Dead and Gone

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I argue that desire satisfaction theories of welfare are not committed to the view that changes in welfare levels can happen after death, or that events that occur after death impact the agent's welfare levels now. My argument is that events that occur after death have only epistemological import. They may reveal that the person was successful (unsuccessful) in life, but the desire was already frustrated or satisfied before the person died. The virtue of the account is that it gives us a way to acknowledge both the intuition that we cannot be harmed after we die and, in a sense, the intuition that things that happen after we die are relevant to our lives.

A surprisingly large number of philosophers think that people can be harmed by posthumous events. Among them are Aristotle, Parfit, Pitcher, Feinberg, Grover, Nagel, Hooker, Luper, Brandt, Levenbook, and Kavka.[1] I say that this is surprising because I tend to agree with Sumner that the only consoling thing about death is that beyond that threshold nothing bad can happen to us.[2] And I assumed, wrongly, that the view that bad things *can* happen to people after they die is one of those wacky ancient views – similar to the view that hysteria is caused by a traveling uterus – which no one anymore holds. However, desire satisfaction theories of welfare seem to be committed to the view. This is because these theories hold that knowledge of whether one's desire is satisfied is irrelevant to whether the satisfaction of the desire affects

[1] Aristotle, *Nicomachean Ethics*, trans. Terence Irwin (Indianapolis, 1985), bk. I, ch. 10, 1100a10–30, pp. 23–4; Richard Brandt, *A Theory of the Good and the Right* (Oxford, 1984), p. 330; Joel Feinberg, 'Harm to Others', *The Metaphysics of Death*, ed. J. M. Fischer (Stanford, 1993), pp. 171–90 (180); Dorothy Grover, 'Posthumous Harm', *Philosophical Quarterly* 39 (1989), pp. 334–53; Brad Hooker, 'Mark Overvold's Contribution to Philosophy', *Journal of Philosophical Research* 16 (1991), pp. 333–44 (333–4); Gregory Kavka, *Hobbesian Moral and Political Theory* (Princeton, 1986), p. 41; Barbara Baum Levenbook, 'Harming Someone After his Death', *Ethics* 94 (1984), pp. 407–19; Steven Luper, 'Mortal Harm', *Philosophical Quarterly* 57 (2007), pp. 239–51; Thomas Nagel, 'Death', *The Metaphysics of Death*, ed. J. M. Fischer, pp. 159–68 (66); Derek Parfit, *Reasons and Persons* (Oxford, 1984), p. 495; George Pitcher, 'The Misfortunes of the Dead', *The Metaphysics of Death*, ed. J. M. Fischer, pp. 159–60.

[2] L.W. Sumner, *Welfare, Happiness, and Ethics* (Oxford, 1996), p. 127. There are others who argue against the view, outnumbered though they are. Among them are Joan Callahan, 'Harming the Dead', *Ethics* 97 (1987), pp. 341–52; Alan E. Fuchs, 'Posthumous Satisfactions and the Concept of Individual Welfare', *Journal of Philosophical Research* 16 (1991), pp. 345–51; Walter Glannon, 'Persons, Lives and Posthumous Harms', *Journal of Social Philosophy* 32 (2001), pp. 127–42; Ernest Partridge, 'Posthumous Interests and Posthumous Respect', *Ethics* 91 (1981), pp. 243–64.

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one's welfare; a person can be harmed without knowing it, whether she is alive or dead. And the problem with being committed to this view is not simply that it is hard for us to see how someone can be harmed after she dies; the most important events in one's life could happen after one dies. Aristotle is often famously cited as having held the view that one could be harmed after death. But he hesitates to endorse the view, and he argues that if one can be harmed, it isn't a very significant harm; 'anything good or evil penetrating to the dead would seem to be weak and unimportant'.[3] Desire theorists, however, hold that degree of harm depends on the degree of weight that the agent gives the desire. This means that if my most important desire is frustrated after I'm dead, I can be suffering major reverses in fortune after I'm dead. Another worrisome difficulty involves benefits. Most theorists who talk about posthumous events focus on whether one can be *harmed* by such events. It's rare to see a discussion of benefits. One wonders why not. It may be because we can't imagine someone being benefited after they die. Alan Fuchs uses the example of Camille Claudel (Rodin's colleague and mistress) who died in misery because people did not recognize her brilliance.[4] To say that she is benefited by contemporary recognition of her influence just seems wrong. Death prevents us from prospering. And benefit and harm should be symmetrical. If one can't be benefited, one can't be harmed.

Here, I do not defend desire satisfaction theories of well-being as correct. My goal is more limited. I argue that such theories are not committed to the view that changes in welfare levels can happen after death, or that events that occur after death impact the agent's welfare levels now. My argument is that events that occur after death have only epistemological import. They may reveal that the person was successful (unsuccessful) in life, but the desire was already frustrated or satisfied before the person died. The virtue of the account is that it gives us a way to acknowledge both the intuition that we cannot be harmed after we die and, in a sense, the intuition that things that happen after we die are relevant to our lives. In what follows, I first describe the argument that posthumous events affect welfare. I then consider three responses: 'No Subject', 'Ante-Mortem Harm', and 'Epistemological'.

POSTHUMOUS DESIRE SATISFACTION

The satisfaction or frustration of posthumous desires may be seen as a particular instance of a general problem for desire theories of well-being: they count states of affairs about which one will never know as

[3] Aristotle, *Nicomachean Ethics*, 1101b1–2, p. 27.
[4] Fuchs, 'Posthumous Satisfactions', p. 349.

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contributing to, or detracting from, well-being. Parfit gives the famous case of the stranger.[5]

> Suppose that I meet a stranger who has what is believed to be a fatal disease. My sympathy is aroused, and I strongly want this stranger to be cured. We never meet again. Later, unknown to me, this stranger is cured. On the Unrestricted Desire-Fulfillment Theory, this event is good for me, and makes my life go better. This is not plausible. We should reject this theory.[6]

Others agree.[7] A way around the problem, suggested by Parfit, is to restrict the class of desires relevant to well-being to desires about one's own life. This rules out cases like the one involving the stranger, but admits other important desires as relevant to a person's welfare, even if she will never know about their frustration or satisfaction. Many find the revision plausible. For example, some philosophers think that if I have false friends, or false experiences because I am in the experience machine, my life is going worse than I know, even if I'll never know, as long as I have a desire for true friends/veridical experience.[8] And it seems to follow that the posthumous satisfaction or frustration of such desires can also have an impact on well-being. Parfit asks us to consider the desire to be a successful parent, which unlike the desire that one's children succeed, is a desire about one's own life.

> But suppose that I was asked, 'Do you want it to be true, even after you are dead, that you were a successful parent?' I would answer 'Yes'. It is irrelevant to my desire whether it is fulfilled before or after I am dead . . . Success Theorists count it as bad for me if my attempts [at parenting] fail, even if, because I am an exile, I never know this. How then can it matter whether, when my attempts fail, I am dead? All that my death does is to *ensure* that I will never know this. If we think it irrelevant that I never know about the non-fulfillment of my desires, we cannot defensibly claim that death makes a difference.[9]

So, the argument goes like this:

(1) Desire theorists have to count desires about one's own life.
(2) Whether or not one knows about the satisfaction or frustration of such desires is irrelevant to whether one's well-being is affected.
(3) Death ensures that one will not know.

[5] I note that Parfit's 'case of the stranger' somehow became known as the 'case of the stranger on the train'. I don't know who transformed the example, but Shelly Kagan ('The Limits of Well-Being', *Social Philosophy and Policy* 9 (1992), pp. 169–89) talks about Parfit's case of 'the stranger on the train'. And that seems to be the way the case is recalled in the literature.

[6] Parfit, *Reasons*, p. 494.

[7] See Kagan, 'Limits', p. 171, and Sumner, *Welfare*, p.125.

[8] See, for example, T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA, 1998), p. 112, for the view about false friends, and Robert Nozick, *Anarchy, State, and Utopia* (New York, 1974), pp. 42–5, for a discussion of the significance of the experience machine.

[9] Parfit, *Reasons*, p. 495.

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(4) But, since not knowing is not relevant to whether one's well-being has been affected, on this theory, one's well-being can be affected after one's death.

THE 'NO SUBJECT' ARGUMENT

Ernest Partridge argues that the desire-theorist view about posthumous harm is absurd because it commits one to saying that there can be harm when there is no subject, and that an interest can be satisfied when there is no interest-bearer.[10] Partridge's main target is Joel Feinberg. Feinberg, like Parfit, argues that if we say that death cannot harm us because we will never know about the frustration of our desires, then we are committed to saying that nothing that happens while we are alive can harm us if we do not know about it.[11]

But, Partridge's criterion for harm appears to give us a non-arbitrary ground for distinguishing harms to the living and the dead. While a person is alive, there is a subject and a bearer of interest, so things that happen while she is alive can harm her, even if she doesn't know about them. When a person is dead, there is no subject, so no harm can occur.

However, this is not the way in which Partridge argues. He says that 'Feinberg has succeeded so well in binding the cases of the unaffected living and the dead that no logical wedge can be inserted such that the former can be said to be "harmed" and the latter cannot.'[12] This is a puzzle because one might think that the absence of a subject provides the logical wedge that can be driven between the living and the dead. But, instead of taking the obvious route, Partridge argues that we should accept that those who are alive cannot be harmed if they never know that their desires are not satisfied.[13] This may be a harder pill to swallow than the view that people cannot be harmed by posthumous events. So, if denying posthumous harm commits us to denying any harm to a living person when she lacks knowledge, we should, perhaps, look for another solution.

THE ANTE-MORTEM HARM VIEW

Feinberg certainly takes Partridge's criticism about the absence of a subject seriously.[14] And Feinberg revises his view, following George Pitcher's suggestion that it is the ante-mortem person who is harmed

[10] Partridge, 'Posthumous Interests', p. 253.
[11] Feinberg, 'Harm to Others', p. 180.
[12] Partridge, 'Posthumous', p. 251.
[13] Partridge, 'Posthumous', p. 251.
[14] Feinberg, 'Harm to Others', p. 183.

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now because a certain event will occur in the future. So, for example, the person who desires to be a successful parent is harmed *now* if it is true that her children will turn out to be dismal failures. The person is not harmed after she dies. She is harmed now because of certain events that will happen after she dies.

> The occurrence of the harmful posthumous event . . . *makes it true* that the antemortem person is harmed . . . The antemortem person was harmed by being the subject of interests that were going to be defeated whether he knew it or not.[15]

The view avoids a charge of backwards causation because the idea is that the person is now harmed because he is now the person whose interests will be frustrated. One should note that this revision actually abandons the view that one can be harmed after one dies.[16] But, the revision retains the view that one can be harmed by events that will happen after one dies.

It might look promising, but this revision seems to commit one to saying that I am harmed now by pain that I will feel in the future. For example, I am harmed now because of a tooth extraction that will take place twenty years in my future. This seems wrong. I will be harmed twenty years from now by the extraction; I am not now harmed by the fact that I am now the person who will experience the future event. Compare two people who appear to have the same degree of well-being; one will have a tooth extraction in twenty years; the other will not. The Pitcher/Feinberg account of harm says that the first person now has a lower degree of well-being than the second because she will someday have a tooth extraction. This seems the wrong thing to say. The right thing to say is that in the future the first person will have a lower degree of well-being than the second. If we say that she now has a lower degree of well-being, we seem to be counting the harm twice.

THE EPISTEMOLOGICAL VIEW

My suggestion is that posthumous events are relevant to harm but not because the person is harmed by these events either after or before she dies. Rather, the posthumous events allow us to discover that the person was harmed. They provide epistemological data, and do not themselves constitute a harm.

To see this, let's begin with some of the specifics of Parfit's example. I have a desire to be a successful parent. That's a desire about my own life. I act accordingly. I try to give my children the right education, good habits, and psychological strength. Later, one child finds that his

[15] Feinberg, 'Harm to Others', p. 185.
[16] See Callahan, 'Harming the Dead', p. 345.

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education makes him unemployable, another has a mental breakdown, and another becomes a petty thief.[17] Note that the failures that Parfit describes can be seen as causal failures. I fail to promote/cause good habits and psychological strength. I fail to do this before I die, not after. The actions of the agent before she dies were either good parenting or they were not. If I lock my child into a closet full of rats to teach him discipline, my desire to be a good parent is not fulfilled, even if the child does not engage in criminal behavior until after I die. After I die, one finds out that I failed. This means that the desire was frustrated before I died, not after. So, I am not harmed after my death. I am harmed before I die, I just don't know it.

The thing to notice is that my desire to be a good parent involves wanting to have a certain causal impact on my children. That's why it's a desire about my own life. Desires not to be deceived or betrayed are similar. They are desires about the causal impact that we want others to have on us.

This account of the significance of posthumous events is hinted at by Feinberg, though it is not his official position.

> Exactly when did the harmed state of the antemortem person, for which the posthumous event is 'responsible,' begin? I think the best answer is: 'at the point, well before his death, when the person had invested so much in some postdated outcome that it became one of his interests.' From that point on (*we now know* [emphasis mine]) he was playing a losing game.[18]

Notice the reference to our knowledge. And, again, 'Events after death do not retroactively produce effects at an earlier time, but their occurrence can lead us to revise our estimates of an earlier person's well-being.'[19] Here, the emphasis is on our knowledge of how well the person's life went, on our revisions of our estimates in light of new data. Again, I think that we should see these data as giving us information about the causal impact that the person has on the world before he dies, rather than as events that contribute to harm.

One might object that there are obvious cases that my account can't handle. Suppose someone wants to be famous after she dies, or she wants, more modestly, to enjoy a good reputation among her colleagues. One might think both that these desires are desires about the agent's own life and that events that happen after she dies *do* determine whether the desire is fulfilled. These desires may not be amenable to the analysis that I suggested for the parenting desire. One would have to hold that the person either has or has not done the things that will

[17] Parfit, *Reasons*, p. 495.
[18] Feinberg, 'Harm to Others', p. 186.
[19] Feinberg, 'Harm to Others', p. 188.

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cause a good reputation, or fame, before she dies. We simply find out after she dies which is so. However, in these cases, it seems that things over which the person has no control (and these may be things that happen after she dies) determine whether her desire is satisfied. The events don't just allow us to determine whether the desire is satisfied. For example, if someone spreads lies about the person after she dies and her reputation is destroyed, one might argue that the desire is frustrated when the lies are spread.

However, my view is that these are not really desires about the agent's own life. Rather, they are desires about other people's attitudes. Distinguish the desire to do things that will make people remember me from the desire that people remember me. The second desire could be satisfied even if I do nothing memorable. For example, someone might write about me, causing people to remember me as that unmemorable person who got so much publicity. Such desires are suspiciously similar to, say, the desire that I live in a world without war. This is clearly not a desire about my own life. It's a desire about how I want the world around me to be. Similarly, one might think that any desire to have people think about me in a certain way is really a desire about how I want the people in the world around me to be, not a desire about my own life.

I conclude that although I have not shown that it is impossible to generate a case that the epistemological view cannot handle, it is superior to the alternatives. I said at the outset that my account would give us a way to respect both the intuition that posthumous events cannot affect us and the intuition that they play a significant role in people's lives. The epistemological view defended here allows us to say that though such events do not affect us, they are important to assessments of welfare because they convey information about how well the person's life went.[20]

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[20] I would like to thank Robert W. Shaver for helpful comments on this article.

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