead us aside.³

I want to resist the relief Singer offers from being troubled by such questions, though I will ask them not about suffering but about pain. For Singer, as for many others, if suffering matters, it is because it is painful. In that sense, the normative value of pain is more fundamental than the normative value of suffering, and so it makes more sense to investigate pain than suffering. The unfortunate consequence of doing so is that if it turns out that suffering is significantly different from pain and that suffering is bad based on something other than its painfulness, I will have had nothing to say about suffering.⁴

What I will investigate are the origin and basis of the normative attitudes we have about pain. Present in Singer's work is a desire or need to take pain's badness for granted as an objective moral fact in order to have a starting point for moral theorizing. He is clear that being serious about moral theorizing (or, in his terms, *not* being an "eccentric" about it) is both compati-

³ Once we have accepted the relief, there will still be a great deal of room for disagreement about just what sort of obligations we have when it comes to alleviating suffering of this kind. For some people, it will seem that people who devote themselves to helping others in distant countries are doing something admirable but which could not reasonably be expected of everyone. For others, it will seem like meeting our basic responsibilities to others requires no less than such devotion; there is no special nobility in it, only indefensible prejudice, laziness and irrationality on the part of others who do not behave similarly.

⁴ The word "suffer" has an etymological connotation of "to bear up under." Indeed, "suffer" can mean something very close to "allow" or "tolerate," as in "Suffer the little children to come unto me." This suggests that suffering may necessarily involve an activity of will that could be triggered by having to *endure* pain that lasts for some time. We might think "pain" contrasts with "suffering" because it is a sensation, and does not necessarily involve the will in the same way. I seek to complicate this understanding of pain in Section 3. We might also think that to say someone is suffering is to make a claim about the way the person feels her life as a whole to be going whereas to say she is in pain does not (cf. Aitkin 2008, 170). On the other hand, suffering can be used as a generic term for physical and emotional pain.

ble with this assumption and even that it requires it.⁵ I find myself susceptible to this way of thinking, but I also believe that genuine seriousness requires resisting it. Contesting the view about pain's value that I associate with Singer's version of what seriousness requires is for me a way of opening the possibility of taking both pain and value seriously. This thesis consists of a set of attempts to engage in this contestation.

Let me then say exactly what the view is about pain that I have in mind to contest. I will call the view the "Minimization Thesis." It has two linked components--axiological and deontic. How the two components are linked is not of central importance just yet. Since a major purpose of my thesis is to criticize the Minimization Thesis, the reader should expect what it is meant to entail to be more clearly elaborated as the thesis continues. For now, it will be sufficient to give a brief statement of it:

Minimization Thesis: (1) Pain is unconditionally intrinsically bad. (2) Rational agents have a non-derivative context-invariant agent-neutral *pro tanto* justificatory reason to minimize pain (whether through action or inaction).

This view is significantly more modest than the view sometimes associated with Bentham's utilitarianism, which claims that pain is the *only* unconditionally intrinsically bad thing such that its disvalue serves as the basis of all other badness in the world. It also does not claim that every pain is bad and to-be-minimized. The all-things-considered value of any particular pain may result from a balancing of that pain's intrinsic value against its instrumental value. The Minimization Thesis *does* claim that pain is bad in a way that does not depend on whose pain it is (other-

⁵ I imagine a professor explaining to his students that pain's badness is an objective moral fact. A student asks, "Why should I believe that?" In my imagination (as in my actual experience), if the professor does not actually say, "Come on, be serious," there will at least be students who roll their eyes and slouch and generally express disdain for this student. It is possible to set up a classroom environment in which this will be certain to happen, for example by talking about how bad it is to scald babies in hot water or torture pets for no reason. It is also, I think, possible to set up a classroom environment in which this kind of dismissal would be very unlikely to happen. The difference between the two classrooms would be one of the mood of inquiry. Part of the idea of this thesis is to get into the second mood of inquiry.

wise pain's badness would be conditional). My pain may be bad for me in a way that supplements its objective badness, but the Minimization Thesis is a claim about what pain is in itself, and that is not altered by facts about who is experiencing it.

Among the contemporary philosophers I have read, Thomas Nagel is the most prominent figure to not just offer the Minimization Thesis but also defend it (Nagel 1980; 1986). Irwin Goldstein offers a somewhat more elaborate defense (Goldstein 1980; 1989).⁶ Neil Sinhababu (2010) is also committed to it, and his defense of it is very similar to Goldstein and Nagel's.⁷ I will sometimes refer to those who hold the Minimization Thesis as "Minimizers." Since the Minimization Thesis tends to seem obvious to those who defend it, it is very likely that many more people are Minimizers than have argued for the Minimization Thesis in print. Indeed, Nagel refers to his work in defending this view as "getting rid of the obstacles to the admission of the obvious" and Goldstein admiringly quotes him on the point (Nagel 1980, 109; Goldstein 1989, 257).

1.1 Outline of the Argument

My arguments will proceed according to the following plan. In section 2, I put pressure on the Minimizers' concept of pain. I raise an objection from Troy Jollimore that leads to a dilem-

⁶ Here is how Goldstein expresses the axiological component: "I believe pleasure and pain are unconditional, intrinsic values: in all times and places, cross-culturally and throughout the sentient realm, every pleasure is good and every pain bad in itself" (Goldstein 1989, 257). He puts the deontic component this way: "That all pain is intrinsically bad entails at most that we ought to avoid pain, or that hurting animals or people is wrong, *when little is gained*. ... [It is] akin to 'there is reason to avoid X'" (259). Elsewhere he specifies that the reason is "*prima facie*," terminology commonly used at the time in place of what we today call "*pro tanto*" (259).

⁷ W. D. Ross (1930) holds a version of the Minimization Thesis that makes what I think Goldstein rightly claims is an unnecessary exception for pains which are "just desserts." I explain why I agree with Goldstein in Section 2. Given his other beliefs about pain and badness, were he to correct his mistake on this point, he would be left accepting the Minimization Thesis. Thus, what I have to say in criticism of the Minimization Thesis (primarily in Sections 3 and 4) should apply to his version.

ma for the Minimizers such that they must either admit that certain pains are not intrinsically bad or specify “pain” in a way that dramatically reduces the scope of their claims. In section 3, I turn to an evaluation of the Minimizers’ evidence that pain is intrinsically bad. I contrast the Minimizers’ view with what I think of as a Kantian view about the intrinsic value of pain. Kant’s view is more commonsensical on this front, I think, since he holds that the badness of pain to us is dependent upon the empirical fact that we don’t like being in pain. The Minimizers have two kinds of arguments intended to support their position against such Kantian objections, to which I will offer responses. In section 4, I claim that intrinsic badness is not a univocal concept. Pain can be taken to be intrinsically bad in ways that actually differ quite considerably from one another and are even, I will suggest, at odds with each other. Since this is true, I claim that the apparent consensus about pain’s badness may only mask an underlying disagreement of some significance. Not only that, but the Minimizers specify the content of the claim that pain is bad in a way that I think is wrong. Rather than offering an alternative view of what kind of badness pain has to that of the Minimizers, I will claim our attitudes toward pain are likely to prove irreducibly complex with regard to which kind of badness pain has at which time.

2 DEFINING PAIN SO AS TO MAKE THE MINIMIZATION THESIS WORK

In this section I try to point out problems with specifying what the pains are to which the Minimization Thesis is supposed to apply without exception. Although I will shortly show that Irwin Goldstein's attempt at a definition of his terms is inadequate in more than one respect, he seems more than any other Minimizer to be interested in providing something more than an extensional definition of pain. Goldstein claims the word "pain" refers to "every unpleasant experience" in which he includes "emotional pain and the localized sensations we call 'pains'" (Goldstein 257). He intends by this definition to suggest that unpleasantness is a necessary and sufficient condition for pain and also that unpleasantness is the essential feature of pain. Thus, if pain is intrinsically bad it is because it is "unpleasant in itself and in this respect bad" (Goldstein 257). This corresponds to something we might imagine ourselves saying. If somebody asked, "Why don't you enjoy being in pain?" one could imagine responding, "Because it is unpleasant."

I think, however, that Goldstein's definition of pain does not align with ordinary language in other important respects. No doubt we refer to certain emotions such as grief, depression and disappointment as pains (e.g. "Few things in this world compare to the pain of losing a child."), and so I embrace that aspect of Goldstein's account. It marks a point of disagreement between himself and Nagel, who does not explain why but nonetheless limits his claims to "physical pain" (1986, 156). On the other hand, treating unpleasantness as the essential feature of pain seems to me to be wrong. Smelling a bad smell is surely an "unpleasant experience" but is not anything like a pain. So some things are unpleasant without being painful.

There does seem to be some relationship between the unpleasant and the painful, however. We might think of the terms as degree concepts such that if some experience meets a threshold of unpleasantness it becomes painful. For example, the breakup of a romantic relationship

may be painful if the relationship was serious, but breaking up after only a short time may lead to no more than an unpleasant conversation. If unpleasantness and painfulness are related in this way, it may be that each holds a place on a spectrum of sensations which are all of the same kind, but differ in degree. If this were right, unpleasantness and painfulness would at least be of the same type and so Goldstein would be right in connecting them. It would only be that sensations have to achieve a threshold of unpleasantness before they become unpleasant enough to count as pains.

I don't think that view is correct. Pain is not just intense unpleasantness in this manner. Pains such as dull aches can be much less unpleasant than smells which would never be pains and yet retain their painfulness. For this reason, it seems unlikely that one could establish a threshold of unpleasantness beyond which something would count as a pain. Still, it could be that pain is one species of the unpleasant. This seems to me the most attractive view. It is plausible that there are no examples of pains which are not unpleasant.⁸ Grief, migraine and toothache are only a few examples of pains, but each is in every case unpleasant. Even if pain is a species of the unpleasant, this doesn't necessarily imply anything about what its *essence* is. In other words, we could call pain unpleasant without that being an account of what *makes* pain the thing that it is. To develop such an account, one would want to pay attention to the importance that might be thought to lie in choosing to call torture "extremely painful" rather than "extremely unpleasant." Regarding something as painful is importantly different from regarding it as unpleasant. Consider two examples: that of awkwardness and numbness. I think that the feeling of social *awkwardness* is necessarily unpleasant, but not necessarily painful. The social awkwardness that may follow loud flatulence at an important dinner may be *incredibly* unpleasant to endure. It surely is

⁸ Some might think masochism is an exception here, since the masochist takes pleasure in feeling pain. I discuss this issue in Section 2 beginning on page 12.

the case that people will sometimes describe such awkwardness as “painful,” and yet the awkwardness is unpleasant in a manner quite distinct from any pain that it causes. Indeed, it *may* become painful, as when the farter is so troubled by the unpleasant awkwardness that he runs off crying – but it may not resolve itself this way at all. Some people are adept at resolving such tense situations into laughter. If it is resolved that way, people will not later speak of how painful the experience was, though they may still note the awkwardness (and thereby call attention to unpleasantness). What this example suggests is that unpleasantness can sometimes take the form of tension, and sometimes pain can take the form of a resolution of that tension.

As another example, some people experience extreme kinds of emotional and physical *numbness* to the point of unbearable unpleasantness. This can lead to a desire to inflict pain on oneself by burning or cutting oneself (just as bad smells or repeated inane music can lead one to bang one’s head against the wall). The numbness may feel like a trap, and pain may be a way of breaking free from it. That possibility depends on there being a difference between pain and numbness which is also intuitively plausible in its own right.⁹ We might say there is a point at which being numb becomes painful, (i.e. that it feels painful not to feel anything) and so numbness is both painful and extremely unpleasant. Even if that is true, the pain evidently is not what people are avoiding in the numbness, since they are choosing pain over it. What makes more sense is to say they are using the pain to escape the numbness.

⁹ Another perspective would be that such cases involve a choice of less pain over more. There may be some cases in which people do make choices of that sort, but this would be a bizarre way of understanding the case I have in mind. What I am describing is a situation in which there is a desire to *feel something* (first-order feeling) motivated by the (second-order) unpleasantness of feeling *nothing* (first order). Ignoring whatever difficulties may be thought to lie in the possibility of feeling that one is not feeling, clearly this choice is not between two states that are only significantly different in degree.

The examples of awkwardness and numbness are meant to show that incredibly unpleasant experiences are a meaningfully different set of experiences from painful ones and thus that to call an experience painful means something different from calling it intensely unpleasant. A further argument to that effect comes from an example of pains which are only moderately unpleasant, such as the pain associated with flexing a sore muscle. Many people would find this less unpleasant than smelling natural gas, but think it is painful even though smelling natural gas is not. At this point, I feel I can conclude that Goldstein goes wrong by tethering himself to thinking of pain in terms of unpleasantness. Not only are there sensations which are unpleasant and not painful, but what makes an experience painful is not just how unpleasant it is.

That said, it may well be that unpleasantness itself is intrinsically bad. If so, then Goldstein's view about the sensations he *calls* "pains" will turn out to be correct even though he is wrong to think he is talking about (what we ordinarily call) pain. If all of the sensations we ordinarily call pain sensations turn out to also be unpleasant (for whatever reason), then Goldstein's argument about unpleasant sensations will also imply that what would then be the narrower class of sensations we ordinarily call pains are also all intrinsically bad. However, any badness that would result would be different from the sort of badness we might naturally associate with pain in particular. This shows up in differences in the vices we associate with unpleasantness and pain. As an example, consider the difference between rudeness and callousness.

If someone is rude, (or crude, for that matter), the problem is that they are irritating to be around. We call them unpleasant people. They don't follow the etiquette that allows social relations to go *smoothly*, so we sometimes also call them *coarse*. They are like sand between one's toes or like the sound of a fly buzzing around the room. They stand too close or talk too loud or laugh too hard and it grates on us. It doesn't *hurt* per se, but all the same it is an obnoxious both-

er. If there is a corresponding vice associated with pain, it is callousness, which is quite different from rudeness. People who are *callous* are so because of lack of sympathy with others' pain and not just because of lack of smoothness. The important difference for my purposes is that it could hardly be said of a callous person that the problem with her is that she is irritating, whereas this can sometimes be said of a rude person. It is also clear that these vices can come apart and even conflict with one another whenever propriety (which is about being pleasant) conflicts with compassion (which is about concern for pain). So, for example, it isn't rude to be blunt when one has been asked to be, but even under that circumstance it may remain callous to state a harsh truth too directly or unhesitatingly. In that sense, being too *sharp* with someone and being too *coarse* with them are quite different. Similarly, a person can be rude without being callous if it is necessary out of concern for someone's well-being to tell them a harsh truth under circumstances in which harshness is not considered proper.

I believe the examples of rudeness and callousness are the vices of non-responsiveness to unpleasantness and pain respectively. As such, their essential difference from one another suggests that responsiveness to the badness of unpleasantness is different from responsiveness to the badness of pain. This suggestion in turn tells against the possibility that pain's badness could be explained in terms of its unpleasantness. I think it follows that if we want to understand pain's badness, rather than tethering it to unpleasantness, we should seek to clarify how it is essentially different from unpleasantness even though it may be a species thereof. By doing so, we can begin to see what is unique about it and essential to it. Hopefully the remarks above help to suggest how this can be done.

2.1 The Case of Grief

At this point, I want to turn to a specific criticism of the Minimization Thesis from Troy Jollimore to the effect that grief is a pain in Goldstein's sense (and in the ordinary sense of that term) to which the Minimization Thesis does not apply. In introducing this criticism, it is important to differentiate it from other criticisms to which Minimizers have, in my view, already given an adequate response.

The most straightforward intuitions to the effect that in certain cases pain seems to have some goodness associated with it result from considering examples such as the following:

- physical pain that alerts one to ongoing or potential damage to one's body,
- the pain that criminals feel when they are justly punished,
- the masochist's "pleasurable pains."

In my view, those who hold the Minimization Thesis are able to give a sufficiently plausible account of such cases that this avenue of criticism turns out not to be a promising one. I don't want to commit to their account of all these cases being correct, but I don't think these considerations are such that Minimizers can be forced to abandon their claims about pain as a result of them. Goldstein's defense against such examples is that in all cases where pain appears to have some value other than badness, the pain itself occurs in an admixture with other elements which serve to override intuitions about what the pain is on its own (Goldstein 1989, 256, 258, 263-264). In all of the cases listed above, the pain can be said to have some positive *instrumental* value that overrides its *intrinsic* badness thus resulting in the pain's *all-things-considered* goodness.¹⁰ For example, pain is said to be good insofar as it helps people avert injury, but this *usefulness* of pain

¹⁰ Some people wrongly believe that intrinsic value cannot be overridden by instrumental value. I won't argue against that here, but my acceptance of Goldstein's argument on this point depends on its falsity.

has nothing to do with its intrinsic value, which is said to be determined by how it feels (i.e. unpleasant). Similarly, what is said to be good about the pain of punishment is not the pain itself, but that the pain has the effect of justly punishing a criminal. If such pain is good in itself, it is only *as just punishment* that it is so, and not *as pain*.¹¹ Just as pain would not as effectively deter us from life-threatening behaviors were it not unpleasant (and therefore bad) in itself, so too would pain be a poor punishment if it weren't unpleasant (Goldstein 1989, 258). It is thus the very intrinsic badness of pain (i.e. its unpleasantness) that allows it to be put to many of its good uses.

The case of the masochist is the most complex of the three because there are different ways of understanding what the case actually involves. On one account of masochism, the pains the masochist feels simply are not unpleasant to him but actually pleasant. I think this must be wrong. If it were right, then what we should say about the masochist is that he feels pleasure in response to the same physiological stimuli that normally produce an experience of pain. If he is not feeling pain, however, then he becomes a non-issue for the Minimizers, who are making a claim only about what feeling pain is like.

Suppose, then, that the masochist is feeling pain, and that he takes pleasure in the feeling of pain and takes the fact that being whipped (for example) will be painful to be a reason to get whipped. In that case, the same instrumental approach as above seems to apply. It seems that the masochist wants the pain because it will bring him pleasure, and if that is true, it has only instrumental value to him, not intrinsic value. That seems right enough. It is hard to imagine someone being a masochist without relishing a certain amount in the experience of the pain.

¹¹ It is only because he does not accept this point that W. D. Ross does not argue for the Minimization Thesis in his *The Right and the Good* (Ross 1930, 112). Since this is a mistake, Ross should, in light of his other commitments, be a Minimizer.

Still, suppose for the sake of argument that the masochist really does just want the pain for its own sake. The Minimizers do not deny that such a thing is possible. They only claim that “a person who enjoys pain likes what is manifestly *bad*,” so a masochist of this sort would be appropriately considered a “deviant” (Goldstein 1989, 265). Finally, even if the Minimizers *did* have to claim that nobody finds pain desirable in itself, they seem to have some grounds for doing so. There are no masochists who simply enjoy any and all experiences of pain. Instead, they seem to enjoy it only in certain contexts. This suggests the possibility that in these contexts, the pain takes on some significance that it nevertheless does not contain “in itself.” For example, it might come to signify humiliation or punishment to the masochist and so the masochist seeks it out.

Although I find Goldstein’s response to such examples to be adequate, I believe Troy Jollimore has succeeded in developing a more sophisticated and promising counterexample in the form of grief. In his 2004 article “Meaningless Happiness and Meaningful Suffering,” Jollimore attempts to show that *grief* is a member of a species of pains he calls “meaningful suffering,” the unpleasantness of which he says, “does not entail that the experience is entirely lacking in value, let alone disvaluable. Nor does it imply that there is a duty, or any moral reason whatsoever, to erase such suffering from existence” (Jollimore 344). While he accepts that such suffering may be experienced as something “bad” (i.e. it may be disliked), he questions whether such badness *intrinsically merits* such dislike and denies that it provides even a *pro tanto* reason for avoiding the feeling of grief.

This claim may seem odd. Why doesn’t the way grief feels give us a reason not to want to grieve or to want not to grieve? Jollimore’s response to this question depends on his somewhat controversial view that some emotions including grief are *cognitive*. If grief is a “cognitive

emotion” claims Jollimore, then what matters about it is not whether we like the way it feels, but whether it accurately represents the world. In essence, the idea is that acknowledgment of a hard truth does not always merely require me to feel some pain which is nonetheless separate from that truth and thus possible to evaluate separately from it as a necessary evil. Instead, sometimes my acknowledgement of the death of a loved one just takes the form of the pain that I feel. If this is correct, feeling the pain is not an instrument I am using to bring about knowledge (something good) nor is it a result of such knowledge. Instead, the pain I feel constitutes my acknowledgment of the loved one’s death.

Jollimore’s claim that grief is cognitive is controversial because there is a common way of thinking about cognitive states according to which they must be propositional and grief is not evidently propositional. Jollimore’s defense of his broader view of what should count as cognitive is based on Frank Jackson and Thomas Nagel’s arguments for the existence of non-propositional knowledge of what “a certain experience (seeing red, for instance) is like” (Jollimore 341). He also offers a thought experiment of his own about a woman, Melissa, who is normal except that she is “incapable of grief” and thus does not grieve at all when her friend Bob dies (339). Asked about her peculiar lack of feeling, she says,

I know people generally feel terrible when these things happen. But eventually they get over it and realize that things aren’t so bad. Life is short: why not start feeling good now? I’ll miss Bob, it’s true. But I’ll make new friends soon enough, and they will be able to provide me with all the goods, emotional and otherwise, that Bob used to provide. In fact, like most people in our society I already have more than enough friends; I can afford to lose one or two (Jollimore 339).

In such a case, says Jollimore, whatever else we might say, we certainly will say that she doesn't "understand *what it is to lose a friend*" (Jollimore 340). The sense of "meaningful" in Jollimore's claim that grief is "meaningful suffering," then, is *not* that there is some meaning which provides a *reason* for suffering the pain of grief. Instead, the pain of grief lies within understanding what it is to lose a loved one. Because this pain is therefore cognitive, *its unpleasantness is irrelevant in deciding what, if any, reasons it may give*: its value is determined according to a criterion *other than how it feels*, namely, whether or not it is "appropriate." The reason it matters that grief be cognitive in order for Jollimore's account to work is that we do not evaluate cognitive states like beliefs, for example, according to how they feel or how they make us feel. Doing so would result in *wishful thinking*. If grief is a cognitive state, then Jollimore can claim that criteria for epistemic justification apply to when one ought or ought not to feel it. What it actually feels like will not factor in to that justification and so is not a reason to avoid it. It seems that what Jollimore means to indicate by employing the concept of the "appropriate" as a criterion for when one ought to feel pain is that some circumstances call for grief and others do not, such that one should feel grief when the circumstances call for it. This may turn out to be an inadequate view of how grief can or should work. It may be possible to develop a more sophisticated account of when one ought to grieve. Such issues are of merely tangential importance so long as one accepts it is possible to have pains that are cognitive in nature, and that should therefore be morally assessed not according to how they feel, but according to other cognitive criteria.

The first of three possible objections to Jollimore's view that I will consider here would state that there are cognitive pains which we do have reason to avoid simply because of how they feel. A possible example might be the cognitive dissonance associated with holding inconsistent

beliefs.¹² Someone raising such an objection would surely claim that people have reasons not to maintain inconsistent beliefs regardless of whether or not it was painful to do so, but they would also claim that the fact that maintaining inconsistent beliefs is painful is a separate reason for not maintaining them. Thus, on such a view, people who suffer from cognitive dissonance have more reason than those who do not for avoiding inconsistent beliefs. So long as cognitive dissonance is understood as a cognitive emotion, I do not think this view of our obligations with respect to it is attractive. If it is the correct view of cognitive dissonance, it must be because cognitive dissonance is not a cognitive emotion. To see why, consider that for cognitive dissonance to be a cognitive emotion, it would have to be that to feel cognitive dissonance is to know what it is to have (these particular) inconsistent beliefs. (Remember, grief is a cognitive emotion because to feel or to have felt grief under the appropriate circumstances is part of knowing what it is to have lost (this particular) person.) Conceptually, then, to say both that cognitive dissonance is a cognitive emotion and that one has a reason to avoid cognitive dissonance implies that one has a reason to avoid knowing what it is to have inconsistent beliefs. Nobody would hold such a view, particularly not someone who thought that the feeling of cognitive dissonance was itself a reason not to hold inconsistent beliefs. Such a person might want to claim that cognitive dissonance is separate from the knowledge of what it is to have inconsistent beliefs and is a reason to stop holding inconsistent beliefs separate from the fact that those beliefs are inconsistent. I don't believe that view is correct because regardless of what in fact motivates people to believe or renounce beliefs, I think it is false that one could justify holding or not holding beliefs because of the way it makes one feel to do so. The matter is of no great importance here, because such a

¹² Thanks to Andrew J. Cohen for this objection.

view would be compatible with Jollimore's view that *cognitive* emotions are not to be judged by how they feel.

A second possible objection to Jollimore's view is that he is wrong to treat grief as an emotion that just *is* a cognitive state, since the difference in kind between what is cognitive and what is emotional makes it impossible that any such thing as a cognitive emotion exists. Because the ontological status of emotions is a serious philosophical topic in itself, it is appropriate here only to mark that showing the impossibility of cognitive emotions would undermine his claim. Resolving this issue is beyond the scope of this investigation.

A third difficulty with Jollimore's view lies in the still open possibility of claiming that grief is not *just* "a pain" but is a specific type of pain that is what it is not just in virtue of its being a pain but also in virtue of something else that makes it specifically grief and not, say, a burning sensation. If it is possible to draw a conceptual distinction between the unpleasantness or painfulness of grief and the grief itself, it might be asserted that even though grief is pain, grief *qua* grief has a different status than grief *qua* pain. Goldstein offers an argument of this sort in response to the claim that malice, a type of pleasure, is intrinsically bad. He says, "Malice could be intrinsically bad because of its pleasantness without the pleasantness in malice being intrinsically bad" (Goldstein 1989, 270). The analogous claim in the case of grief would be that grief is appropriate (when it is appropriate) because of its unpleasantness (which, remember, is cognitive) but that the unpleasantness of grief is not, on its own, intrinsically something "appropriate." The trouble with Goldstein putting forth such an argument about grief is that the distinction between the badness of malice and the goodness of pleasure depends on malice not being reducible to pleasure, and so too would a similar distinction between the intrinsic value of grief and the badness of pain. Consequently, this response is only available to someone who has re-

sources for denying that grief simply *is* pain. If this is so, then we can no longer take Goldstein's definition of "pain" as "every unpleasant experience" at face value, because grief is an unpleasant experience and grief is not here being treated as pain. It does seem that this would be correct: grief is pain but not *just* pain. But in this case, we need to find a new, much more restrictive definition of pain.

Whatever the more restrictive definition would be, it will end up having fairly broad implications about what the Minimization Thesis entails. Since every particular pain will be some particular *kind* of pain consisting of pain plus something else that makes it the specific type of pain that it is, none of the pains we have will just be pain and so none will necessarily be intrinsically bad. Although this contradicts Goldstein's version of the Minimization Thesis because of his definition of pain as *every* unpleasant experience (i.e. each particular pain), it is nonetheless possible to construe the Minimization Thesis differently so that it speaks only of the value of pain, and not of the value of particular pains. In that case, the pain we have reason to avoid is *not every unpleasant experience*, or even *every painful experience* but only that aspect of such experiences which makes them painful experiences. If we think about particular pains, it is clear enough that they at least involve sensations. It is less clear what the abstract essence of pain feels like or even whether it can meaningfully be thought of as a sensation. It seems our most direct access to it is through the particular examples of pain we experience or witness, and anything we can say about the intrinsic value of these pains *qua* painfulness is going to require us to view these objects *in a certain light* rather than just taking them for what they are. This will turn out to be important in countering one argument meant to show that pain is intrinsically bad. This argument will be taken up in Section 3.

We can now conclude this portion of the investigation. Goldstein's understanding of pain as "every unpleasant sensation" is simply not going to work if the Minimization Thesis is going to hold water. This is in part because unpleasantness and painfulness are not identical phenomena and sometimes do not overlap. Although there are cases of unpleasantness without pain, perhaps Goldstein could maintain the broad outlines of his view by holding that something's being "pain" is a sufficient but not necessary condition for its being an "unpleasant experience." He could then say that there is something in particular about pain such that its unpleasantness makes it bad or he could say that unpleasantness as such is bad. It is not clear which he should do. In either case, I think that in the face of Jollimore's style of counter-argument, he should abandon his apparent view that "every" sensation which is appropriately labeled a pain or appropriately labeled unpleasant is intrinsically bad. Questions then arise which Goldstein is poorly equipped to address. They are: on what basis can we make claims about pain as such or talk about its intrinsic value? More specifically, on what basis could we claim that it is unconditionally intrinsically bad? These questions will be the focus of the third section.

3 EVIDENCE FOR AND AGAINST UNCONDITIONAL BADNESS

Every instance of the Minimization Thesis I have seen clearly holds that pain is undesirable (i.e. not-to-be-desired), and is so *in itself*. That is a crucial part of what the axiological part of the minimization thesis is meant to convey. We should avoid pain for the sake of avoiding pain, and not just for the sake of doing something else. For example, Neil Sinhababu (who alleges symmetry between pain's badness and pleasure's goodness) writes, "On my view, the goodness of pleasure is an intrinsic feature of the experience, not merely a relation to the experiencer's desires or evaluative dispositions" (Sinhababu 2010, 27). This stands in opposition to a perspective from which people might be tempted to think that pain is intrinsically bad but which is incompatible with the Minimization Thesis. The view I have in mind claims two things. The first claim is that everybody either does dislike pain or would dislike it or have a disposition or inclination to avoid it under some "ideal" circumstances (e.g. her desires are not perverted by unfortunate sexual history, she has not been lobotomized). The second claim is that we have a *pro tanto* reason to satisfy our desires (or the desires we would have under specified circumstances). Now, the fact that people dislike pain or would dislike it under the right circumstances is clearly an extrinsic fact about pain.¹³ On this view, one should avoid pain for the sake of satisfying one's desires. Pain is bad, but not intrinsically so because its badness is derivative of and

¹³ There is a view that would claim that the feeling of pain is a *result* of a negative judgment about a sensation or emotion. On this view, to feel pain is just to feel one's dislike of something. Even on that view, however, there is a distinction made between the "passive" judgment involved in the sensation of pain, and the "active" judgment of reflecting on the pain and judging that one dislikes it. For the desire-based view about pain that I describe above to be relevantly different from the Minimization Thesis, it will either need to claim that the desires we have reason to act in accordance with are "active" ones, rather than the supposed "passive ones" that are sometimes thought to constitute pain itself or else claim that pains are not the result of passive judgments and instead hold with the Minimizers that pains are sensations like sensations of yellow or green. I don't consider this view extensively because I think we should deny that pains result from passive judgments, and I don't think there are any Minimizers who would disagree.

conditional upon a desire to avoid pain. If someone asks, “Why do you disvalue/seek-to-minimize pain?” on this view, there is a response: “Well, I don’t like being in pain.” That for the sake of which one would be acting is not the avoidance of pain as such but the satisfaction of one’s desire.¹⁴ Kant seems to think this is exactly why people avoid pain, and has picked up on the necessary implication that pain does not have any intrinsic disvalue, which, I take it, is part of the reason for his rejection of utilitarianism. Thus he wrote in the *Groundwork*:

All objects of the inclinations have only a conditional worth, for if the inclinations and the wants founded on them did not exist, then their object would be without value. But the inclinations themselves being sources of want, are so far from having an absolute worth for which they should be desired, that on the contrary it must be the universal wish of every rational being to be wholly free from them. Thus the worth of any object which is to be acquired by our action is always conditional (Kant 56).

So the Kantian position is that pain has *desire-conditional* intrinsic badness—its badness is conditional on our desires. Both Goldstein and Thomas Nagel acknowledge explicitly that they mean the Minimization Thesis to be at odds with this Kantian view.¹⁵ In “Limits of Objectivity,” Nagel writes, of a hypothetical person in pain, that “he wants [pain] to go away because it’s bad: it is not made bad by his deciding that he wants it to go away” (Nagel 1980, 109). Similarly, Goldstein, who holds that there is a symmetrical relation between the value of pleasure and pain, is very clear on this point: “Pleasure’s being good precedes our desire for it and is our reason for desiring it” (Goldstein 1980, 353).

¹⁴ If it turns out that we dislike pain “for its own sake,” it may be open to the Minimizers to respond that that our desire is based on a perception of pain’s value. I will consider this objection below.

¹⁵ Although each of these authors claims his position is obvious, the mere fact that Kant did not hold the same position would seem to suggest against its having that status.

In spite of such claims, I think the attractiveness of the Minimization Thesis might depend in part on an illicit attempt to confuse desire-conditional and unconditional badness. In *The View from Nowhere*, Nagel uses language that strongly suggests unconditional badness (as he had in the earlier Tanner Lectures), but he also writes occasionally as if pain's badness were based on our "immediate and strong dislike" of it (Nagel 1986, 158). In one place he states, "Almost everyone takes the avoidance of his own pain and the promotion of his own pleasure as subjective reasons for action in a fairly simple way; they are not backed up by any further reasons" (Nagel 1986, 156). In another, "We have reason to seek/avoid sensations we immediately and strongly like/dislike....The fact that physical pleasures and pains are experiences, and that our desires and aversions for them are immediate and unreflective, puts them in a special category" (Nagel 1986, 158). In the first quotation above, he says the badness of pain is not based on "any further reasons," and in the second, he specifies a reason that pain is bad, namely that it is a sensation we "immediately and strongly dislike."¹⁶ What he elides with such language is that his first claim (and the Minimization Thesis) entails that even if someone did not dislike pain, that person would still have a reason to "avoid" pain whereas in his second claim, such a person does not have such reason.¹⁷ Since it will turn out that Nagel believes pain's badness (once established) should be thought of as agent-neutral such that it provides a reason not just for those in pain but for all rational agents, this will mean that even if someone is not bothered by being in pain, rational agents will have a reason to minimize that person's pain. Indeed, if pain's badness

¹⁶ It is not my purpose here to resolve disagreements about what type of desire-based account of value is the most attractive, but I want to register my sense that the idea that we should rely on unreflective, visceral desires more than reflective, considered desires in deciding what we have reason to do seems to me misguided in the extreme.

¹⁷ Oddly, Kearns and Star claim explicitly and without defending it that someone's being indifferent to his own suffering counts against giving him a painkiller but is both not a reason not to give him a painkiller and does not undo the reason we have to give him the painkiller, which is that he is in pain (Kearns forthcoming, 10).

is unconditional, then even if there were *no* sentient creatures with an “involuntary aversion” to pain, all the rational creatures would still have duties based on the Minimization Thesis. I find this to be so bizarre that it counts as decisive evidence against the Minimizer’s view. It is thus important that Minimizers be able to respond.

One response the Minimizers might try is to suggest that any thought experiment involving a hypothetical world in which rational creatures feel pain that they don’t dislike begs the question against them, or comes close. Rational creatures are by definition both able to see the reasons there are in the world, and also motivated to act in accordance with them (at least according to an internalist about reasons like Nagel). As a result, the stipulation that there are rational creatures who don’t dislike pain has the illicit implication that they don’t take it to be bad, but this would entail an implausibly widespread non-responsiveness to reasons on the part of supposedly rational agents. In other words, Minimizers might seek to claim that a world in which rational creatures do not dislike pain is not just *incidentally* different than ours, but a world *gone mad*. That is to say, such a world, on their view, would be a world in which rational creatures consistently behaved irrationally in spite of their rationality.

That response seems to me obviously false, but the reason it seems false to me is that I think it is just obvious that we might not have been designed to respond with such hostility to the sensations we call pain. It is reasonable to think that the reason we respond to pain as we do is that we have evolved to do so. Broadly, what seems important from the perspective of evolution is simply that there are some sensations that we will be able to interpret as signs of potential damage to our bodies (like burning sensations) and that also have the ability to thwart our attempts to do certain potentially damaging things (like walking on sprained ankles). To think that there had to be something *internal* to the sensation of pain in order for it to perform these roles

seems unjustified. Instead, it seems like any sensation would be able to play the part of pain equally well so long as it is possible for the creature to adapt so that it is intolerant of that sensation (i.e. so long as it is able to render the sensation aversive or unpleasant).

As an analogy, we might think about the way foods taste. Suppose it comes about that evolutionary pressure makes it more likely we will survive if we make a conscious effort to eat foods that contain a certain chemical. There are two things our bodies would have to do if they were going to adapt to this pressure. First, if it isn't already present, equipment that can detect the chemical and represent it in consciousness through a sensation would have to be added (for example, taste buds that produce a sensation when the chemical is present in the mouth). Second, there would have to be a mechanism to encourage us to pursue this sensation. One simple way to do this would be to make it so that we love feeling the sensation and are inclined to pursue it. This seems like a plausible explanation of how it came to be that we enjoy eating sugar. Our bodies developed the ability to detect it through sweetness, and we also became inclined to enjoy the sensation of sweetness. It would be silly to insist that our desire for sweetness is the result of a perception of sweetness's intrinsic goodness. If sugar had been bad for us, we would either have experienced a different sensation when eating it, or else we would not have experienced sweetness as being so darn enjoyable. Which difference would be more likely just depends on the practical issue of what change would be physiologically easier or harder to implement. If there even is such a thing as an "in itself" of sweetness apart from its functional role, still there is no intrinsic value of the sensation of sweetness such that it would have been impossible for us to come to dislike it. Again, it would seem silly for a philosopher to insist that it would be impossible for us not to like sweet things. The same is true when it comes to pain. If it has an essential nature aside from its functional role in us such that we can talk about what it is in

itself, nonetheless, it seems that how we do respond to it is dependent on the functional role it plays in our lives and on whatever mechanism we have developed that makes us dislike it. It does not seem to be that we dislike it based on a rational perception of what it is in itself apart from our physiological response system. We feel the way we do about pain because pain is the output of our mechanism for detecting things in the world which are bad for us and, in order for that mechanism to work, we have to be hardwired to find that sensation aversive. If during our evolutionary history it had been good for us to be damaged, it would be hard to know whether we would feel the same sensation but enjoy it or whether we would feel a different sensation.

There are two possible objections to my view that I will consider here. The first objection might be that to speak of pain as a sensation apart from our aversiveness to it is wrong because the sensation of pain is what it is in part as a result of the aversion we have to it. When we feel pain, we are always already feeling our aversion to the pain that we are feeling and the sensation is just the felt expression of our aversion. I think if this is right, it would tell against the Minimizers just as much as the considerations above do. If what makes a pain a pain is some kind of primary aversion which is brought into feeling in the sensation that results from it, then the value or disvalue of the primary aversion that stimulated a pain would seem to play a key role in determining whether that pain was something good or bad. In that case, the value of a pain would vary along with that of the primary aversion out of which it originated. It would be quite plausible to suppose that this primary aversion would turn out to be something like the organism's aversion to its own death and destruction,¹⁸ and whether that aversion has any merit would clearly depend on the organism.

¹⁸ Here I am quite close to what Korsgaard has to say about pain in *Sources of Normativity* (1996; 145-160).

The second objection might state that the only sensations we are currently inclined to avoid are the painful ones, and the fact that these sensations have their painfulness in common suggests that there must have been something special about pain such that it was the sensation chosen by natural selection in each case. I have two responses to this argument. The first response is that its premise is false. There are many sensations we are inclined to avoid that are not painful. Bad smells, bad tastes and ugliness are just three. The second response is that even if we only avoided pain and no other sensation, it would be possible that this was because the difficulties associated with developing new sensory equipment make it such that once a sensation is used to indicate one kind of unfriendly stimulus it is easier to use that same sensation to indicate other unfriendly stimuli than to both introduce new detection equipment and a new means of ensuring the signal produced by that equipment will be disliked.

3.1 The Argument from the Immediacy of Pain's Badness

Even if it seems the Minimizers are in trouble when it comes to defending the implausible consequences of their view when it comes to counterfactual worlds in which people do not dislike pain, perhaps they have some positive evidence that could motivate us to want to accept their view even with its otherwise apparently implausible consequences. There are two such arguments I will consider here. The first has to do with what it is like to experience a pain, which is the subject of this sub-section. The second is a more indirect argument seeking to prove pain is bad by the fact that we desire not to be in pain; I discuss that in the next sub-section. As far as the first argument is concerned, here is what Nagel has to say:

There is nothing self-contradictory in the proposal [that our aversion to pain is just a useful phobia], but it seems nevertheless insane. ... [Pleasure and pain] are at least good or bad *for us*, if anything is. What seems to be going on here is that we cannot from an ob-

jective standpoint withhold a certain kind of endorsement of the most direct and immediate subjective value judgments we make concerning the contents of our own consciousness. We regard ourselves as too close to those things to be mistaken in our immediate, nonideological evaluative impressions (1986, 157-158).¹⁹

Nagel's approach here is suggestive and leads to interesting responses. He claims that there is something like an immediate judgment made about pain's badness from within the experience of pain and that this experience is not subject to revision based on considerations that could be brought to bear when one steps back from that experience. Nagel refers to this as the "evaluative authority of the sufferer" (1986, 161). Whatever the merit of the first claim that there is an immediate judgment that pain is at least subjectively bad (and I'm not sure this claim would stand up to critical investigation), here I want to cast doubt on the evaluative authority and conceptual coherence of the sufferer's "immediate evaluative impression" of pain.

My first point is that we *do not* think people who are in pain are able to think clearly about their pain and evaluate it just for that reason. Being in pain is something that tends to involve distortions in one's view of the world and one's place in it and also of the place of pain in the world. Aristotle uses the example of boxers to indicate this point. He says that the "end that accords with courage would seem to be pleasant, but to be obscured by the circumstances" (*NE* 1117b1). As an example of how circumstances obscure, he says that boxers box in order to win prizes and fame, but as they are boxing "the painful aspects are many" and these appear to "leave the end for which it is all done without anything pleasant about it" (*NE* 1117b1). Although phrased in hedonistic terms, I think Aristotle's claim here amounts to saying that pain has the

¹⁹ Compare with Sinhababu: "Simply experiencing intense pain is a perfectly legitimate way to become aware of its moral significance as a bad state of affairs. We can say that a sufferer of pain has a firsthand experience of how bad it is that she is in pain" (forthcoming, 35).

ability to cloud our vision of what is valuable to us, and that having courage means resisting that influence of pain or continuing on in spite of it.

Further evidence of the phenomenon I have in mind is the existence of torture as an interrogation technique. Torturers seek to take advantage of the way that the experience of pain has the ability to alter our perspective of the world and of ourselves. They act on the hope that being subjected to pain will tempt or force us to re-evaluate or abandon whatever strongly held commitments keep us from revealing what we know. Even if torture is not ultimately the most effective way to get information from someone, torturers have not simply lost their minds in holding out this hope. To take the perspective of a sufferer on the value of one's life, one's principles or one's projects will surely mean to judge them all differently than one would in the light of calm reason. If this were not true, we would accept the decisions of depressed people that their lives are not worth living as valid. Instead, we do not think that depressed people are in a position to make claims about the value of their lives. We expect them to fight against that impression and to continue to struggle on.

Now perhaps Nagel would understand the sorts of considerations I have just given as casting doubt on our ability when in pain to judge its importance relative to other things in our lives. That would seem to be consistent with Aristotle. If the only problem is that the immediacy with which we feel pain (or with which pain demands that we feel it) puts us in a bad position to weigh the badness of pain against other considerations we might ordinarily have, then so far we have said nothing that contradicts Nagel. After all, his claim is not that we can see how important pain is relative to other things by being in it, but rather that we can see that it is bad for us by being in it. My suggestion in response is this: if much of what we can learn about the world when we are in pain is wrong or anyway is to be rejected, then why allow that epistemic position

to end up having final say about pain's value?²⁰ Nagel is trying to claim, based on the sufferer's evaluative authority, that pain is not just bad in an agent-relative way, but an agent-neutral way, and not just bad but *unconditionally* bad. For pain's badness to be agent-neutral means that it is not just bad "for me" that I am in pain, but is instead simply a bad state of affairs whenever anyone is in pain such that everyone has a reason to do something about it. Yet, if it really is the case that when we are not suffering it seems to us that pain is bad *for those who are suffering* but not for others, then why would we want to suspend that judgment in favor of the judgment made by someone in the heat of passion that his pain was important to all equally? Why not rather suspect that the sufferer's sense of his pain's absolute importance in his own life is one version of the tendency to over-estimate pain's importance when in the grip of it? If it seems to the sufferer that all that matters is that the pain stop and if it seems to the sufferer that this depends on nothing (i.e. is an *unconditional* imperative), why not take that as yet another emphatic overestimation of pain's importance? Pain can be consuming in this way. It wants attention, and we know it, and we have no choice but to offer it, and even once we have given it our attention, it still wants more. But it is desperation to so wantonly give in to pain's demands. Courage requires us to hold back from taking pain's view of what ought to matter to whom and how much.

All of this brings me to my second point against Nagel's way of accounting for how we can see that the axiological component of the Minimization Thesis is true, which is that I think it

²⁰ What Nagel says is not that our immediate judgments *directly* decide pain's final importance in our lives. He thinks values are ultimately determined by how things seem to us from the "view from nowhere" (aka the "objective standpoint"). In this case, that turns out to be a moot point because, as I have already quoted him saying, he thinks that "we cannot from an objective standpoint withhold a certain kind of endorsement of the most direct and immediate subjective value judgments we make concerning the contents of our own consciousness. We regard ourselves as too close to those things to be mistaken in our immediate, nonideological evaluative impressions" (1986, 157-158). In effect, then, our immediate impressions get the first say, and once they have had a say there is nothing strong enough to overturn them so we will have to "endorse" those impressions from the objective standpoint.

is mistaken to speak of our judgment of pain's badness as an immediate one. In order for an immediate judgment to take place, there has to be a judging subject that stands in a direct relationship to the object it judges. Even as the subject is separate from the object, there is no barrier separating them. In the case of pain, no such relationship is possible. To stand in an immediate relationship to one's pain is to be *consumed* by it and thus to be rendered incapable of judgment. As a result, we are able to judge pain at all only when we have mediated our relationship to it. This is a fairly abstract point, but it will hopefully become clearer with an example.

If I am carrying a very hot pot filled with my family's dinner across a room, and I discover about halfway through the task that the pot is noxiously hot as it begins to burn my hands, it will be a struggle to get across the room without dropping it. Even as I want to make it across the room with the pot, I will be filled with a desire to let go of it. As this desire increases, I may judge it to be worth resisting and thus continue on, or I may decide that it isn't worth it and drop the pot. On the other hand, if the pain is bad enough or if I am weak-willed enough or surprised enough by it, I may reflexively drop the pot without having the chance to consider the best course of action. In the former case, what I do will count as my response to the pain based on my judgment of it. In the latter case, I am not *responding* to pain, but instead *overwhelmed* by it such that I am rendered passive with respect to it. The fact that pain which catches us off-guard will overwhelm us points to an important aspect of pain's significance to us: that we have to steel ourselves in the face of it (consciously or unconsciously) in order to allow ourselves the possibility of a response to it whereby we could put it in its proper place within the context of our lives.

In what might "steeling ourselves" against pain consist? It does not consist in a tepid avoidance of the hostile forces of the world. Instead, it involves having tasks and values and projects that one holds dear. Whether I am able to endure carrying a pot when it is painful to do

so depends a great deal on how important it is to me to complete the task. If the task is not that important to me, the pain may quickly feel unbearable and I won't be able to do anything about it. It will overwhelm me and I will succumb to it. On the other hand, if a pot I am carrying has my infant brother in it, almost no pain I could feel would be enough to make me drop it.²¹ If the pain of carrying the pot with my brother in it catches me totally by surprise, it is true, I may drop it, but even if I can anticipate the pain, I will also need to have some project in place if I am to have any hope of not being overcome by it. If instead I allowed myself to be reduced to being *merely* a sufferer of pain, the pain would be crippling and the pot would be dropped. By having a project in which I am engaged, I may be able to keep from being *only* the one who suffers and thus preserve some part of myself from consumption by pain. If I am able to respond to my pain at all, my response will be from the perspective of the doer engaged in a project and not from the position of the sufferer.

In that sense, judgments made about pain by people who are in pain are more complex than Nagel would allow. Contrary to Nagel's claim, the position of the sufferer who is immediately related to pain is not the one with evaluative authority. It is only because pain is something one encounters while one is doing something else and one's relation to it is thus *mediated* by being understood relative to that project that one comes into possession of the opportunity to make an evaluation of pain and the terms in which to evaluate it. Any resulting judgment of pain will not arise out of the direct experience of being in pain, but will instead be a judgment of pain in the light of one's projects, desires and values. Thus it would appear that analysis of the condi-

²¹ Research consistently indicates that not only will it be easier for me to manage the pain I feel, but identical stimuli will result in a different amount of pain sensation depending on various factors including whether I think there is a good reason I am in pain, if I think I have a choice and so on. For a classic and brief exposition of important cases, see Pitcher (esp. 488-490). For more scientifically up-to-date information, see Aydede.

tions of possibility for judging pain to be bad reveals that such things as projects, desires and values are behind such judgments, and the Kantian *desire-conditional* view of pain's badness is vindicated.

3.2 The Argument from the Structure of Desire

There is another sort of argument for taking the Minimizer's position over the Kantian's. Goldstein offers this argument, and so does Joseph Raz. Goldstein's way of putting it is this: "Entailed by being a man [*sic*] is that one's beliefs and desires will not arise randomly but will arise in conjunction with reasons" (Goldstein 1980, 354). He thinks it would just be inconsistent with our general inclination to rationality for us to allow ourselves to be driven by a purely incidental desire. As rational creatures, we want to know what we have reason to desire. If we discover a desire to be unjustified, it is troubling and we find we cannot endorse that desire, but not endorsing a desire just means abandoning it. Raz allows an exception for what he calls "brute wants," in respect of which we are purely passive, but claims that "philosophical desires" are active and thus require an endorsement that can only come from an agent's recognition of their propriety (Raz 1999, 50-56). This model for understanding desires can be used to support the Minimizer because it suggests that our wanting to avoid pain depends upon our taking pain to be the sort of thing that merits being avoided, and that is no different from our taking pain to be something bad (whether for ourselves or others).

My objection to this view is that a "philosophical" desire to avoid pain may be grounded in a perception of value other than the value of the pain itself. So, suppose that people shape their lives in part through a desire to be happy and fulfilled and so on. Such a desire would need endorsement based on the value of the goal it seeks to bring about (i.e. happiness). Once put into effect, it would have the result of serving as a reason to avoid things that make one unhappy,

among which would be (certain kinds and amounts of) pain. Thus people with a desire for happiness would have a reason to minimize (certain kinds and amounts of) pain. The reason to avoid pain would be desire-conditional, but it would not be conditioned upon a desire to avoid pain and thus the desire would not itself depend upon a prior judgment of pain's disvalue. Because under these conditions the desire on which the reason to avoid pain is conditioned is not a desire to avoid pain, Raz and Goldstein's argument that a desire to avoid pain would require a perception that pain is worthy of such a desire is not relevant and provides no evidence against the desire-conditionality of pain's badness.

It may not be obvious that people actually think of pain in the way I have just described, though, so let me try to present some evidence that they do. One way children learn about desire is by making Christmas lists of things they want. Imagine if a child put on a Christmas list for Santa "to not feel the pain anymore." This would be a sign of great pathos and desperation in that child's life and an indication that something had gone wrong (whether it was abuse or prolonged illness or injury). It would be tragic not only because the child is suffering but because it suggests that the child's orientation toward the world has been harmfully altered as a result of its suffering. The child has shifted away from pursuing positive goals ("I want this, that and the other.") as we would expect normal, healthy children to do and has taken up a fundamentally negative position of "Please, just not more of this." This example illustrates a general fact about the relationship between positive and negative values: the avoidance of the negative is not symmetrical with or analogous to the pursuit of the positive such that they are completely interchangeable as potential objects of desire. Avoidance of the negative is different from pursuit of the positive in that it is normal and healthy to form desires in pursuit of the positive, but abnormal and a sign of ill-health to form desires to avoid the negative. Since this is true, it looks like my

account of the desire-conditionality of pain's badness is not just one possible way of understanding how our desires might be structured, but also the way they ought to be structured.

It may be objected here that children and adults are somewhat different. It sometimes is the case that people have thoughts like, "Please dear lord, don't let me feel anything like I felt when I broke my leg/had cancer/got dumped."²² I would claim there is an equal amount of pathos in such formulated desires as there is in the child's. When someone says something of this kind, it is a clear sign that they have not "gotten over" the pain that was caused by the previous incident. A normal course of action to take in such a case is to help them through it so that they can let go and move on with their lives. It is understandable why people would pray in such a way, but such prayers are nonetheless an expression of fearful desperation that people can and should seek to overcome. Contrast the prayer above with its affirmative equivalent, "Please dear lord, keep me in good health and bring vitality and commitment to my relationships."²³

We can and should make a point of focusing on what we want rather than what we don't want. To be "focused on the negative" even when this means focusing on avoiding the negative is a vice. What I mean by that is not that we should not form negative desires or even that we should not form them unless we can see in advance the positive goals that can be advanced by means of them. I mean it is important to develop a disposition to seek out an understanding of what affirmative desires (if any) are at work in grounding our negative ones. The reason this is important is that a life lived in the avoidance of the negative has no evident intrinsic value and no hope of becoming worthwhile. It is only when one can see particular instances where one is avoiding the negative as part of a larger project grounded in positive projects that one can see

²² Thanks to Andrew J. Cohen for this objection.

²³ I don't mean to take a stand on theological issues here. The point is just to see the difference in mindset, and to see that one mindset is preferable to the other.

such avoidances as actually an expression of an underlying affirmation of the positive value of one's life.

This does not seem to me to be a particularly controversial view, but perhaps it is worth illustrating it in order to make clear what I have in mind. Suppose two people Margaret and Julia go to the beach. Each recognizes that it is an uncomfortable reality that she will get a painful sunburn without sunscreen. Taking this into consideration, Margaret accepts the necessity of wearing sunscreen and somewhat begrudgingly applies it before moving on with her day. Julia, on the other hand, does not *simply* regard the application of the sunscreen as necessary in order to avoid a painful burn. Instead, she considers herself to be engaged in taking care of the only body she will ever get. Seeing it this way, she is able to take a certain satisfaction out of applying the sunscreen. I think most people would rather be Julia, and I think they are right.

All of this suggests against the sort of move Singer employs in the quotation I employed at the very beginning of this thesis. If his purpose in "Famine, Affluence, Morality" or "All Animals Are Equal" is to initiate ethical projects or suggest philosophical frameworks for them, I want to say that it may be an important problem for him that both of the projects he lays out in these essays involve an uninvestigated and apparently primary claim about the badness of suffering unpaired with any claims about what positive value in the world we should seek to promote. This may be a source of the "nagging moralistic" tone many have found in his work (cf. Diamond 1978, 469). It may be his projects are resented for their proximity to the kind of desperation that positive-thinking people enter into only begrudgingly. As Cora Diamond puts it, "We cannot point and say, 'This *thing* (whatever concepts it may fall under) is at any rate capable of suffering, so we ought not to make it suffer'" (470). I meant to suggest here both that Diamond's

claim is factually correct because of desire-conditionality and that it is consistent with whatever interest we have in not being desperate to acknowledge and act on that correctness.

4 TWO TYPES OF INTRINSIC BADNESS

In the previous two sections, I sought to contest accounts offered by the Minimizers of what pain is, and of how we assess its value. In this section, I turn to the issue of how we give content to the claim that pain is intrinsically bad. I will seek to show that negative evaluations can be divided into two distinct types. Since these two types of negative evaluations are directly at odds with each other, I will claim that the apparent consensus regarding pain's badness is a superficial one unless the type of badness it has can be further specified. The Minimizers might be thought to offer a specification of what they think pain's badness entails in the form of the deontic principle they offer, which states that pain should be minimized. However, I will seek to show that neither conception of pain's badness entails any such principle, and further that the conception of pain's badness according to which such a principle seems most justified is in fact inadequate.

A brief initial point to be made here is that even if it is plausible to suppose that the deontic component of the Minimization Thesis somehow specifies the import of the axiological component, it nonetheless is not the case that an object's having negative value can generally be taken to be equivalent to its being "to-be-minimized." Likewise, an object's having positive value is not the same as its being "to-be-maximized." It may be that one needs to make sure there is at least *some* of a thing in the world if one values it, and probably one needs to get *more* of it if one wants to encourage others to engage with it – but that need not involve anything like "maximizing" it. You may value your uncle without trying to get any more of him into the world or even trying to get more of him into your life. The same goes for disvaluing things. If you hate a piece of art, you might not spend time looking at it, and might even discourage others from doing so, but that need not mean *burning* it so as to get rid of it altogether. Thus, it is perfectly coherent to

accept the axiological component of the Minimization Thesis without accepting the deontological component. If we were to switch from “minimization” language to the language of “pursue” and “avoid,” which Minimizers are sometimes attracted to, the problems would only shift, rather than disappearing (cf. Goldstein 1989, *passim*). This is because, for example, it isn’t possible to “avoid” feeling a pain that one is already feeling.

To now turn to the issue of what intrinsic value does imply, there are at least two different senses of the concept of “intrinsic value.” These two different senses may turn out to have the same referent, but they are worth mentioning briefly. On one hand, intrinsic value is based on the way something is “in itself” rather than on a relational property or extrinsic property it has (such as “being liked by Xs”). On the other hand, intrinsic value can be indifferent to the source of the object’s value but be considered intrinsic because the object is desirable “for its own sake.” It is that for the sake of which one ultimately ought to act and in that sense has “final value.”²⁴

If we are going to categorize pain as intrinsically bad, we need to know what specifically negative intrinsic value (or “disvalue”) is. The first sense of intrinsic value can easily be rendered in terms of disvalue: something that is bad because of what it is or an intrinsic property it has. The second sense of intrinsic value is a bit harder to contemplate when it comes to negative values. If we value some things (like a blanket, an uncle, friendship, peace, health) just for their own sakes, it might seem *weird* to talk about *disvaluing* something “for its own sake.” It may be out of concern for our parents that we visit them in the hospital, and in that sense we may do it “for their sake” and thus as an expression of their value to us. But it is not out of concern for the

²⁴ While I think it is clear the concepts of valuing something “in itself” and valuing that thing “for its own sake” have different senses, I stop short of committing to Korsgaard’s claim that the extension of the two concepts is also different (cf. Korsgaard 1983).

devil that we ignore his temptations. Not everyone agrees about this (e.g. Socrates may not), but it seems a bit strange to think that we owe it to the devil to treat him that way. If not, it is because of rather than in spite of his badness that we lack an obligation to have regard for him. If we treat him the way we ought to in light of his intrinsic badness, it may be that we do so for our own sake or for the sake of other things of positive value (e.g. God, the moral law, eternal life). This is just another way of putting what I already said in the previous section about the priority of goodness over badness and about disliking pain because it is an impediment to one's positive projects. Still, there is more than one thing that it can mean to value something "for its own sake" and if we sort out these different meanings, it will become evident what is weird about disvaluing something "for its own sake," but also what is correct in that terminology. Doing so will lead us to see two different ways of treating something as having negative value.

In "Practice of Value," Joseph Raz offers an account of what it means to value things. He says there, "The normal and appropriate way in which the value of things influences matters in the world is by being appreciated, that is, respected and engaged with because they are realized to be of value" (Raz 2001, 124).²⁵ From the context, it seems Raz has in mind positive values here (the value of a good book, the value of equality), but one way of conceiving of negative value would be to regard it as being essentially the same as positive value insofar as the two means of "appreciation" are concerned. Thus, if we are concerned that starvation in the Third World is bad, we should respect that badness by engaging with it in the mode of fighting to eliminate it. However, it isn't obvious that respect is the appropriate attitude to have toward things that are bad. Sometimes it is, and sometimes it is not – or, perhaps, there are different ways of

²⁵ Raz introduces this notion in the context of a discussion of how values can be "unfulfilled" if they are not recognized. The value of a great novel that is never read is "unfulfilled." I do not know if negative values could also be "fulfilled" or if it makes to think we ought to try to fulfill them in the way it might make sense to talk about fulfilling a positive value.

offering respect and so no one right way to do it. To explain why, it is necessary to say something about what respect means and entails.

To respect something in the moral sense means acknowledging the power of that thing to make claims on our attention, consideration and deference (Dillon 2010). It has the important implication of stopping short of crossing a boundary and thus of marking out a sphere in which the respected object has authority. For example, respect for persons means acknowledging certain rights that persons have including their right to have agreements we make with them honored and so on. Such respect means acknowledging their authority to make a claim on us about what is owed to them. The opposite of respect is the refusal to grant such authority and in that sense, it can usefully be called “contempt” or “disdain.” To take something to be contemptible is to deny that it is worthy of the attention one gives it or the power over the course of one’s life that it claims or the consideration that one pays it. If I have contempt for Newt Gingrich, but have to think about him anyway because he is in a position of social importance, I should resent this, since I don’t think he is worth the attention I nonetheless give him. Unfortunately, people sometimes define themselves by their contempt for something and thus the thing for which they have contempt ends up indirectly making a very significant claim on them. Such people become completely immersed in resentment. It is a significant purpose of Nietzsche’s writing to show what is insane in this way of orienting oneself with respect to one’s values. People who think contempt is actually an appropriate way of defining oneself may sometimes claim that things are “beneath contempt,” but I find this phrase to be meaningless, since having contempt for something means taking it to be unworthy of one’s consideration and thus *already* means taking it to be beneath even the consideration required to have contempt for it. Although contempt involves a lack of acknowledgement, just not to giving something any thought is not necessarily a

way of showing contempt for it. It must be that when this thing makes a claim on one's attention which one might acknowledge, one nevertheless does not acknowledge that claim. If something makes no claim, then it cannot be held in contempt. For example, the ERAs of the Atlanta Braves pitchers might be something that you do not recognize to be of concern, but if this is because it has never occurred to you that you ought to be thinking about them, you do not hold them in contempt.²⁶

The paradigm case of contempt, for me, is the attitude nobles have toward slaves according to Nietzsche's *Genealogy of Morals*. The nobles, according to him, feel themselves to simply be *above* the slaves such that they do not occupy themselves thinking about them, don't make it a point to prove themselves to them, don't regard the slaves as their enemies in life. In contrast, for the nobles, an *enemy* with whom one is going to bother "engaging" and thus value that much must be "one in whom there is nothing to despise," thus, another noble, one's equal (GM I 13). Hector and Achilles are enemies in this sense because each acknowledges the other's talents and takes the other's aspirations to be legitimate even as he seeks to overcome and defeat the other because the other's aspirations are incompatible with his own. If, however, there were not an essential equality between them, it would be impossible for the superior one to respect the inferior one and they could not entertain the same kind of rivalry.

Now, I want to say that it is because of the badness where something is "beneath" one that the idea of acting "for the sake of X" seems out of place when it comes to intrinsic badness. Nobles do not act for the sake of the slaves. What it means for the nobles to contrast themselves with slaves and call the slaves "bad" just is "We do not do things for the sake of people like that because we cannot respect them – they are beneath us. Only a slave (someone who could not do

²⁶ Thanks to Tim O'Keefe for this and the Newt Gingrich example.

otherwise) would subject himself to acting in accordance with considerations he could not respect.” I think this notion of nobility or height and with it the concepts of contempt and disdain have an indispensable role to play in the concept of badness such that the Minimizers go wrong by leaving it out.

Consider some contrasting examples of the role that contempt (and feigned contempt) can play in responses to parallel cases of “badness.” As part of their training, elementary school teachers are told to ignore those who misbehave and instead direct their attention toward the students behaving well. Similarly, but with different intentions and results, the United States sometimes marks the badness of a foreign regime by refusing to (formally) recognize its existence. In order for what the teacher does to work, it must not be thought by the student to be intentional or a matter of principle but rather to be a reflection of the teacher’s genuinely not taking an interest in what is happening. In order for what the United States does to work, it must be known to be a matter of principle. In the one case, the strategy is to get the moral concepts out of the way and render the student’s behavior mundane. Bad behavior from students gets its power through being marked as rebellious; and of course the difficulty about rebellious students is that they may have contempt for their teacher and so resent being made to respect his authority. The best response is a noble contempt that apparently makes no demand for the student’s respect, but instead entices the student to a change of heart through suggesting the possibility of what the student wants (acknowledgement) if the student changes her behavior. In contrast, the strategy the United States employs is meant to mark the regime as “beyond the pale” and is a way of scorning the regime in question. It is thus meant as the harshest sort of moral condemnation and is a direct demand for respect. If the students were regarded as equals to the teacher, the appropriate response would be outrage at obnoxious behavior from the students. It is thus at the cost of a

certain amount of respect for the students that the teacher is able to ignore their behavior. It is because the teacher does not take them seriously that he is able to dismiss what he perhaps pretends cannot be helped. His lack of respect for them as they are might nonetheless be seen as a kind of respect for them as they might one day become insofar as he allows his vision of the value of those future selves to dictate all of his conduct toward the present ones. In contrast, by insisting on the illegitimacy of certain regimes and marking them as “beyond the pale,” the United States implicitly is showing respect for them as equals who can and should be held to certain standards of conduct. Of course, even as the United States is respecting the regime by judging it as an equal, it is doing so by occupying a false posture of contempt through denying it an official recognition of this equality. Although the two cases are quite different, what they have in common is that each involves a negative evaluation at the center of which is that something is “beneath” the evaluator. Both involve a potentially other-regarding attempt to *twist free* of the badness perceived in the object toward which they are directed, and this twisting free is enabled by contempt.

Whatever the behavior of the teacher and the US shows about contempt, they also show that our responses to badness in the world may veer in radically different directions depending on what, if anything, we respect in the thing we judge to be bad. Crucially at stake whenever there is a problem about respect is the issue of what kind of *power* we want to give something over us or to acknowledge that it has over us. In making that decision, we have to decide which of several kinds of claims it might make on our attention we are willing to grant authority.

To see how these issues can arise in dealing with pain, consider that the Stoics evidently held that it is distinguishing of humans that we not only have the ability to condemn pain, but that we exercise that ability:

we are born for higher and better things [than cattle]. This is shown by the mental attributes we possess: a capacious ... memory; an ability to predict the outcome of events that falls little short of divination; a sense of shame that moderates our desires; a sense of justice, the faithful guardian of human society; and a disparagement of pain and death that helps us endure suffering and face danger (Cicero *DF* II.113).²⁷

Our “disparaging” of pain is said here to distinguish us from animals. Taking pain seriously and trying to avoid it is not exactly different from what animals do, but refusing to take it seriously (i.e. disparaging it) is both something humans sometimes do and something that plausibly differentiates them from animals at least when it comes to their own pain, though certainly not when it comes to the pain of (most) others. We might think that the Stoic treats his pain like the teacher treats the behavior of the obnoxious student. He considers not what the obnoxious behavior feels like or what it means in itself, but turns his attention to the self out of which it arises and imagines who that person might become. In the case of the Stoic, it is his own rational self that he chooses to ultimately have respect for, and he does so by holding the emissions of his animal self in contempt. He regards his pain as such an emission, and directs his attention away from it if he can.

It is not only the Stoics who disparaged pain, or called upon humans to do so in order to take up their humanity, or claimed that we already had done so, but also Nietzsche, who writes,

I have given a name to my pain and call it ‘dog.’ It is just as faithful, just as obtrusive and shameless, just as entertaining, just as clever as any other dog—and I can scold it and

²⁷ While the proper exposition of Stoic philosophy comes in Book III of Cicero’s *On Ends*, this quotation actually comes from Book II, in which his primary purpose is to critique the Epicurean position. Nonetheless, Cicero has sympathy for the Stoic position and may be read here as criticizing the Epicureans on behalf of the Stoics.

vent my bad mood on it, as others do with their dogs, servants and wives (Nietzsche GS §312).

Whether or not it is meant to, this certainly inverts the famous opening line of Bentham's *Principles of Morals and Legislation*, wherein he claimed, "Nature has placed mankind under the governance of two sovereign masters, pleasure and pain" (Bentham I.1). I see profit in its doing so; after all, as I have said, I do not respect the "sovereign" badness of pain, but instead believe that when it is bad, it is so only as an obstacle in one's positive life projects.

Still, this means I would not want to advocate utter contempt for pain. Pain *does* have some importance to us. A man on the rack cannot call himself happy. What we need is a way to reconcile competing demands on us. On the one hand, we should not allow a desire to avoid pain to rule our lives. On the other hand, we need a way to acknowledge and even respect the role that pain does play.

I have serious doubts about whether it would be possible to give an account of when one should respect the authority of pain's badness and when one should disparage that authority. Still, there are a few examples from what I have said thus far that could prove instructive on the issue. The discussion in section 2, for example, included a suggestion that some pains such as grief are cognitive. It was further suggested there that we ought not to let pain's apparent badness hold sway when it comes to our beliefs. We should have respect for the truth to be found in what pain expresses (in this case, the loss of a loved one), but reject the powerful claim that its unpleasantness makes on us to try and make it go away. Still, I would not want to propose as a general rule that pains be regarded as representational states and evaluated according to whether they accurately represent some state of affairs, yet in this case, I think that is what is called for. In section 3, we considered the issue of "steeling oneself" against pain. That seems to be one

legitimate way in which to respect pain's badness, but one which can be taken too far. We also considered the formulation of desires to avoid pain for its own sake, which I suggested can be perverse. If we regard the formulation of such desires as a potential way of acknowledging pain's badness, I would want to claim that we should deny it this recognition. If it is part of pain's power to put us into a desperate mood in which it seems the end of pain is all we can hope for, it is contempt for that power that may sustain us and put pain in its proper place.

At any rate, I think what we see in the Minimizers is a failure to address themselves to the diversity of claims that pain makes on us and to the variety of ways that we might rightly respond to or refuse these claims. I have tried to call attention to places where their understanding of pain falls short not in order to build a better theory of what to do about pain, but to suggest that what to do about pain is a more complicated and troubled issue than they suggest. What has been shown in the course of this thesis is that pain has the power to distort our desires and threaten individual autonomy (whether for better, as in the case of grief, or for worse, as in the case of chronic physical pain). If taken seriously in the wrong way, pain can drive people to desperation. Allowed to run its course, pain can be all-consuming. At the same time, avoiding pain at any cost can deprive us of important knowledge about the world and of the felt significance of our interpersonal relationships.

Getting it right about pain will require a different approach to it than the one the Minimizers attempt to take, an approach wherein the meaning of particular pains is regarded as in principle quite different from the meaning of pain as such and certainly different from the meaning of unpleasantness, wherein judgments of the intrinsic value of particular pains are necessarily and rightly conditioned by desires external to those pains, and wherein these judgments involve

trade-offs between taking pain's badness seriously in some respects and disdaining pain in others.

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