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Death

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Attempts to understand death and its ramifications have generated much controversy. In what follows we examine six topics.

First, what constitutes a person's death? It is clear enough that people die when their lives end, but less clear what constitutes the ending of a person's life.

Second, what are the challenges to the *harm thesis*, the claim that death can harm the individual who dies, and to the *posthumous harm thesis*, according to which events that occur after an individual dies can still harm that individual? These challenges include the following:

- a. On the *symmetry argument*, it is irrational to think death is bad for us, because we do not think the nonexistence preceding our births is bad for us, and when we compare this period of nonexistence to death, we see the two are mirror images, alike in all respects.
- b. The *timing puzzle* is a three-part challenge. Death or posthumous events may harm those who die only if there is a *subject* who is harmed, a *harm* that subject incurs, and a *time* at which harm is incurred by that subject. So when is the harm incurred? Presumably either before we die, or afterwards, but neither option seems satisfactory. On the first, there is a clear subject who is harmed, but it is hard to see what harm is done to that subject. Moreover, it is difficult to see how an event may affect us before it even occurs. As to the second option: it is hard to see what the subject of posthumous harm would be, given that we do not exist (as persons) after death. It is also difficult to see what harm may be incurred by a nonexistent person.
- c. Finally, the *immunity argument* suggests that the posthumous harm thesis is false precisely because death leaves us immune to further harm. One version of the argument is associated with Derek Parfit's view that satisfying our past desires — desires we no longer have — no longer affects our well-being. Given Parfit's claim, it seems reasonable to conclude that posthumous events cannot harm us, since death leaves us with only past desires.

Third, how might we rebut the challenges to the harm theses? Doing so will require, among other things, solving the timing puzzle. One might argue that at

least part of the harm for which death is responsible is incurred precisely when death occurs. But it is implausible to say that the harm of posthumous events is incurred when *those* events occur. A more promising strategy is to say it is accrued while its victim is alive.

Assuming that the harm theses are correct, a *fourth* controversy arises, concerning the specific nature of the threat death and various post-mortem events pose, and whether such harms constitute misfortune. Presumably, these events harm us, at least in part, by precluding our having certain goods, but we are not always harmed by states of affairs that block our access to goods. My not having Superman's powers blocks me from leaping over tall buildings in a single bound, but it would be silly to say that I am harmed by my lack of super powers. As an approximation, we might say that an event or state of affairs harms me if it ensures that I will lack some good that, otherwise, I would have had, but this criterion is open to objections.

A *fifth* controversy concerns whether all deaths are misfortunes or only some. Of particular interest here is a dispute between Thomas Nagel, who says that death is always an evil, since continued life always makes good things accessible, and Bernard Williams, who argues that, while premature death is a misfortune, it is a good thing that we are not immortal, since we cannot continue to be who we are now and remain meaningfully attached to life forever.

A *final* controversy concerns whether or not the harmfulness of death can be reduced. It may be that, by adjusting our conception of our well-being, and by altering our attitudes, we can reduce or eliminate the threat death poses us. But there is a case to be made that such efforts backfire if taken to extremes.

- 1. What Is Death?
- 2. What Counts Against the Harm Theses?
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1. What is Death?

The term 'death' is ambiguous. The ending of life is one thing, and the condition of having life over is another. 'Death' can refer to either. Let us add that 'the ending of life' is itself potentially ambiguous. In dying, our lives are progressively extinguished, until finally they are gone, in a process that stretches out over a period of time. This is true even if death is a threshold concept, so that

a sufficiently substantial extinction of life must occur before death takes place. ‘The ending of life,’ hence ‘death,’ can refer either to this entire process, or solely to its very last part — the loss of the very last trace of life. Thus death can be a *state*, the *process of extinction*, or the *denouement* (final completion) of that process. Death in all of these senses can be further distinguished from events — such as being shot with an arrow — that cause death.

1.1 The Permanence of Death

‘Death’ is also unclear in at least two ways. First, the concept of life is not entirely clear. For example, suppose we could construct a machine, the HAL 1.01, with (nearly) all of the psychological attributes of persons: would HAL 1.01 be alive? We might well consider HAL 1.01 alive, but this choice is not legislated by the concept of life. To the extent that we are puzzled about what life entails, we will be puzzled about what is entailed by the ending of life, that is, death. (Would HAL 1.01 die if switched off or disabled?) Second, it seems somewhat indeterminate whether a temporary absence of life suffices for death, or whether death entails a permanent loss of life. For practical purposes, whenever a creature loses life the condition is permanent; so ‘death’, as commonly used, need not be sensitive to the distinction between the temporary and permanent ending of life. Yet in thought experiments we can imagine the temporary loss of life. Suppose, for example, that I were frozen and later revived, as is sometimes done to simple organisms: it is tempting to say that I cease to be alive while frozen — I am in a state of suspended animation. Or imagine a futuristic device that reduces me to disconnected atoms which it stores and later reassembles just as they were before. Many of us will say that I would survive — my life would continue — after the reassembly, but it is quite clear that I would not live during intervals when my atoms are stacked in storage. In these cases, our linguistic intuitions give no definitive verdict concerning the applicability of ‘death’. On the one hand, it seems appropriate to say that I die when my body is completely frozen or my atoms are disconnected, since the term ‘death’ seems applicable when a creature's life ceases. On the other hand it seems correct to deny that I die, since my life is eventually restored, and ‘death’ seems applicable only when a creature's life is permanently ended. Nonetheless, once we allow our competing intuitions to work themselves out, we are likely to conclude that the permanent ending of life more fully captures what we mean by ‘death’; hence in what follows we may as well adopt this approach.

According to some religious traditions, people's lives need not permanently end when their bodies break down. There are two main competing ideas about how life may continue. First, our physical demise could be temporary, since God might resurrect our bodies (restoring our mental life in doing so). Second, our lives may continue uninterrupted, assuming we are souls who survive the demise of the body. Proponents of the first idea of the afterlife sometimes apply ‘death’ to the breakdown of bodies, and proponents of the second sometimes apply it to the soul's departure from the body, but both groups presumably will also

acknowledge that 'death' would apply to the permanent ending of life (even though they would deny that such death is inevitable).

1.2 Death and Existence

May a creature continue to exist for some time after its life ends? We commonly refer to 'dead animals' (and 'dead plants') which may suggest that we believe that animals continue to exist, as animals, while no longer alive. The idea, most likely, is that an animal continues to count as the same animal if enough of its original components remain in much the same order, and animals continue to meet this condition for a time following death (Mackie 1997).

May *people* exist for some period after their lives end? Confusingly, the term 'person' may be ambiguous, applying to creatures with psychological attributes such as self-awareness, or to human beings which may lack these. To avoid confusion, we shall employ 'person' only in the first sense. We can use the term 'human being' for humans who may or may not have psychological attributes.

Presumably in asking whether persons may exist after their lives end we mean to ask whether they may survive *as persons* after their lives end. Perhaps, insofar as we are animals (as animalists, such as Snowdon 1990 and Olson 1997, suggest), we may persist for a brief time after we are no longer alive, given that animals persist for some time as corpses or carcasses, according to some theorists (Feldman 1992, Mackie 1997). But even if we may exist after death *as animal corpses*, it does not follow that we may exist after death *as persons*. Assuming that personhood entails the possession of psychological attributes, and possessing these requires being alive, we cannot continue to exist as persons when our lives end.

1.3 Death and Personhood

There is good reason to distinguish between our deaths *as persons* and the body's demise. For persons may cease to exist (thus die) while their bodies survive, and persons may survive the demise of large parts of their bodies. Insofar as we are persons, death means the destruction of our identities. Hence further clarifying what it is for a person to die entails clarifying what is essential to a person's identity (Green and Winkler 1980), how identity is instantiated in particular structures, and what is involved in the breakdown of those structures. This is a complicated matter, which we must leave largely unexamined (see Personal Identity). But a couple of points are in order.

First, theorists such as Derek Parfit (1984), building on the work of John Locke (1689), have made a strong case for the view that psychological attributes such as memories and character traits, which change gradually over time, are central to our identities (see the essays in Perry 1975). Two separate but related ideas of identity vie for our acceptance: *identity as connectedness* requires that one's psychological profile not change significantly over time if one is to remain the

same person, while *identity as continuity* allows changes in one's profile so long as these are gradual. According to the first idea, we can gradually lose our identities; identity is a matter of degree, since we retain our psychological attributes in varying degrees. By the second idea, identity is all or nothing; we either remain the same person or we do not; either there is not more than a gradual change in our psychological profiles or there is. Hence if we think of identity as connectedness, we will conclude that death, too, can come in degrees, and becomes complete when our psychological profiles are greatly altered or destroyed. If we think of identity as continuity, we will be more inclined to say that death is all or nothing — that people live through gradual, but not sudden and drastic, psychological changes.

Second, it is important to distinguish between the concept of death and a criterion for death. The concept of death says what death *is*. One such concept is that of the cessation of personal survival. A criterion for death, by contrast, lays out a condition that is sufficient for death and by which an individual's death may be determined. The traditional criterion says that you will be dead when your heart and lungs cease to function (not that death *is* cessation of respiration and cardiac functioning). A more recent criterion is brain death — meaning the death of the entire brain — since the brain is the seat of our psychological features. The brain death criterion is more accurate since, with modern technology, respiration and blood circulation can be maintained artificially even when the brain is dead. As things stand, authorities in the legal and medical context frequently rely on the brain death criterion (President's Commission, 1981). For example, tissues are not to be harvested from organ donors unless the entire brain is dead. But there is good reason to consider a person dead even if certain parts of the brain are still alive. Psychological attributes are most closely associated with the higher brain (the cerebral cortex). Unsurprisingly, then, there is increasing support for a *higher* brain criterion for death, according to which death occurs when the higher brain is no longer alive. But while higher brain death is a sufficient condition for a person's death, it is not a necessary condition. Conceivably, the higher brain might live through damage or alterations that destroy our psychological profile; if so, we might die as persons while the higher brain remains alive.

2. What Counts Against the Harm Theses?

Typically, those who value life accept *the harm thesis*: death is, at least sometimes, bad for those who die, and in this sense something that 'harms' them. It is important to know what to make of this thesis, since our response itself can be harmful. This might happen as follows: suppose that we love life, and reason that since it is good, more would be better. Our thoughts then turn to death, and we decide it is bad: the better life is, we think, the better more life would be, and the worse death is. At this point, we are in danger of condemning the human condition, which embraces life and death, on the grounds that it has a tragic side, namely death. It will help some if we remind ourselves that our situation also has a good side. Indeed, our condemnation of death is here based on the assumption

that more life would be good. But such consolations are not for everyone. (They are unavailable if we crave immortality on the basis of demanding standards by which the only worthwhile projects are endless in duration, for then we will condemn the condition of mere mortals as tragic through and through, and may, as Unamuno (1913) points out, end up suicidal, fearing that the only life available is not worth having.) And a favorable assessment of life may be a limited consolation, since it leaves open the possibility that, viewing the human condition as a whole, the bad cancels much of the good. In any case it is grim enough to conclude that, given the harm thesis, the human condition has a tragic side. It is no wonder that theorists over the millennia have sought to defeat the harm thesis. Let us examine their efforts, as well as the challenges to the posthumous harm thesis, according to which events occurring after we die can harm us.

2.1 The Symmetry Argument

One challenge to the harm thesis is an attempt to show that the state death puts us in, nonexistence, is not bad. According to the *symmetry argument*, posed by Lucretius, a follower of Epicurus, we can prove this to ourselves by thinking about our state before we were born:

Look back at time ... before our birth. In this way Nature holds before our eyes the mirror of our future after death. Is this so grim, so gloomy? (Lucretius 1951)

The idea is clear to a point: it is irrational to object to death, since we do not object to pre-vital nonexistence (the state of nonexistence that preceded our lives), and the two are alike in all relevant respects, so that any objection to the one would apply to the other. However, Lucretius' argument admits of more than one interpretation, depending on whether it is supposed to address death understood as the ending of life or death understood as the state we are in after life is ended (or both).

On the first interpretation, ending of life is not bad, since the only thing we could hold against it is the fact that it is followed by our nonexistence, yet the latter is not objectionable, as is shown by the fact that we do not object to our nonexistence before birth. So understood, the symmetry argument is weak. Our complaint about death need not be that the state of nonexistence is ghastly. Instead, our complaint might be that death brings life, which is a good thing, to an end, and, all things being equal, what ends good things is bad. Notice that the mirror image of death is birth (or, more precisely, becoming alive), and the two affect us in very different ways: birth makes life possible; it starts a good thing going. Death makes life impossible; it brings a good thing to a close. As Frances Kamm (1998) emphasizes, we do not want our lives to be all over with.

Perhaps Lucretius only meant to argue that the death *state* is not bad, since the only thing we could hold against the death state is that it is nonexistence, which is not really objectionable, as witness our attitude about pre-vital nonexistence. So

interpreted, there is a kernel of truth in Lucretius' argument. Truly, our pre-vital nonexistence does not concern us much. But that is because pre-vital nonexistence is followed by existence. Nor would we worry overly about post-vital nonexistence if it, too, were followed by existence. If we could move in and out of existence, say with the help of futuristic machines that could dismantle us, then rebuild us, molecule by molecule, after a period of nonexistence, we would not be overly upset about the intervening gaps, and, rather like hibernating bears, we might enjoy taking occasional breaks from life while the world gets more interesting. But undergoing temporary nonexistence is not the same as undergoing permanent nonexistence. Unlike the former, the latter entails *death* in the fullest sense. What is upsetting is the death that precedes post-vital nonexistence — or, what comes to the same thing, the permanence of post-vital nonexistence — not nonexistence per se.

There is another way to use considerations of symmetry to argue against the harm thesis: we want to die later, or not at all, because it is a way of extending life, but this attitude is irrational, Lucretius might say, since we do not want to be born earlier (we do not want to have always existed), which is also a way to extend life. As this argument suggests, we are more concerned about the indefinite *continuation* of our lives than about their indefinite *extension*. (Be careful when you rub the magic lamp: if you wish that your life be extended, the genie might make you older!) A life can be extended by adding to its future *or* to its past. Some of us might welcome the prospect of having lived a life stretching indefinitely into the past, given fortuitous circumstances. But we would prefer a life stretching indefinitely into the future.

Is it irrational to want future life more than past life? No; it is not surprising to find ourselves with no desire to extend life into the past, since the structure of the world permits life extension only into the future, and that is good enough. But what if life extension were possible in either direction? Would we still be indifferent about a lengthier past? And should our attitude about future life match our attitude about past life?

Our attitude about future life should match our attitude about past life if our interests and attitudes are limited in certain ways. If quantity of life is the only concern, a preference for future life is irrational. Similarly, the preference is irrational if our only concern is to maximize how much pleasure we experience over the course of our lives without regard to its temporal distribution. But our attitude is not that of the life- or pleasure-gourmand.

According to Parfit, we have a far-reaching bias extending to goods in general: we prefer that any good things, not just pleasures, be in our future, and that bad things, if they happen at all, be in our past. He argues that if we take this extensive bias for granted, we can explain why it is rational to deplore death more than we do our not having always existed: the former, not the latter, deprives us of good things in the future (he need not say that it is because it is in the past that

we worry about the life-limiting event at the beginning of our lives less than the life-limiting event at the end). This preference for future goods is unfortunate, however, according to Parfit. If cultivated, the temporal insensitivity of the life-or-pleasure-gourmand could lower our sensitivity to death: towards the end of life, we would find it unsettling that our supply of pleasures cannot be increased in the future, but we would be comforted by the pleasures we have accumulated.

Whether or not we have the extensive bias described by Parfit, it is true that the accumulation of life and pleasure, and the passive contemplation thereof, are not our only interests. We also have active, forward-looking goals and concerns. Engaging in such pursuits has its own value; for many of us, these pursuits, and not passive interests, are central to our identities. However, we cannot make and pursue plans for our past. We must project our plans (our self-realization) into the future, which explains our forward bias. (We could *have been* devising and pursuing plans in the past, but these plans will not, I assume, be extensions of our present concerns.) It is not irrational to prefer that our lives be extended into the future rather than the past, if for no other reason than this: only the former makes our existing forward-looking pursuits possible. It is not irrational to prefer not to be at the end of our lives, unable to shape them further, and limited to reminiscing about days gone by.

Nevertheless, it does not follow that we should be *indifferent* about the extent of our pasts. Being in the grip of forward-looking pursuits is important, but we have passive interests as well, which make a more extensive past preferable. Moreover, *having been* devising and pursuing plans in the past is worthwhile. If fated to die tomorrow, most of us would prefer to have a thousand years of glory behind us rather than fifty.

2.2 The Timing Puzzle: Death Cannot Affect Us

Another challenge arises when we look for the specific time during which we undergo the harm that death supposedly brings upon us. As Epicurus (341-270) says in his *Letter to Menoeceus*, there appears to be no such time:

Death ..., the most awful of evils, is nothing to us, seeing that, when we are, death is not come, and, when death is come, we are not.

We might restate Epicurus' challenge as follows: if death harms the individual who dies, there must exist a *subject* who is harmed by death, a clear *harm* that is received, and a *time* when that harm is received. As to the timing issue, there seems to be two possible solutions, given that death follows immediately upon life: either death harms its victims while they are alive or later. If we opt for the second solution we appear to run head on into the problem of the subject, for assuming that we do not exist after we are alive, no one is left to incur harm. We also encounter the problem of specifying a harm that might be accrued by a nonexistent person. If we opt for the first solution — death harms its victims while they are alive — we have a ready solution to the problem of the subject but

we face the problem of supplying a clear way in which death is bad: death seems unable to have *any* ill effect on us while we are living since it will not yet have occurred. Seeing that there is no coherent solution to all three issues, Epicurus rejects the harm thesis.

Epicurus focuses on death, but if his argument is good, it applies more generally, to include all events that follow death. Let us call something a *mortem event* if it takes place when we die or afterwards, so that death and every event that follows is a mortem event. The Epicurean position is that no mortem event can harm us.

Epicurus's argument can be interpreted in more than one way. The intent might be to show that no mortem event can *affect us at all*. This claim, together with the following *impact thesis*, implies that mortem events are harmless:

An event harms us only if it somehow affects us at some time
(perhaps well after it occurs).

Let us see if it is possible to show that mortem events do not affect us. Then we can try out a weaker thesis: that no mortem event can affect us *in a way that matters*. This weaker claim is easier to defend; in all likelihood, it is what Epicurus had in mind, but the stronger claim is worth exploring.

To defend the view that mortem events do not affect us, we need to make some assumptions about when an event can affect us. To this end, let us adopt the *causal account of responsibility*:

- a. An event (or state of affairs) can affect some subject (person or thing) *S* only by causally affecting *S* (the *causal impact thesis*).
- b. A subject *S* cannot be causally affected by an event while *S* is nonexistent.
- c. A subject cannot be causally affected by an event before the event occurs (the *ban on backwards causation*).

From the causal account, together with some plausible assumptions, it follows that a *post-mortem* event, such as the burning of one's corpse, cannot affect us after we are dead, since, by (a), to be affected is to be affected causally, but, by (b), nonexistent people cannot be causally affected by any event. Here we are assuming that people cease to exist when they die; this claim is dubbed the *termination thesis* by Feldman (2000). From the causal account it also follows that a post-mortem event cannot affect us while we are alive, given the ban on backwards causation:

1. An event can affect us only by causally affecting us (the causal impact thesis).
2. We cannot be causally affected by an event while we are nonexistent.
3. We do not exist while dead (the termination thesis).
4. So no posthumous event can affect us while we are dead (by 1–3).
5. We cannot be causally affected by an event before the event occurs (the ban

on backwards causation).

6. So no posthumous event can affect us while we are alive (by 1 and 5).
7. So no posthumous event can ever affect us (by 4 and 6).

So far so good: no post-mortem event can ever affect us. However, there may still be a *mortem* event that can affect us: death. Of course, the thesis that we must exist to be affected, together with the termination thesis, rule out the possibility that death affects us *after* it occurs (after we are nonexistent). And the ban on backwards causation rules out the possibility that death affects us before it occurs. Thus:

8. Death cannot affect us after it occurs (by 1–3).
9. Death cannot affect us before it occurs (by 1 and 5).
10. So death can affect us, if at all, only when it occurs (by 8 and 9).

But nothing said so far rules out the possibility that death affects us exactly *when* it occurs. In particular, the problem of the subject does not arise since it is a living, existing person who is harmed by death while it occurs. Is there any way to establish that death cannot affect us even at the time it occurs? There might be two ways. First, we might claim that death occurs only after we are nonexistent. This assumption has the odd consequence that death can affect us only if posthumous events can. It will follow from (7) that death cannot ever affect us. Second, we might claim that death is instantaneous; it happens too quickly to affect us.

Some theorists have indeed defined ‘death’ — the ending of life — in such a way as to imply that it occurs only after we are nonexistent. For example, Feinberg (1984), following Levenbook (1984), defines death as “the first moment of the subject's nonexistence.” Perhaps this definition is motivated by the awkwardness of attaching ‘death’ to a moment in the dying process when a spark of life persists. However, it is at least as awkward to attach ‘death’ to a moment after the dying process is over — to suggest that the ending of life occurs while we are in a state of death. It is also to concede too much to the Epicurean, who could then establish that death is no evil merely by showing that posthumous events are innocuous.

What about the suggestion that death happens too quickly to affect us? Recall that ‘death’ can be used in the process as well as the denouement sense (Section 1). Death, in the process sense, unfolds over a period of time; it is false that at all times we are either *wholly* dead or *wholly* alive. Death — as well as other things — can affect us while we are partially alive and partially dead, even if nothing can affect us while we are wholly dead (as 1-3 suggest) and even if nothing that occurs while we are wholly dead can affect us while we are wholly alive.

While no actual death (in the process sense) is instantaneous, the idea of an instantaneous death is coherent: it seems possible to imagine a futuristic device that can cause someone to make the transition from being wholly alive to being

wholly-not-alive in no time at all. Would such a death be incapable of affecting us? It is hard to see why. A normal death involves the decline of the processes that constitute life; a speedier death destroys our vital capacities just as thoroughly as (albeit less painfully than) a slower one, it simply does so faster. Clearly, destruction affects us, even if speedily — even if instantly.

What if we opt for the denouement sense of ‘death’? Is it plausible to say that losing the very last of life can have no affect on us? Once again, it is difficult to see why. If we were correct when we said that the complete destruction of our vital capacities affects us, surely losing the very last of the vital capacities that sustain our personhood affects us too, albeit less.

Let's review. Granting them some leeway, Epicureans can show:

11. No mortem event can affect us except perhaps death, and it can affect us, if at all, only while it occurs (by 7 and 10).

They can then argue that death is the only mortem event that can harm us:

12. An event harms us only if it somehow affects us at some time (the impact thesis).
13. So death is the only mortem event that can harm us, and it can do so, if at all, only while it occurs (by 11 and 12).

But Epicureans lack a convincing argument against the possibility that death and some of its effects overlap in time; hence they cannot show that mortem events are harmless. We have a subject, harm, and time: the subject of death is a live creature; death harms (at least in part) by destroying that creature's vital capacities; and that harm occurs at the very time the creature dies.

2.3 The Timing Puzzle Again: Death's Impact Is Harmless

Instead of trying to establish that death cannot affect us at all, Epicureans might argue that death cannot affect us *in a way that should matter to us*. To that end, they can assume that something can affect us in a way that is positive, negative or even neutral from the standpoint of our welfare, only if it causes (or can cause) in us the presence of some bad condition. When an event causes a bad condition to be present in us, let us say that it has a *salient effect* on us, and that the condition is a *salient condition*. The new strategy calls for adopting the *bad impact thesis*:

An event harms us only if it is responsible for a salient condition's coming to be present in us at some time.

The event and the condition's presence in us need not be simultaneous. If an event *E* is responsible for our being in a bad state, let us say that *E* is the *indirect* harm, while the bad state that *E* precipitates is the *direct* harm. Thus *E* indirectly harms us when it occurs, but directly harms us only when the bad state is brought about.

Arguably, we can be directly harmed only if we exist — this claim is often called the *existence condition*. Yet we need not exist in order to be indirectly harmed: an event may indirectly harm us long before it has any direct impact on us; indirect harm may come even before we exist, as when someone times a bomb to go off 150 years later, killing everyone around. According to the bad impact thesis, an event harms us only if it is responsible for our being directly harmed.

Proponents of the bad impact thesis are committed to the impact thesis discussed earlier, but not vice versa. Something cannot affect us in a bad way unless it somehow affects us, but not all ways of affecting us involve the presence in us of some salient condition. So the conclusion reached earlier carries over: by 13, death is the only mortem event that may affect us; by the bad impact thesis, an event harms us only if it has a salient effect — and therefore some effect — on us; it follows that death is the only mortem event that may harm us.

Different Epicureans offer different accounts of the salient condition genuine harm reduces to. However, they seem to agree that direct harm is a kind of experience, and they offer versions of the *experience requirement*, which says that an event can harm us only if we experience it (or only if we can experience it, or only if we (can) experience it as bad). According to Epicurus's own view, the only thing that is bad for an individual is something that causes that individual to suffer (this claim sets out the *painfulness criterion for harm*).

On the Epicurean view, clearly death (whether process or denouement) is not *inherently* harmful — it is, in itself, not bad for us. For death is not necessarily painful. One can die painlessly, as when one dies while unconscious. But Epicurus did not say merely that death *need* not be harmful; he claimed that death was never harmful, in that it never causes the subject to suffer.

This is not to say that we cannot associate any sort of pain with our deaths. I might suffer when I anticipate my own death, and others might suffer as a result of my death. Epicurus admits that *anticipating* death can be a bad thing to the extent that it upsets us, but our (present) anticipatory fear is not caused by our (future) death, since future events are powerless to affect the past. Hence, by the *painfulness criterion*, the fear of death is not grounds for saying that death is harmful. Moreover, fear is irrational unless its object is genuinely evil in some way, which death is not. As to the suffering our deaths cause others: perhaps this too is bad. But we should distinguish what is bad for us from what is bad for others. At most, the fact that your family grieves your death supports the claim that your demise harms *them*, not that it harms you. (Too, your distress at anticipating your family's grief over your death is not grounds for you to regard your death as a bad thing: the suffering your death brings them cannot affect you, and your anticipatory grief is irrational.) Furthermore, their grief should be mitigated by the fact that your death is not bad for *you*. Their grief is entirely self-centered, exactly like the self-pity a gardener might feel at the death of a treasured flower, in that the flower is not harmed by its own death. (Would it be

morally wrong to kill you, given Epicurus's painfulness criterion? Perhaps, but the moral case against killing is weak, given the fact that killing you is in no way bad for you, and, as a true Epicurean, you do not mind. But won't killing you displease others? Not necessarily, and in any case this reservation will not block the killing of pariahs — or the complete annihilation of humanity.)

To show that death can have no salient effect on us, Epicureans might argue that death cannot be responsible for *any* condition's presence in us, salient or otherwise. It can only be responsible for our *ceasing* to be in a condition. However, this thesis is clearly false on the process sense of 'death:' moving from being wholly alive to completely lacking life might well introduce the presence of some bad condition in us, such as pain. No doubt Epicureans gravitate to the denouement sense of death since the ending of the final trace of life might occur extremely quickly, perhaps so quickly that it has no salient effect on us while it happens. Nevertheless, Epicureans may argue, with some degree of plausibility, that denouement death cannot harm us:

14. Denouement death occurs too quickly to be responsible for the presence of any salient conditions in us at the time it occurs.
15. . Only something (directly or indirectly) responsible for the presence of salient conditions in us is harmful to us (the bad impact thesis).
16. So denouement death cannot harm us at the time it occurs (by 14 and 15).

By combining 16 with 13, established earlier, Epicureans may conclude that:

17. Neither posthumous events nor denouement death may ever harm us, and process death may harm us, if at all, only while it occurs.

However, this conclusion will disappoint people who wonder whether dying is a misfortune: they want to know whether *losing life*, or perhaps *having life over*, is a bad thing, not just whether, having nearly completely lost life, it is bad to lose the very last of it (Luper 2004). Even for Epicurus himself this conclusion is not entirely adequate. For it leaves in place the possibility that process death can be harmful. Epicurus makes no clear distinction between process death and events that cause process death, but he admits that events leading up to death can harm us. Is he then trying to remove our concern about denouement death only to leave in place our concern about the dying process? That would be odd, since the stated goal of Epicureanism is *ataraxia*, or tranquility of mind; this goal is thought to be attainable because, for the enlightened, nothing in life is especially harmful. From this perspective, it would not be useful to show that the final stage of death is of no concern, while leaving us terrified at the earlier stages. Given his goal, and his criterion for harm, Epicurus's best strategy is probably to downplay the painfulness (hence harmfulness) of both process death and its cause, and this he appears to do, by appealing to the dubious claim that serious afflictions are not very painful:

Continuous pain does not last long in the flesh; on the contrary, pain,

if extreme, is present a very short time. ... Illnesses of long duration even permit of an excess of pleasure over pain in the flesh (*Principal Doctrines*, Doctrine 4)

Still, the Epicurean argument (as we may call 1–17) constitutes an impressive assault on the harm theses.

2.5 The Immunity Thesis

Even if process death can harm us, doesn't it (and denouement death) preclude our being harmed by posthumous events, as the immunity thesis maintains? As we have seen, clearly the answer is 'yes' given the causal account of responsibility and termination thesis.

There are other ways to defend the immunity thesis, but it is not clear that any succeed. For example, suppose we are harmed only when an event ensures that some type of desire we have is not fulfilled. Then, we might claim, because death removes all of our desires, thereby preventing us from doing what it takes to fulfill them, subsequent events are innocuous — the damage is already done. However, it is not clear that death really ensures that none of the desires we have when we die are fulfilled. Some of these desires could be fulfilled by posthumous events. For example, the desire not to be forgotten after we expire is fulfilled if a friend remembers that we died. Posthumous events might also prevent such desires from being fulfilled, so the argument is weak.

There may be a way to bolster the argument by drawing on the work of Derek Parfit (1984). Call desires we no longer have *past* desires. Preferences about how long stretches of our lives should go can give us reason to prefer that some past desires be fulfilled. But we are indifferent about the fulfillment of at least some of our past desires. According to Parfit, we lack any prudential grounds for fulfilling past desires about which we are now indifferent — we cannot be harmed if these are unfulfilled. This indifference thesis follows from Parfit's present-aim theory of practical reason, according to which what should matter to us is what affects our welfare *now*, not what affects our welfare at other times in our lives. Mark Vorobej (1998) has claimed that Parfit's indifference thesis implies that posthumous events are harmless, since such events can only interfere with desires we no longer want fulfilled (being dead). If Vorobej were correct, Parfit's thesis would also support the immunity thesis, for death itself is what makes us indifferent about our desires posthumously. However, the indifference thesis does not really imply that the posthumous thwarting of our desires never harms us. We can accept it even if we consider posthumous events (indirectly) harmful — so long as we say the (direct) harm is incurred while we are alive, a possibility we will investigate in due course (Luper 2005).

3. What Supports the Harm Theses

We have now sketched arguments against the harm theses and indicated how

some of these considerations can be rebutted. In this section we will explore ways of criticizing the Epicurean argument itself. We can start with challenges to the bad impact thesis — the idea that harm consists in the presence of some salient condition such as pain.

3.1 The Deprivation Account of Harm

Let us consider some examples that appear inconsistent with the bad impact thesis. One set of examples centers on the fact that most of us regret the severing of our interpersonal relationships and the thwarting of our aspirations. It is possible for these to be destroyed without our noticing. Suppose (Nozick 1971) that by means of an elaborate lie, an enemy convinces someone you love to hate you but to feign love so as to be positioned to keep tabs on you for the rest of your life. Then you lose the love of your partner yet forever retain the appearance of love. Your loss produces no troubling experiences in you, but it is bad for you nonetheless. Or suppose (Nagel 1979) you are struck by an illness that instantly destroys your faculties and reduces you to the state of a contented infant. Here again is a tragic loss that is not accompanied by troubling experiences. A related case: it is bad to be raped after secretly being drugged into sleep, even if we never discover that it happened. A second set of examples exploits the fact that we can experience, and suffer from, nothing that happens after we die, yet many post-mortem events are regrettable. For example, it can be terrible to have your will set aside. Or suppose you found out that, starting in two weeks, your family and friends (or everyone in the world, for that matter) were to suffer horribly. But then you learn you are to die in one week, so their fate can have no causal impact on you. If you adopt the Epicurean's bad impact thesis, the fate of your loved ones, under such circumstances, does not affect your well-being.

Epicureans are committed to denying that any of these examples involve genuine harm, given their view that (direct) harm consists in the *presence* of some condition that is bad for us, such as wounds or pain. Their view, which we might call the *wound model of harm*, is that events are harmless — unable to make us worse off — unless they leave us in a condition analogous to being wounded. Our examples suggest that this is an overly narrow conception of harm. They suggest that the direct harmfulness of some events may consist in our being deprived of a salient *good*, such as the love of a partner, or the completion of our life's work, or the flourishing of our children. In fact, the salient good might be pleasure itself, so even hedonists can reject the wound model. Epicurus's own hedonist account is negative, in the sense that it restricts harm to the presence of pain; but nothing stops a hedonist from adopting a positive account, according to which an event may harm us by depriving us of pleasure. The idea that direct harms can consist in our being deprived of some salient good (but might also consist in the presence of a relevant bad condition) we might term the *deprivation account of harm*.

It can be helpful to formulate the deprivation account in terms of counterfactual possibilities (Nagel 1979; McMahan 1988; Feldman 1991). Suppose I am a

plumber who, earlier, chose not to be an electrician. Suppose, too, that the life I would have led as an electrician would have been better than the life I shall lead as a plumber. My choice harmed me — I am worse off because of it — in that the closest possible world in which I am an electrician has greater value for me than the (actual) world in which I am a plumber. In the same sense, dying now might harm me: the closest possible world in which I live on might have greater value for me than the actual world in which I just died.

If being deprived of a salient good can constitute a harm, then death can be harmful, for there are two ways in which death can be responsible for harmfully absent goods. First, it destroys goods, such as the good of being a conscious, active being, and good conditions present in us when we die (these are *destruction harms*). Second, it precludes our retaining or acquiring various goods we would otherwise have had (*preclusion harms*).

What about posthumous events? Can they be responsible for deprivation harms? Perhaps; isn't it in my interest to retain my good reputation after my demise, and can't posthumous events deprive me of this good? As this example indicates, the postmortem harm thesis has facial plausibility.

However, proponents of the harm theses still have work to do, for their view is not secure unless it is clear that we can be the *subject* who incurs harms associated with absent goods, and unless there is a clear *time* when the harms are received. Assuming that we are indeed harmed, there seem to be five possibilities (and various combinations thereof) as to when we incur the harms associated with mortem events:

- a. at the time they (the mortem events) occur (concurrentism)
- b. after they occur (subsequentism)
- c. before they occur (priorism)
- d. at all times (eternalism)
- e. at an indeterminate time (indefinitism).

3.2 Indefinitism

The last possibility — that mortem events harm us but at no determinate time (Nagel 1979) — is criticized by Julian Lamont (1998) on the grounds that it implies that some events take place but at no particular time. But William Grey (1999) counters that Lamont has misunderstood Nagel's (and Grey's) indefinitist position, which is that the harm death causes is incurred during a stretch of time that has blurry boundaries (compare: the time of the onset of baldness). However, indefinitism is not a genuine solution to the timing puzzle, on Grey's understanding of indefinitism. As Grey understands it, indefinitism is correct only if subsequentism, priorism or concurrentism is true (Grey opts for subsequentism), for even a period of time with blurry edges must occur before, after or at the same time as a mortem event (eternalism is an exception since an infinite period has no boundaries to blur).

3.3 Eternalism

Feldman argues for the eternalist view that my death is always bad for me if bad for me at all. If my death harms me, it harms me while alive, while dead, and even before I came into existence — in that it is always the case that the world in which I lived is more valuable to me than the world in which I died. However, several theorists (among them Lamont 1998, Silverstein 2000 and Feit 2002) have rejected Feldman's defense of eternalism. Suppose I stubbed my toe, and we ask ‘when was the stubbing bad for me?’ What exactly do we want to know? Perhaps we want to know when it is true that the stubbing was bad for me. If so, the answer is: ‘eternally, if ever.’ However, our question might be: ‘at which times t is it true that the stubbing is bad for me at t ?’ If so, the answer is: ‘the stubbing is bad for me at all and only those times it hurts.’ The timing of death's harmfulness might be similarly ambiguous. In asking, ‘when is Lincoln's death bad for him?’ we might want to know when it is true that his death is bad for him. The answer is presumably that it is an eternal truth. It seems likely that Feldman's eternalism is motivated by this way of understanding the timing of death's harmfulness. However, what we really want to know is at which times t is it true that his death is bad for him at t ? Here the answer is quite different, leading us away from eternalism.

Moreover, Feldman's solution to the timing puzzle is incompatible with Epicurean assumptions we have yet to challenge. As we noted earlier, the termination thesis and causal account of responsibility together imply that death can harm us *only* at the time it occurs, leaving only concurrentism as the way to understand when death harms us. They also imply that posthumous events cannot *ever* harm us, thus not only ruling out a concurrentist story about when posthumous events harm us, but all of the others as well.

3.4 Concurrentism

It is reasonably clear that concurrentism gives us at least part of the solution to the timing puzzle. Many proponents of the deprivation account reject concurrentism because they assume that we do not exist at the time death occurs. Once that assumption is put aside (section 2.3) nothing stands in the way of the view that death and destruction harms for which it is responsible occur simultaneously. We might also say that death and at least some preclusion harms occur simultaneously. Suppose that we incur (direct) harm at the time some event ensures that we will not retain or attain some good otherwise available. Call this the *ensuring event* view. Then death and preclusion harms often occur simultaneously. Like death, posthumous events can ensure our not gaining a good we would have had, so we might consider adopting the concurrentist view concerning the time we incur harm from posthumous events as well as death (Lamont 1998). However, the unified form of concurrentism is incompatible with the termination thesis and causal account of responsibility, which we have not yet questioned. And if these two Epicurean assumptions lead us to doubt the ensuring

event view of timing as applied to the harm associated with posthumous events, we might well doubt it as applied to the harm associated with death.

We might conclude that, because no temporally locatable harms can be associated with posthumous events, these are just harmless, but since death and its harm occur simultaneously the concurrentist is correct about when death harms us. We will have accepted the immunity thesis and rejected one of the three main pillars supporting the Epicureans' case against the harm thesis, namely the wound model of harm, but neither of the remaining two pillars (the causal account of responsibility and the termination thesis). But if we reject one of the other two Epicurean assumptions, we may be led to a different conclusion. We examine some of these possibilities in the next sections.

3.5 Subsequentism and the Termination Thesis

If we reject the termination thesis, we may remove one obstacle confronting the subsequentist view that mortem events harm us after they occur. For the assumption that the dead retain some mode of reality may position us to say that they can be harmed while dead, since it supplies a subject who might undergo harm at that time. Therefore, let us ask whether there is a case against the termination thesis.

We begin with a complication: while several theorists have criticized the termination thesis, they do not always attack the same version. Two versions have been discussed, the second being stronger than the first:

TT1: we do not exist *as people* while dead.

TT2: we do not exist as *anything* while dead.

As we have seen (Section 1.2), TT2 has been criticized on the grounds that people may persist as corpses while dead. But while rejecting TT1 might help us show that people can be harmed while dead, rejecting TT2 will not. If the dead of whom we speak are, say, corpses, as TT2 (and not TT1) allows, we are still in no position to say that they can be harmed, since corpses are, for our purposes, beyond harm. But TT1 has been criticized as well. Silverstein (1980) argues that we can say that dead people exist in a timeless sense of existence. Palle Yourgrau suggests that we speak of the dead (meaning dead people), as well as the unborn, as objects, where an object has a kind of *reality* even if it does not *exist*. Strictly speaking, Yourgrau's view that the dead are *real* rather than existent is consistent with TT1, but the reality of the dead may be all the subsequentist needs.

Is it plausible to argue that dead people can be harmed on the grounds that they have some mode of reality hence can be subjects of harm? There remain significant obstacles to this line of thought. Here are some relevant considerations:

Suppose that all objects, whether past, present or future, are ontologically on a par, as four-dimensionalists such as Silverstein say. Each such object may be said to exist, in a tenseless sense of ‘exist’. Moreover, we can still refer to Socrates even though ‘Socrates’ refers to something temporally located wholly in the past, and say of him that he is not alive. Perhaps, then, we can also make sense of the idea that people undergo harm while dead, assuming that harm can consist in the absence of some salient good, as the deprivation account suggest: we can interpret ‘Socrates’ death harmed him while his life was over’ as ‘The living Socrates lacked various salient goods during a time following his death.’

Yourgrau does not accept the four-dimensionalist tenet that objects scattered in time are ontologically on a par. He speaks of two modes of reality: the mode he calls ‘being,’ enjoyed by ‘objects’ such as Socrates, you, and your future grandchildren's possessions, and the mode he calls ‘existing,’ enjoyed only by some beings, such as live creatures and the array of things surrounding them. Thus Socrates, who once existed, no longer does, but he is a being as fully as you and I. You and I enjoy both modes of reality; the dead (and unborn) have only being. Even if the dead are in some sense real, it is difficult to imagine a condition, such as pain, whose presence in them constitutes a state of harm. But it seems possible for Yourgrau to say, of the (nonexistent but real) object Socrates, that he was harmed while dead, in that he lacked various salient goods (such as existence) while dead. Indeed, Yourgrau suggests that the unborn, like the dead, are unfortunate in having endured “the deprivation of nonexistence” (Yourgrau 1987, p. 149).

However, it is not clear that subsequentism is defensible on the basis of four-dimensionalism or Yourgrau's metaphysics. Many kinds of things — boulders, numbers, and my shoe, for example — cannot be harmed yet lack goods. Also, it would be strange to say that a corpse, or the dust left when it decomposes, is harmed by lacking life. For something to be harmed, it must have the capacity for well-being, so that its level of well-being would rise or fall depending on whether its interests are met. When an item S meets this condition, let us say that S is *responsive*. Because (living) people are responsive, and shoes are not, the former and not the latter can be deprived of goods, and hence can be harmed. Yourgrau's dead and “unborn” objects are not responsive; why, then, should we think they are the sort of things that can be deprived of (as opposed to lacking) goods? Again: death leaves us unresponsive; why then say that people can be deprived of goods *while* they are dead? If the point is merely that they lack various goods while not alive, their predicament seems no more worrisome than that of a shoe, which also lacks goods, yet can no more be misfortunate than sad.

Concurrentism as applied to posthumous events seems vulnerable to the same criticism. An ensuring event might well occur posthumously, but if we are not responsive at that time it is not clear that we can be directly harmed at that time.

Some recent defenses of subsequentism also seem vulnerable to the charge from

unresponsiveness. According to Neil Feit (2002), Lincoln's death was bad for him, if at all, throughout the period he was deprived of life. To determine whether, and when, dying at time t harms me, we compare the situation in which I die at t to the situation (the nearest possible world W) I would be in were I not to die at t . If I would fare better in W , my dying at t harms me; roughly, it begins to harm me at the time when I begin to fare better in W , and ends at the time when I cease to fare better in W . Ben Bradley (2004) refines Feit's version of subsequentism. According to Bradley, "death is bad for the person who dies at all and only those times when the person would have been living well, or living a life worth living, had she not died when she did." Is subsequentism defensible on the Feit-Bradley approach? Perhaps, but they owe us an explanation of how it is that we can incur harm, albeit by deprivation, during a stretch of time when we are unresponsive.

3.6 Priorism

Reconsidering the termination thesis has not helped us to solve the timing puzzle. We might instead try rejecting one or more elements of the Epicurean's causal account of responsibility, and see if there is a way to defend the priorist claim that mortem events can harm the *living*. To defend priorism, we will need to deny that a thing can affect us only causally. Given the ban on backwards causation, the causal impact only thesis forces us to dismiss the idea that harm can occur *before* the event that precipitates it takes place. Yet, as George Pitcher (1984) says, this is precisely the idea we need in order to understand the harmfulness of post-mortem events. They can harm us by being responsible for truths that affect our interests. For example, being slandered while I am dead makes it true that my reputation is to be damaged, and this directly harms me at all and only those times when I am interested in never having a damaged reputation. It is while I am alive that I am interested in my reputation's always being intact, and it is while I am alive that my well-being is brought lower by posthumous slander. The posthumous events themselves harm me only indirectly; directly I am harmed by their making things true that bear on my interests.

Pitcher's idea can be applied to death as well as post-mortem events. Death can harm us *indirectly*, by making things true that negatively affect our interests, in which case we are harmed *directly*, during such time as our well-being is lower than it otherwise would have been. For example, dying before I complete some treasured project ensures that 'I shall never complete my project' is true of me, because of this, my well-being is lower than it would have been, which is a direct harm to me, at such times as I am interested in the success of my project. Does this verdict force us to reassess our earlier concurrentist suggestion that death directly harms us when it occurs? Not necessarily. For death (unlike posthumous events) might directly harm us twice: when it occurs and obliterates us, and when truths for which it is responsible lower our welfare.

Arguably, priorism does not face the shortcomings of subsequentism. The living,

being responsive, can be harmed in the deprivation sense.

Let us add, however, that priorism, together with the assumption that we are harmed (benefited) only if we accrue the harm (benefit), has surprising consequences: (1) the fact that living on would be in our interest does not entail that dying would harm us, and (2) the fact that it would be in our interest not to live on does not entail that dying would benefit us. Suppose that, were we to live on, we would develop an array of interests in various things, such as the completion of various projects. Suppose, too, that, now and in the past, we lack these interests. Our dying now would preclude our ever developing them. Now suppose that, were we to live on, we would successfully complete our projects. Then, other things being equal, living on would be in our interest, and dying would preclude our being so benefited, but we will never incur the corresponding preclusion harm, since it is never actually in our interest to complete the projects: we will die before we ever develop an interest in completing them. Hence (1) holds. Now suppose that, were we to live on, we would fail to complete our projects. Then, other things equal, it would be in our interest not to live on, but we will never accrue the corresponding benefit, since we will die before we develop the relevant interests. So (2) holds.

There is another way to extend priorism. We might object to the *state* of death, since coming to be dead makes it true of us that we have desires that will be unfulfilled. But instead of saying that being dead is objectionable, it seems better to say something else, once we notice that the state of death is simply the state of nonexistence initiated by the event of death. Perhaps being dead is powerless to harm us since any harm that might be associated with it is entailed in, and brought about by, death itself, which is responsible for limiting the duration of our lives, and all that that entails.

In sum, if we say that events can affect us by making certain things true about us, and we reject the wound model in favor of the deprivation view of harm, we can say that death is responsible for destruction harms and indirect preclusion harms at the moment it occurs (as in concurrentism), and for direct preclusion harms while we have relevant interests (as in priorism). We can also say, with the priorist, that post-mortem events are responsible for preclusion harms.

4. What Is a Misfortune?

As we have seen, proponents of the harm theses can condemn a thing as bad when it deprives us of goods. Stated in this rough way, the deprivation account of harm has considerable plausibility. Nonetheless, it requires development, and those who wish to refine it further face three questions: First, what constitutes an individual's well-being: what, in the end, makes the life of a person good *for that person*? Second, which of those goods an event or state of affairs precludes contributes to the harmfulness of that event? Third, how is harm related to misfortune?

4.1 Well-Being

Theorists often follow Parfit (1984, p. 4) in dividing accounts of well-being into three main types: hedonist theories, which explain well-being in terms of pleasure, desire theories, which explain well-being in terms of desire fulfillment, and objective list theories, according to which one or more things whose goodness is not reducible to pleasure or desire satisfaction constitute well-being. (The theories overlap: objective list theorists and desire satisfaction theorists can say that among the items that make for well-being are pleasure and the satisfaction of desires.) However, hedonism is largely discredited, and few if any theorists accept an unrestricted desire satisfaction account, according to which one's well-being is advanced when and only when one's desires are satisfied (and impeded when and only when one's desires are thwarted). Let us say that a desire is *salient* if and only if satisfying it contributes to one's well-being. It is widely accepted that some desires are not salient. For example, Rawls (1971) adduced the case of the person whose main desire is to count blades of grass; satisfying this desire does not appear beneficial (and failing to satisfy it does not appear harmful). Apparently (a) desiring *X* does not ensure that attaining *X* contributes to well-being; still, it is possible that (b) attaining *X* contributes to well-being only if one desires *X*.

Which desires are salient? According to Rawls our rational aims are our salient desires. But it is not clear that all rational desires are salient. Parfit (1984) offered the example in which you desire that a stranger's disease be overcome; the satisfaction of this desire does not appear to advance *your* welfare. To accommodate this kind of example, some theorists (Mark Overvold 1980, 1982) say that a salient desire makes essential reference to the self; it is a desire like 'let me, John Doe, live on a Caribbean island,' and not 'let someone or other live on a Caribbean island.' Other theorists claim that what is plausible about the desire theory is better captured if we focus on the contributions we make towards the achievement of our goals or ends, where 'goals' and 'ends' are seen as not mere desires. Simon Keller (2004) suggests that we take on a goal only if we intend to put effort into its achievement, and accomplishing one's goals always constitutes a *prima facie* contribution to one's welfare (although other things bear on one's welfare too), while their nonfulfillment always constitutes a *prima facie* harm. Douglas Portmore defends the related idea that meaningful efforts towards our own ends are beneficial to us, while we are harmed by events that make our efforts pointless. Both theorists say that attaining goals through little or no contributions of our own does not redound to our welfare. Posthumous events can harm us by interfering with the advancement of our goals or by rendering our efforts towards our ends pointless. (But if attaining a goal does not matter, why does it *begin* to matter when, and to the extent that, we make an effort to attain it?)

On either the desire satisfaction theory or the objective list account, it may be possible to defend the deprivation view of harm. Desire satisfaction theorists can

say that things are good for us to the extent that they satisfy salient desires, and that (one form of) harm consists in interference with salient desires. Objective list theorists can say that things are good for us if they are items on the correct list, or to the extent that they facilitate our gaining the items on the list, and that (one form of) harm consists in being deprived of the items that constitute well-being. Perhaps death's harmfulness is due to its depriving its victim of an objective good, or its preventing its victim from satisfying some salient desire — or both.

4.2 Harmfully Precluded Goods

A second question facing proponents of the good-deprivation view is: Which of those goods an event or state of affairs precludes (which of those salient desires an event thwarts) contributes to the harmfulness of that event?

Not all of the goods an event puts out of reach would be attained or even accessible if the event did not occur. Losing my arms precludes my becoming a baseball star; yet, it would be odd to hold my failure to attain stardom against my injury since I would not have attained stardom uninjured. So apparently the relevant goods are limited to those we would have enjoyed (or at least might have enjoyed) had the event not occurred. And this is Nagel's strategy (refined by McMahan 1988 and Feldman 1991, 1992): he wants to measure the harmfulness of mortality in terms of goods immortality might bring us. The position is that an event or state of affairs E is harmful to me if and only if I would be worse off if E held than I would be had E not held, and that the degree of harmfulness of E is measured in terms of how much worse off I would be if E held than I would be had E not held. Given this counterfactual criterion for harm, a good G is relevant to whether an event or state of affairs E is harmful to me if and only if:

18. If E held I would lack G , and
19. If E had not held, I would (or at least might) have had G .

Accordingly, the loss of my arms is harmful, since I am worse off without them, which means that there is a good, such as my capacity to use tools, that meets (18) and (19). But my becoming a baseball star is not relevant to the harmfulness of the loss of arms, since it is disqualified by (19): even if I kept my arms, I would not become a baseball star.

However, there are problems with the counterfactual criterion. One such problem arises on assumptions we have already discussed: if we are harmed only if we incur the harm, and if our interests may vary over time, the fact that living on would be in our interest — gaining us various goods — does not entail that dying would harm us (even though dying precludes these goods).

There is another problem with the counterfactual criterion. It works well when we evaluate *losses*, such as the loss of my arms. But it often fails when we evaluate *lacks*. Consider, for example, *my lack of genius*: does it harm me? It does preclude my enjoying goods great intelligence would make possible, such as the

ability to discover profound truths about the universe. So it meets (18). It meets (19) as well: if I failed to lack genius — that is, if I were a genius — I would enjoy the goods genius brings. However, it is peculiar to say that I am harmed by my lack of genius. Why is this?

4.3 Misfortune Versus Harm

The explanation might lie in the distinction between harm and misfortune. Consider that it is no misfortune for me not to enjoy the goods genius would bring me, and it is no *misfortune* to be deprived of goods when their absence is not a misfortune for me. Also, lacking genius is not in itself a misfortune, and yet genius is a great good. Similar points can be made about extraordinary beauty or God-like powers of various sorts: while these are great gifts, lacking them is no misfortune (Luper 1996; Draper 1999). (This is not to deny that beauty could come to be important to a person who makes it the focus of life, so that losing it would be a misfortune, even if never having it would not have been.) So it need not be a misfortune to lack great goods. And it is false that, the greater the good, the greater the misfortune we suffer in being denied it.

(Nagel may be making a similar point when he writes, “the question is whether we can regard as a misfortune any limitation, like mortality, that is normal to the species” (Fischer 1993, p. 68). However, his idea is probably different. He is tempted to rule out as misfortunes any limitations that are typical to the species, but he is also tempted to reject the view that lacking these limitations is good. He may be developing the Aristotelian position that our limitations should be assessed in terms of the *human* good, where we define what is humanly good in terms of what enables an exemplary yet actual human being to live as well as possible. Lacking the limitations of the exemplary human being is not humanly good, and having them is not (humanly) a misfortune. Great beauty, Aristotle would say, is humanly good, but superhuman strength, of which even the best of us is incapable, is not. On this line of thought, mortality is a misfortune only for immortals — that is, only if immortality were possessed by the best specimens of humanity would lacking it be a misfortune. By the same token immortality is a good only for immortals. Contrast our view: a feature such as immortality could be a genuine good for a human being, yet lacking it might be no misfortune.)

How can lacking a great good fail to be a misfortune? Because some goods are less important for us than others, and it is a misfortune to be deprived of a good if and only if it is important for us to have it. But when is it important for us to have a good? Various answers are possible. One answer lies in the fact that it is one thing for a life to be (merely) good, and quite another for it to be the best (physically? conceptually?) possible life; some qualities are requisite for a merely good life, or a life that meets the minimal conditions for happiness, while others are essential to the optimal life, or one that provides for a degree of happiness that cannot be exceeded. Failing to have (something essential to) a good life (or minimal happiness) is a misfortune, yet failing to have (what makes for) the best

possible life (or maximal happiness) surely is not. So it is plausible to say that the goods it is important to have, and whose absence constitutes a misfortune, are *essential goods*: items essential to a (merely) good life, or a life of (mere) happiness. (Of course, given the flexibility of the term ‘misfortune,’ some hedging is in order. Perhaps things need not go so far as to deprive us of an essential good to be a misfortune; perhaps it is enough that they significantly impair our chances of attaining the essentials.)

An explanation of why it is awkward to speak of harm when certain good possibilities, such as enjoying God-like powers, are not actualized, is that we tend to use the term ‘harm’ to refer to misfortune, and often it is *not* a misfortune for us when good possibilities fail to be actualized (since the failure does not bear on our having essential goods). The awkwardness is exacerbated, however, because we also want to use the term ‘harm’ to refer to things that are bad for us, and ‘bad’ covers a lot of territory: When, on the whole, something makes us worse off in any way or to any degree, no matter how trivial, it is common to call it a bad thing; we also say, of a good state of affairs that does not actually hold, that its failure to hold is a bad thing, since we would be better off if it did. Our use of the terms ‘bad’, ‘harm,’ and ‘misfortune’ thus makes it difficult for us to express the fact that the nonactualization of a good possibility might be no *misfortune*, even though it is *bad*, but bad only in the sense that we would be better off if the possibility were actual.

5. Is Death Always a Misfortune?

Are all deaths misfortunes? Perhaps, but there is a strong case to the contrary.

5.1 Only Premature Death Is a Misfortune

To support the conclusion that death is not always a misfortune, we might adopt the desire satisfaction theory, according to which we are harmed by what thwarts our salient desires. Perhaps it is not bad to die at an advanced enough age, for people who live long enough may be ground down by life until they give up many of their goals. Also, they will have attained many of their aspirations. If already satisfied, or given up, a desire cannot be thwarted, even by death, so as we lose our motivation for living, death ceases to be objectionable to us. Perhaps death is bad for us only if premature in the sense that it comes when we still have interests such as salient desires that propel us forward in life, and only if meeting these interests is a real prospect.

5.2 Immortality Is a Misfortune

We are left to wonder whether death would ever cease to be objectionable were we *not* ravaged by bad health and other hardships. Bernard Williams argues that it would be bad to live forever, even under the best of circumstances. His view is based on an assumption about the relationship between our identities and the desires that motivate us to live.

Consider a woman who wants to die. She might still take the view that if she is to live on, then she should be well fed and clothed. She wants food and clothing on condition she remain alive. In this sense her desires are *conditional*, and do not give her reason to live. Contrast a father who is committed to rearing a beloved daughter: he desires unconditionally that the child do well, and his desire gives him reason to live, because he can rear his child only if he survives. In this sense, his desire is categorical, or unconditional. Williams thinks that categorical desires are essential to identity, and give meaning to life. Through categorical desires, we are attached to projects or relationships that are definitive of the self; faced with their destruction, we would feel our lives are meaningless, and that in an important sense we cannot survive as the persons we once were.

The bearing on death, according to Williams, is, first, that people have good reason to condemn a death that is premature in the sense that it thwarts their categorical desires. Second, mortality is good, since people who live long enough eventually will lose the categorical desires with which they identify. Life will lose its novelty, and oppressive boredom will set in. To avoid ennui, superseniors would have to replace their fundamental desires, again and again. But this is to abandon their identities; it is tantamount to death.

As Williams says, lives of unimaginative routine will eventually grow stale if extended long enough. Of course, this is not supposed to comfort ordinary mortals, most of whom will die long before routine undermines the joy in living. However, as several theorists, including Nagel (1986, p. 224, n. 3) Glover (1977, p. 57), and Fischer (1994) have suggested, it is not obvious that life must become dull. Williams may have overlooked how rich and complex life can be, especially for superseniors who pursue multiple open-ended projects in the company of other superseniors. His response to this kind of criticism is that even rich and open-ended projects eventually will become routine (say after a few billion years), so our pursuits must be replaced periodically if we are to remain interested in life. But to phase in wholly new projects is to lose our identity.

Williams's response faces objections. First, we might avoid boredom by adding to our pursuits, and varying the way we approach them, without abandoning certain core interests that define us. Second, Williams is working with a view of identity that may be too narrow. Many of us would welcome a possibility that he downplays: gradually transforming our interests and projects over time. Transformation is not death. It is distinct from, and preferable to, annihilation. Transformation would be death only if identity were wholly a matter of connectedness. However, we also think of identity as continuity: If we could live endlessly, the stages of our lives would display reduced connectedness, yet they would be continuous, which is a property that is important in the kind of survival most of us prize. Even after drinking at the fountain of eternal youth, we would tend to focus on relatively short stretches of our indefinitely extensive lives, and over these periods we would prize connectedness, since we are animated by specific projects and relationships that can be developed only if there are strong

interconnections among the temporal stages of our lives. However, sometimes we would turn our attention to relatively long stretches of life, and then, prizing continuity, we would phase in new and worthwhile undertakings that build upon, and do not wholly replace, the old.

6. Can Death's Harmfulness be Reduced

We have been asking after the objectively correct answer to the question, Is it bad to die? Instead of treating the value of death as a fact to be discovered, it might be suggested that death *need* not be a misfortune, if we prepare ourselves suitably. This might be possible if, by altering our desires, we could cease to have any interests that dying would impair. For then we might be able to *thanatize* our desires, in this sense: abandon all desires that death might thwart. Among these are desires we can satisfy only if we live on for a few days, but also desires we cannot possibly satisfy within the span of a normal lifetime, and the desire for immortality itself.

Thanatizing would insulate us from harm from death by leaving us with no interests with which dying interferes. Unfortunately, our desires may not be malleable enough to fully thanatize them. Moreover, even if we could fully thanatize, doing so would have a significant drawback: it would leave us with an impoverished conception of our interests. For example, we could not have an unconditional desire that some project of ours succeed, or an unconditional desire that a loved one flourish. We could retain *conditionalized* versions of these desires, namely: should I live on, let my wife flourish, and my project succeed. But limiting myself to a conditionalized regard for my wife's well-being precludes my loving her: if I love her, I cannot be indifferent about the way an event will affect her so long as I will not live through it. Moreover, conditionalized desires cannot motivate us to live. It is unconditional desires that prompt us to live on. Hence in avoiding *all* desires that would leave us vulnerable to death, we must give up the view that life is worth living, as well as the projects and concerns that constitute grounds for thinking that life is good. Any reason to (want to) live is an excellent reason to want not to die; to avoid the latter, we must avoid the former.

However, the core idea of adapting our desires is useful, if not taken to an extreme. It is prudent to avoid taking on goals we cannot possibly attain, and hence prudent to eschew projects that cannot possibly be completed during the course of a normal lifetime.

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