

THESIS

HOW DOES DEATH HARM THE PERSON WHO DIES?

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ABSTRACT

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The objective of this thesis is to identify the most persuasive justification for the common intuition that death is a harm for the person who dies. This goal is achieved by examining the Deprivation Theory and the Desire Thwarting Theory, which are the two most popular theories that explain how and why death harms the person who dies, and identifying what one must theoretically accept to make each theory tenable. The Desire Thwarting Theory claims that death harms the person who dies when it frustrates certain forward-looking desires, and the Deprivation Theory states that death harms the person who dies when death deprives an individual of certain goods she would have received had she not died. I argue that although the Deprivation Theory provides the most persuasive justification for the intuition that death harms the person who dies, it still requires a number of contestable theoretical commitments to make it defensible. I conclude that the Deprivation Theory provides a convincing justification for the common intuition that death is a harm for the person who dies only if one accepts the following claims: (a) that death can result in a genuine loss of future goods for the person who dies, (b) that the fact that the theory cannot provide a single evaluation of whether death is a harm for the person who dies isn't a problem for the theory, and (c) that we can either identify the time when the person who dies is worse off as a result of her death or defend the claim that the harm of death is a timeless harm.

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Introduction

Undoubtedly, death can harm those who continue to live after an individual's death, but what effect, if any, does death have on the person¹ who dies? Many societies have made taking a person's life without clear justification a grievous legal offence. Justifying the severe punishments given to those who commit murder solely in terms of how the event affects the living appears insufficient. For example, it seems reasonable for the father of a murdered child to have a strong desire to see the perpetrator punished for how her actions affected his deceased child. Even in cases that do not involve murder, arguing that an individual's death is deplorable solely in terms of its impact on the living seems inadequate. Those who grieve at a loved one's funeral grieve not only for themselves; they also grieve for the loved one who passed away. Finally, many people share a strong aversion to their inevitable death that is not solely based on how their death will impact those who continue to live, or even on how painful and uncomfortable their dying process may be. The missing justification for the prevailing consensus regarding what makes murder so abhorrent and an individual's death so deplorable is the common intuition that death is unfortunate not only for the living, but also for the individual who dies. Although the intuition that death harms the person who dies may ultimately be unjustified, its influence on people's views about how death negatively affects the person who dies is substantial. The central aim of this essay is to determine what one must theoretically accept to justify the common intuition that death is a harm to the person who dies.

To more clearly articulate the aims of this essay, it may be helpful to distinguish between death, dying and being dead. Dying is the process whereby one transitions from a state of living

¹ In this essay I use the term 'person' in a colloquial sense meaning 'human' or 'human being' rather than the technical philosophical sense, which may include criteria such as being a bearer of rights.

to being dead. Being dead is the state of an organism after death. This description of death as ‘the state of an organism’ is used in an atypical sense because there is no organism after death to endure any state. The state of being dead is not something an organism suffers due to a set of conditions, like someone being in the state of confusion due to a lack of knowledge; rather, it marks the time after an organism’s death. Death, the complete annihilation of an organism, marks the end of the dying process. Defining death helps refine the central question of the essay. There are good reasons to believe that dying can harm the person who dies. For example, dying can harm someone because it is frightening or painful. This essay, however, is an attempt to determine whether death, as opposed to dying, can harm the person who dies.

Claiming that death can be a harm for the person who dies immediately raises a concern about the relationship between someone’s wellbeing and her death. How can someone be harmed by her death when after her death she no longer exists? If it were possible for someone to be harmed by her death, then the harm would seem a little unusual. One reason the harm of death may seem unusual is, unlike typical cases of harms such as injury and suffering, they cannot be experienced. The harm of death may also seem unusual because it is hard to identify the time when the person who dies is worse off as a result of her death. For example, many people share an intuition that it is not until after her death that death is bad for the person who dies. If a person no longer exists after her death, however, it is problematic to argue that she is worse off after her death because after her death there is no her to be made worse off.

Before trying to determine what is theoretically necessary to justify the common intuition that death can harm the person who dies, it is important to note a few initial assumptions I make in this essay. One assumption I make is that death is the complete and permanent annihilation of

the person who dies. This concept of death significantly limits the scope of the essay. Defining the concept of death as the complete and permanent annihilation of the person who dies precludes the belief that a person continues to exist after her death. For example, a Roman Catholic holds that death does not mark the complete annihilation of the person who dies but that each person receives his eternal retribution in his immortal soul at the very moment of his death. A number of other popular religions or spiritual beliefs, such as Hinduism and Buddhism, also share the belief that person can continue to exist after her death in some way. Since religions such as Catholicism, Buddhism, and Hinduism hold that a person continues to exist after her death or believes in some version of an afterlife, the question of whether death can harm the person who dies would in part depend on the conditions of the person's afterlife. My conception of death, however, excludes these inquiries. Since defining death as the complete annihilation of the person excludes the possibility of her continued existence after death, this essay will not attempt to address how death, as a transition to an afterlife, affects the person who dies.

It is also worth noting the scope of my research for this thesis. My research primarily comes from the most prominent contemporary English-speaking philosophers in the field. I choose these philosophers because I want to examine the most popular arguments that support the common intuition that death is a harm to the person who dies. Most of these prominent contemporary philosophers just happen to be predominantly English-speaking and male. Assuredly there is a vast collection of literature that I do not address in this essay, and it may be interesting for the reader to pursue other texts if she is not persuaded by the arguments or wishes to investigate the issue further.

I also make an assumption about the person who is harmed by death. Since the central question of my essay is to determine what is theoretically necessary to justify the common intuition that death is a harm for the person who dies, I will assume that the person who is harmed by death is the person who existed before her death. Making an assumption about the person who is harmed by death, however, does not explain how someone's wellbeing can be affected by death when after death she no longer exists.

Chapter 1: The Deprivation Theory

One account for why death might be considered bad for the person who dies is made in terms of what death takes away. Ordinarily, people believe they have a future with potential goods.² Things in life might be considered good because they somehow enhance an individual's quality of life or because they lead to things that enhance her life. Many believe that someone is harmed or worse off when something happens, such as the spreading of slander, which prevents her from receiving a good in life or makes certain future goods less likely. Similar to common instances of harm, such as slander, death may harm an individual because it prevents her from receiving a future good. Death, however, is commonly regarded as one of the greatest losses that can befall an individual because it not only deprives her of a particular good, but it deprives her of every good that a future life had to offer. The theory that claims death negatively impacts the person who dies due to the loss of possible future goods is known as the Deprivation Theory.

§1. Nagel's Deprivation Theory

Thomas Nagel is one of the first philosophers to articulate a version of the Deprivation Theory. Nagel recognizes that since death is the permanent end of a person's existence, claiming death is bad for the person who dies must be based on the fact that a future life contains goods and "death is a corresponding deprivation or loss, bad not because of any positive features but because of the desirability of what it removes."³ For Nagel, death cannot be bad for the person who dies because of any positive feature, such as terrible experiences or conditions, because at

² The fact that people also frequently recognize they have a future with potential evils will be addressed later in the essay.

³ Thomas Nagel, "Death," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 64.

the moment of death there is no person to endure any conditions or experiences. Nagel also argues that in order for the losses of death to negatively impact the person who dies, the person must be deprived of something desirable—goods she would have enjoyed if she had not died. He argues that among the many goods in life, some goods are essential to a human life, like perception, desire, activity, and thought. Even though capacities like perception can be filled with things that make life better or worse, such as pain and pleasure, in the absence of any content of perception, the ability to perceive itself “is not merely neutral: it is emphatically positive.”⁴ Since some things that are essential to a human life are good, death always deprives an individual of good things and thus negatively impacts the person who dies.

Since death is bad because of the desirability of what it removes, and the person does not experience the losses of death, Nagel argues that someone’s welfare can be affected by something that she never experiences.⁵ Clearly some things that affect someone’s welfare, such as pain or pleasure, are due to the conditions of her experience at a particular time. Nagel points out, however, that there are many other misfortunes that might befall a person without her ever experiencing them, such as betrayal. If all of my friends really despise me and ridicule me behind my back or my friend betrays me and tells a secret I’ve confided in him, I suffer a misfortune even if I never become aware of their ridicule or betrayal. Suppose I do discover that my friend has betrayed me. Nagel claims “the discovery of the betrayal makes us unhappy because it is bad to be betrayed-not that betrayal is bad because its discovery makes us unhappy.”⁶ In other words, betrayal is not bad only when we discover that we have been betrayed or because we discover that we have been betrayed, rather, the badness belongs to the betrayal. Nagel argues that some

⁴ Nagel, “Death,” 62.

⁵ Recall that we are solely concerned with the harms of death and unconcerned with the experiences of loss associated with the process of dying.

⁶ Nagel, “Death,” 65.

misfortunes, such as betrayal, are not limited by the boundaries of a person's experience, knowledge, or even her life.

Since, according to Nagel, whether an individual's death is bad for the person who dies is determined by what death removes, it is important for the theory to provide a convincing strategy for assessing an individual's potential future goods. Given this version of the Deprivation Theory, however, there are at least two different ways to assess the amount of goods that an individual is deprived of by her death: from the perspective of the individual living her life or from a perspective that is outside the actual life of the person whose future goods are in question. Nagel argues that the amount of prospective goods we think there are in an individual's life is significantly different depending on the evaluator's perspective. If one takes a perspective outside any actual life, then she can consider the fact that humans are not immortal and have a natural limit to their lifespan. He claims, "Observed from without, human beings obviously have a natural lifespan and cannot live much longer than a hundred years."⁷ Recognizing the fact that humans have a limited lifespan restricts the amount of possible goods in their life because a premature death only deprives an individual of the amount of goods that can be reasonably hoped for in a normal lifespan.

This strategy for restricting an individual's possible future goods based on human mortality is persuasive only if we also assume that losing something good is a misfortune when the possible future good has some minimal likelihood of being realized. Or in Nagel's words, recognizing that humans are mortal "set[s] limits on how possible a possibility must be for its nonrealization to be a misfortune"⁸ If an individual's future life is within the limits of a normal

⁷ *Ibid*, 68.

⁸ *Ibid*, 68.

lifespan, then all other things being equal, her future life and thus the future goods provided by that life are possible enough for their nonrealization to be considered a misfortune. On the other hand, since the possibility for a future life declines as an individual lives longer than the average human life and approaches zero as she approaches the age of the oldest recorded individual, the nonrealization of her nearly impossible future life is not a serious misfortune.

Nagel, however, argues that calculating the extent of an individual's possible future life and the goods it would contain should be done from the perspective of an individual living her life⁹. Nagel argues that this is a better strategy because when one tries to calculate the extent of her future hypothetical life from a lived perspective she does not conceive of her life as having a limit. Nagel claims;

A man's sense of his own experience, on the other hand [as opposed to the outside perspective], does not embody this sense of a natural limit. His existence defines for him an essentially open-ended possible future ... he finds himself the person of a life, with an indeterminate and not essentially limited future. Viewed in this way, death, no matter how inevitable, is an abrupt cancellation of indefinitely extensive possible goods.¹⁰

A living individual can always imagine her current life extending into the future. Nagel's use of the term 'indefinitely' could be interpreted in at least two ways. One interpretation of Nagel's use of the phrase 'indefinitely extensive possible goods' is an undefined amount of possible goods. On the other hand, Nagel might be using the term indefinite to mean lacking any limit. There is good reason to believe that Nagel is referring to indefinite in the second sense by noting what words he uses in place of the term indefinitely and reflecting on how the term fits into his overall theory. For example, Nagel makes the claim that "if there is no limit to the amount of life

⁹ I will discuss criticisms of this claim in chapter 1, section 3.

¹⁰ Nagel, "Death," 69.

that it would be good to have, then it may be that a bad end is in store for us all.”¹¹ Since Nagel uses the phrase “no limit” in place of indefinite, there is good reason to believe that Nagel is using indefinite to mean, “lacking limits” rather than undefined. No matter how long a life one lives, her death will always deprive her of future possible goods because a longer life always contains possible goods. If it is always bad to die because there are always goods in a longer life, then the only life that does not involve a deprivation of future possible goods is a life that approaches infinity. As the imagined life approaches infinity, the possible goods in that life also approach infinity. Since Nagel argues that death “is an abrupt cancellation of indefinitely extensive possible goods,” it appears there is a “bad end is in store for us all.”¹²

§2. Implications for Theories of Wellbeing

Nagel’s version of the Deprivation Theory explains why death is a harm to the person who dies by the claiming that death deprives the individual of infinite goods. Nagel’s version of the Desire Thwarting Theory also claims that that someone’s welfare can be affected by something that she never experiences. This account of the harms of death, however, is only compatible with certain theories of wellbeing.

Theories of wellbeing can be classified by a number of criteria, but one major helpful distinction is between subjective and objective theories of wellbeing. Although there are also multiple ways to distinguish between subjective and objective theories of wellbeing, Russ Shafer-Landau provides a useful way of distinguishing between the two types of wellbeing. Shafer-Landau states that objective theories of wellbeing are “objective in the sense that what

¹¹ Ibid, 69.

¹² Ibid, 69.

contributes to a good life is fixed independently of your desires and your opinions about what is important.”¹³ Subjective theories of wellbeing, on the other hand, are those theories that claim that what contributes to a good life is not fixed independently of a person’s desires and opinions about what is important.

Since objective theories of wellbeing are not fixed independently of a person’s desires and opinions about what is important, Nagel’s account of the Deprivation Theory is compatible with any objective theory of wellbeing. It is also compatible with many versions of subjective theories of wellbeing. There are some subjective theories of wellbeing, such as simple experiential theories of wellbeing, however, that claim that for something to be bad for someone it must be experienced by her as bad. Since the person who dies cannot experience the losses of death, Nagel’s version of the Deprivation Theory is incompatible with simple experiential theories of wellbeing.

It may be tempting to exclude other subjective theories of wellbeing that are based on an individual’s mental states, such as a hedonistic theory that equates wellbeing with the balance of pleasure over pain. Excluding these theories would be a mistake. The fact that the person who dies cannot experience the deprivation of future goods is still compatible with a hedonistic theory of wellbeing. Death is a harm for a hedonist because being deprived the experience of future pleasure reduces her overall wellbeing.

Ultimately, Nagel’s version of the Deprivation Theory is compatible with a wide variety of theories of wellbeing. The only theories of wellbeing that are excluded are subjective theories of wellbeing that claim something can only be bad for someone if it is experienced as bad.

¹³ Russ Shafer-Landau, *The Fundamentals of Ethics*, (Oxford: Oxford University Press, 2010).

§3. Problems with Nagel's Version of the Deprivation Theory

Nagel's version of the Deprivation Theory leads to some problematic consequences. One troublesome consequence of Nagel's version of the Deprivation Theory is it fails to explain our intuitions that some deaths are worse than others and that it is typically better to die later rather than earlier. Of course these intuitions may be misguided, but since they seem to play a major role in our overall intuition that death is a harm, a theory that can justify these intuitions would be more persuasive than a theory that cannot. If the badness of death is understood as the deprivation of infinite future possible goods, then all deaths are equally bad for the person who dies. Furthermore, it is no worse for the same person to die young as opposed to dying old since someone is deprived of infinite goods regardless of her age at death.

Another troublesome consequence of Nagel's version of the Deprivation Theory is it seems to exclude the possibility that death can benefit the person who dies. If death is always an abrupt cancellation of infinite possible goods, there does not appear to be any set of conditions that make death beneficial to the person who dies. In his essay "Death and the Value of Life," Jeff McMahan poses a similar objection to Nagel's version of the Deprivation Theory. McMahan argues,

If, however, we assume with Nagel that death should be evaluated relative to the possibilities for good that would be imaginable in its absence, then it seems that we should regard death as an evil even in these cases [lives that do not appear to be worth living]. This makes it difficult to see how those who take Nagel's view can find cases in which suicide would be rational or in which euthanasia would even be conceptually possible.¹⁴

¹⁴ Jeff McMahan, "Death and the Value of Life," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 244.

This consequence of Nagel's theory seems to conflict with our intuitions that certain conditions in life, such as indefinite intense pain, make an individual's existence bad enough that she is better off dead. If an individual were never better off being dead, then suicide and euthanasia would never be justified.

As a review, Nagel's version of the Deprivation Theory faces two main problems. One major problem is that if the person who dies is always deprived of infinite possible goods, then a person's death is equally bad for the person who dies, regardless of her age. It is no worse for someone to die at a young age as opposed to dying at an old age. The second major problem his theory faces is its conclusion that every person's death is equally bad for the person who dies regardless of her conditions in life. Death, as a deprivation of infinite possible goods, makes cases of rational suicide and justified euthanasia conceptually impossible. These problems with Nagel's account of the Deprivation Theory are largely based on his claim that death deprives the person who dies of infinite possible goods.

These problems with Nagel's version of the Deprivation Theory are good reasons to adopt a version of the Deprivation Theory that recognizes the fact that humans have a limited lifespan that restricts the amount of possible goods in their life. Although Nagel argues that we should evaluate an individual's potential future life from the lived perspective, the outside perspective, which recognizes human mortality, does a better job explaining our intuitions about the harms of death. Since the life span of the human species is limited, as an individual gets older the amount possible future goods reduces. This explains why, when we discover that someone has died at a young age we lament, "She had her whole life in front of her." Similarly, it also

explains why we admit, “it was her time” or “she lived life to the fullest” when an elderly person dies.

Considering how possible it would be for someone who dies to experience future goods had she continued to live also explains why some conditions in life, such as having a painful terminal illness, influence our intuitions about the badness of death. A person’s painful terminal illness gives us good reason to believe that the possible goods in her life are significantly limited. Thus, when someone with a painful terminal illness dies we usually consider her death to be less bad for her than the death of someone who was young and healthy. Even though Nagel only briefly mentions the strategy of considering future possibilities in our analysis of the badness of death, it seems to offer some advantages compared to his version of the deprivation account because it restricts the amount of future possible goods in an individual’s life, which makes justified suicide and euthanasia conceptually possible.

§4. McMahan’s Revised Possible Goods Account of the Deprivation Theory

McMahan offers a different version of the Deprivation Theory that explicitly limits the amount of possible future goods of which death deprives the person who dies. McMahan describes his version of the Deprivation Theory that he calls the Revised Possible Goods Account as follows:

The relevant alternative to death for purposes of comparison is not continuing to live indefinitely, or forever, but living on for a limited period of time and then dying of some other cause. So, other things being equal, we measure the badness of death in terms of the quantity and quality of life that the victim would have enjoyed had he not died when and how he did.¹⁵

¹⁵ McMahan, “Death and the Value of Life,” 244.

Unlike Nagel, who argued that death deprives an individual of infinite possible future goods, McMahan claims that it is only reasonable to consider the goods that the person would have enjoyed had she not died when and how she did.

McMahan's Revised Possible Goods Account of the Deprivation Theory states that determining the harms of death involves making a comparison. In other words, we cannot simply ask "Is someone harmed by her death?" but we must also ask the further question, "What would have been the alternative to death?" We have already noted problems with Nagel's theory that compares death to immortality. McMahan, however, claims we should compare the goods in someone's actual life with the goods in the hypothetical life she would have lived had she not died. McMahan argues that we can determine the value of someone's hypothetical life by considering the relevant counterfactual conditional "If the person had not died [antecedent], then she would have enjoyed X [consequent]." To assess whether death is a harm for the person who died we must identify what would be the case if the antecedent were true. Determining whether someone's death is a harm is a matter of comparing the goods in her actual life with the goods in the life she would have had had she not died. Articulating the antecedent, however, is important because the way we articulate what we mean by "if she had not died," can impact the quantity and quality of goods in the person's counterfactual life.

So before we can consider what would have happened in the life of the person had she not died, we need to clearly identify what we mean by "had she not died." McMahan calls this difficulty the problem of specifying the antecedent and offers an example to help illustrate the trouble. McMahan asks us to imagine a case where a man named Mort has cancer and dies. The first main difficulty in specifying the antecedent is identifying the cause of Mort's death. Some

might identify the cause of Mort's death with the general fact that Mort had cancer. McMahan, however, points out that there are other ways to identify the cause of Mort's death. For example, a pathologist might say that the cause of Mort's death is the immediate mechanism by which Mort's death was brought about, such as a hemorrhage. It is important to identify a single cause of Mort's death because the quantity and quality of goods in the person's counterfactual life is different depending on which cause we adopt. If we say that the cause of Mort's death is cancer, then a life where he never had cancer might be filled with an abundance of goods. If Mort's death had not occurred because he did not have a hemorrhage, however, he might live only a short while before he dies from another complication as a result of having cancer.¹⁶

Even if we could identify the cause of Mort's death, there are also multiple ways for that cause to not have operated. If we identify the cause of Mort's death with the general fact that he had cancer, then we might suppose his death had not occurred because; 1) he never had cancer; 2) because his cancer was cured before he died; or 3) he lived with a non-fatal form of cancer and ultimately died of another cause. Which description of the way Mort's death did not occur is most accurate? Notice that if we accept option 1, Mort might live a long healthy life filled with an abundance of goods. If we accept option 3, on the other hand, Mort might only live a number of years in suffering before he dies from an unrelated cause. The different accounts regarding the cause of Mort's death and ways these causes of death had not occurred make a substantial difference in our evaluation of the quantity and quality of life that he would have enjoyed had he not died.

Because of these problems, we need to develop an appropriate strategy for specifying the antecedent. McMahan attempts to do this with a strategy that considers possible worlds. A

¹⁶ Ibid, 245-246.

strategy that considers possible worlds is a strategy that regards the actual world as one of many possible worlds where possible worlds are hypothetical worlds unlike the actual world in some way. When we consider ways a person's death does not occur, we are considering certain possible worlds where the person does not die. The first solution to the problem of specifying the antecedent that McMahan examines is identifying the antecedent with the nearest possible world where the person does not die. In other words, we can identify the appropriate antecedent with the possible world where the person does not die but in all other aspects is most similar to the actual world.

McMahan's concept of nearest possible worlds is largely based on work done by David Lewis. In his essay "Counterfactuals and Comparative Possibility," Lewis points out that the nearest possible antecedent world cannot be a possible world where the antecedent holds but everything else is identical with the actual world.¹⁷ Consider the case of Mort the cancer patient. If the antecedent world is one where Mort never had cancer, can we imagine a possible world where everything is identical with the actual world except for the fact that Mort never had cancer? Lewis argues that we cannot. Many things in the actual world would make no sense if Mort never had cancer. For example, would Mort visit the hospital numerous times for cancer-related issues or would his loved ones sacrifice personal time and money to aid Mort with his health issues? Since things in the actual world are interrelated in many important ways, a possible world that differs from the actual world in only one aspect is almost unintelligible. Lewis argues that the nearest antecedent world is "an antecedent-world that does not differ gratuitously from ours; one that differs only as much as it must to permit the antecedent to hold; one that is closer to our world in similarity, all things considered, than any other antecedent

¹⁷ David Lewis, "Counterfactuals and Comparative Possibility," *Journal of Philosophical Logic*, Vol. 2, No. 4 (Springer, 1973).

world.”¹⁸ The nearest possible world where Mort does not have cancer would be one that differs from the actual world in a number of ways. The events in Mort’s life and those connected with his life, such as his family members and physician, would be significantly different. For example, Mort and his mother would not visit the hospital to address his cancer related issues and his physician would not diagnose Mort with his illness or meet with him in following checkups. At the same time, the nearest possible world would preserve as many aspects of the actual world as possible. For example, Mort, and those around him, would have different life events but their behavior should be as consistent with their character in the actual world as possible. Other aspects of the world, such as the laws of physics, would also be consistent.

Although this theory is a promising solution to the problem of specifying the antecedent, McMahan believes it leads to unacceptable consequences. To illustrate the unacceptable consequences of the theory he introduces a hypothetical case of a young cavalry officer who is killed in the charge of the Light Brigade. In the middle of the charge, the soldier is shot and killed by a man named Ivan. If the soldier had not been killed by Ivan, however, within a few seconds he would have been shot and killed by another man named Boris. At first it seems like being shot and killed by Ivan is bad for the young officer because it deprives him of all future goods. Since Boris would have shot the young officer a few seconds later, however, being shot and killed by Ivan only deprives the young officer of a few seconds of life. If the antecedent is identified as the nearest possible world where the young officer does not die from being shot and killed by Ivan, because Ivan just misses his mark or his gun jams, then the young officer would be shot and killed within a few seconds by Boris. McMahan claims that specifying the

¹⁸ Ibid, 420.

antecedent in this way “leads to the unacceptable conclusion that his actual death was hardly a misfortune at all.”¹⁹

McMahan offers what he believes to be a better solution to the problem of specifying the antecedent. He claims that, like the previous solution, we should consider the nearest possible world where a person does not die. The nearest world, however, is one where the entire transitive cause of her death had not occurred. McMahan argues, “Our formula for specifying the antecedent is to subtract the entire causal sequence of which the immediate cause of death is a part.”²⁰ The appropriate antecedent, or the entire transitive cause, is the chain of causes leading to the immediate cause of an individual’s death. In the young cavalry officer scenario, for example, we need to imagine that the causal sequence leading up to the officer’s being shot by Ivan did not occur. This means we must imagine that the cavalry charge and the war that lead up to that charge did not occur. If we imagine that the Crimean War did not occur, then we take away the threat to the young officer from both Ivan and Boris. Finally, if we take away the threat to the young officer from both Ivan and Boris, then the death of the young officer on the battlefield is a harm because it deprives him of a long future containing an abundance of goods. Although this strategy might seem convincing, I will raise a number of concerns with his solution in §6.

Even if McMahan provides a plausible strategy for specifying the antecedent, the Deprivation Theory also requires the evaluator to come up with a consequent to the conditional. Recall that the Deprivation Theory requires us to articulate, “If the person had not died when and how she did, then she would have enjoyed X.” In other words, a person questioning the badness

¹⁹ Ibid, 249.

²⁰ Ibid, 250.

of a particular death has to determine “what might have happened” if a person did not die when and how they did. McMahan makes the bold claim that to evaluate the badness of an individual’s death we must consider “what would in fact have happened” if a person did not die when and how they did.²¹ The reliability and usefulness of the Deprivation Theory depends on our ability accurately speculate what would have happened in certain possible worlds.

Although predicting the future is inherently uncertain and based on probabilistic reasoning, McMahan provides a criterion for distinguishing what future goods an individual loses as a result of death. McMahan claims that we can determine what would have happened in a person’s life had she not died when and how she did by identifying what she had genuinely in prospect. McMahan articulates this principle of genuine loss in what he labels the Realism Condition. He argues, “for there to be real loss, a good must have been genuinely in prospect but then have been prevented by some intervening condition.”²² In cases where we are interested in the losses as the result of death, death is the intervening condition and the losses for the person who died are the goods or evils she had genuinely in prospect. Notice that McMahan claims we can determine the possible evils in an individual’s future had she not died along with her possible goods. After specifying an antecedent and determining what goods the person had genuinely in prospect, we can determine the value of the person’s life in the nearest possible where her actual death does not occur.

²¹ McMahan, “Death and the Value of Life,” 244.

²² *Ibid.*, 135.

§5. Implications of McMahan's Possible Goods Account

McMahan's version of the Deprivation Theory avoids the shortcomings of Nagel's version by explaining the intuitions that not all deaths are equally bad and that it is typically worse for someone to die at a younger age as opposed to an older one. It also explains the intuition that in certain circumstances justified euthanasia and suicide are conceptually possible. McMahan makes his theory consistent with these intuitions by restricting the potential future goods in an individual's life to those that she would have enjoyed had she not died when and how she did. As an individual gets older the amount of good she has genuinely in prospect decreases because the number of potential future years of life becomes smaller as she gets older. Justified euthanasia and suicide are possible because an individual's circumstances, such as having a painful terminal disease, can make the goods she has genuinely in prospect greatly outweighed by her prospects for evils.

McMahan's theory is compatible with the same wide variety of theories of wellbeing shared by Nagel. Like Nagel's theory, the theories of wellbeing compatible with McMahan's version of the deprivation account are only restricted by the fact that the person who dies cannot experience the loss of future goods. All objective theories of wellbeing and most subjective theories of wellbeing are compatible with his theory, with the exception of simple experiential accounts.

§6. Problems with the Revised Possible Goods Account of the Deprivation Theory

Although McMahan's Revised Possible Goods Account of the Deprivation Theory solves the problems found in Nagel's version, it faces several of its own problems that may limit its

usefulness or undermine the theory all together. The success of his version of the Deprivation Theory is largely based on our ability to specify the antecedent and the consequent in the conditional “If the person had not died when and how she did [antecedent], then she would have enjoyed X [consequent].” To determine whether a person is harmed by her death, this version of the Deprivation Theory also requires the evaluator to make a comparison between the actual world and the consequent, or in other words, requires the evaluator to compare the person’s life in the actual world where she dies at a particular time to some world where she does not die. McMahan recognizes that articulating a legitimate antecedent and consequent can be challenging but claims he provides a convincing strategy for accounting for both parts of the conditional and for comparing the actual world and the consequent of the conditional to arrive at an absolute determination of the harmfulness of an individual’s death. There are concerns with each of these three important aspects of this version of the Deprivation Theory; namely, a strategy for specifying the antecedent, a strategy for specifying the consequent, and a strategy for comparing the actual world to some possible world to arrive at an absolute determination of the harmfulness of an individual’s death. I will address each of these three concerns in turn.

§7. The Problem of Specifying the Antecedent

McMahan acknowledges that specifying the antecedent is difficult because there are different ways to identify the cause of someone’s death as well as many different ways to identify how each cause could have not occurred. He also acknowledges that it is important to develop a legitimate strategy for specifying the antecedent because different antecedents influence the way we interpret a person’s life had she not died. McMahan argues, “our formula for specifying the antecedent is to subtract the entire causal sequence of which the immediate

cause of death is a part.”²³ He believes that a world where we subtract the entire causal sequence of which the immediate cause of death is a part is the nearest possible world where she does not die when and how she does. Identifying the chain of causes leading to the immediate cause of an individual’s death, however, may be problematic for a number of reasons.

One reason McMahan’s formula for specifying the antecedent is problematic is that it does not provide consistent determinations of the harms of death. Recall the hypothetical case of a young cavalry officer killed in the charge of the Light Brigade. McMahan uses this example to explain why specifying the antecedent with the nearest possible world where an individual’s death does not occur is unacceptable. It is unacceptable because it leads to the conclusion that the young officer’s actual death was hardly a misfortune at all because in the nearest possible world where the young officer does not die from being shot and killed by Ivan he is shot seconds later and only deprived of a few seconds of life. McMahan believes that his strategy for specifying the antecedent is more persuasive because if we subtract the entire causal sequence leading up to the officer’s death we must imagine that the Crimean War did not occur, which also takes away the threat to the young officer from both Ivan and Boris. If the officer’s life is not threatened by Ivan or Boris, then his death is a misfortune because it deprives him of a long life filled with an abundance of future goods. Unfortunately, his strategy for specifying the antecedent can also lead to a scenario where being killed in the Crimean War is actually good for the young officer. Feldman poses a similar objection. He points out that the young officer might have been the type of person who loves excitement. If we follow McMahan’s formula for specifying the antecedent and imagine the Crimean War never occurred, then it is possible that the young officer could

²³ McMahan, “Death and the Value of Life,” 250.

have died mountain climbing at a time sooner than he would have died in the Crimean War. Given this scenario, the young officer is worse off if the Crimean War never occurred.²⁴

McMahan's strategy for specifying the antecedent can also lead to a scenario where the young officer is worse off if the Crimean War never occurred because had it not occurred he would never have existed. For example, imagine that the Crimean War lasted for twenty years and that the young officer's parents met while serving in the war. If we follow McMahan's strategy for specifying the antecedent and ultimately imagine that the Crimean War never occurred, then the young officer's parents would never have met; thus, the young officer would never have been born. If the young officer lived a life worth living, then it would be better for the officer to be born and live until being shot by Ivan than never to have been born at all.

His strategy for specifying the antecedent also makes it hard to imagine the life of the young officer with any precision. Suppose again that the young officer loves excitement and that it was this love of excitement that motivated him to take part in the Crimean War. If the officer's love for excitement is what caused him to take part in the Crimean War then his love for excitement is part of the causal chain leading to his death event. If it is part of the causal chain, then according to McMahan's formula for specifying the antecedent we should consider a world where the officer does not have this love for excitement. The life of the young officer in a possible world where the officer does not love excitement would be significantly different from the actual world. This would substantially limit our ability to imagine the life of the young officer both leading up to and following his actual death and make it difficult to ultimately determine whether the young officer's death in the charge is good or bad.

²⁴ Fred Feldman, "Puzzles About the Evil of Death," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 326.

Perhaps the most significant problem with McMahan's formula for specifying the antecedent is that it is difficult to distinguish between the causes of an event and the causally relevant conditions of the event. McMahan argues that some things form a chain of causes that lead up to an event, or in other words, "the cause of the cause of the cause ... of E."²⁵ He claims that in the scenario of the young officer, the chain of causes leading up to the officer's death include the occurrence of the battle and the war. Causally relevant conditions, however, are the necessary conditions of the causal chain. McMahan claims that in the young officer scenario, the causally relevant conditions are things like the event of Ivan's birth, the presence of oxygen in the air, and the fact that the officer did not suffer a wound that prevented him from taking part in the charge.²⁶

Distinguishing between the causes of an event and the causally relevant conditions of an event, however, is problematic. The immediate cause of the young officer's death is a gunshot to his head. To identify the chain of causes leading to this outcome, we must consider what caused the bullet wound to his head. At this point we lack direction. We could identify the cause of the bullet wound to the officer's head in multiple ways. For example, the bullet wound could be caused by; 1) the firing of Ivan's gun; or 2) the presence of the young officer on the battlefield. If we identify the cause of the bullet wound with option 1, then the presence of the young officer on the battlefield is a causally relevant condition because it is a necessary condition of the causal chain but not part of the causal chain. According to McMahan's strategy, we should subtract the entire causal sequence that lead to the firing of Ivan's gun. The causal sequence might involve the loading of the gun or the presence of the Ivan on the battlefield. If this causal sequence were subtracted, the young officer would still be killed seconds later by Boris and his death as a result

²⁵ McMahan, "Death and the Value of Life," 251.

²⁶ McMahan, *The Ethics of Killing*, 251.

of the firing of Ivan's gun would not be a harm because he would only be deprived a few seconds. If we consider the cause of the bullet wound to be option 2, on the other hand, then the firing of Ivan's gun is a causally relevant condition because it is a necessary condition for the causal chain but not part of the causal chain. If we subtract the causal sequence that leads to the young officer's presence on the battlefield then, as McMahan argues, the young officer is not harmed by his death. McMahan recognizes this problem and admits in a footnote that;

I [McMahan] have no analysis of the distinction between cause and causal condition to offer, nor any view about whether the distinction marks a real difference or is simply context-dependent. I here rely on our intuitive sense of what counts as a cause and what counts as a causal condition.²⁷

If there is no clear distinction between causes and causally relevant conditions, there are multiple legitimate ways to construct a causal chain leading up to the immediate cause of a person's death. Not being able to identify one causal chain leading up to the immediate cause of an individual's death makes McMahan's strategy for specifying the antecedent problematic because different specifications of the causal chain lead to different assessments about whether a particular death is a harm for the person who dies.

One might wonder why the conclusion to the cavalry charge scenario is unacceptable. The conclusion that the young officer's death as a result of being shot and killed by Ivan is not bad for the officer is only a problem if his actual death is in fact bad. Perhaps McMahan considers this scenario because he believes it is an obvious case where death is bad for the officer who dies. If the scenario is an obvious case where death is bad for the officer who dies and the strategy of specifying the antecedent as the nearest possible world where his death does not occur leads to a conclusion that his death is not bad, then it proves there must be something

²⁷ Ibid, 385.

wrong with this strategy of specifying the antecedent. Unfortunately, McMahan does not offer any argument for why the death of the officer in the cavalry charge is bad for the person who dies.

McMahan might reject defining the antecedent as the nearest possible world where a person's death does not occur because he confuses two descriptions of the young officer's death. It seems rather clear that in one sense, the young officer's death as a result of being shot by Ivan is hardly bad considering he is only deprived of a few seconds of life. Perhaps this conflicts with McMahan's intuitions because he cannot help but take a broad interpretation of the young officer's death, namely, the fact that the young officer dies in his youth. Given this broad interpretation, both being shot by Ivan and being shot by Boris result in the young officer dying in his youth. The conclusion that being killed by Ivan is not bad for the officer conflicts with his intuition that it is bad for the officer to die in his youth.

In his essay, "Puzzles About the Evil of Death," Feldman argues that in the case of the young officer the antecedent should be identified with the officer dying in his youth. Feldman recognizes that the officer's death as a result of being shot by Ivan does not harm the officer because it only deprives him of a few seconds of life. He argues that we should consider the nearest possible world where the officer does not die in his youth because it is reasonable to suppose that in this possible world the young officer's wellbeing would be higher than in the actual world. Feldman asserts, "The real tragedy here is not that he died exactly at t , or that he died as a result of being shot by Ivan; the real tragedy is that he died so young. Thus, P5 [the officer dies in his youth] should be the focus of our attention."²⁸

²⁸ Feldman, "Puzzles about the Evil of Death," 325.

Feldman's argument for why we should identify the antecedent as the officer dying in his youth as opposed to being shot by Ivan is unconvincing. He argues that we should consider what might have happened had the officer not died in his youth instead of what might have happened in the life of the officer had he not been shot by Ivan because considering what might have happened had he not died in his youth leads us to consider the consequences more tragic. The problem with this is that it assumes what we are trying to discover. We are trying to determine whether the young officer is harmed as a result of his death. If one way of specifying the antecedent leads to the conclusion that his death is not a harm for the officer and another way leads to the conclusion that his death does harm him, what makes one approach better or more legitimate than another? Feldman claims we should focus our attention on the option that describes the death as a tragic consequence. This claim is persuasive only if Feldman can give an argument for why the officer's actual death is in fact bad; but like McMahan, Feldman does not offer this argument.

A proponent of Feldman's strategy for specifying the antecedent might respond to this criticism in couple ways. The proponent might point out that both Feldman and McMahan are trying to construct a strategy for specifying the antecedent that corresponds with the intuition that in the cavalry officer scenario, death is a harm for the young officer. Feldman's objection to McMahan's strategy can be successful without justifying his assumption that the officer's death is a harm because McMahan also makes the assumption. Feldman is making the weaker argument that if, like McMahan, we think the officer's death is a harm, his strategy for specifying the antecedent, as opposed to McMahan's strategy, does a better job of explaining why we think his death is a harm.

This defense of Feldman's argument shows why he might provide a more persuasive theory for explaining why the officer's is harmed by his death if we assume his death is in fact a harm; but it does not explain why we should assume that the death of the officer is in fact a harm. Before reflecting on the scenario, many people might have an intuition that the death of the officer is bad. After analyzing the scenario and recognizing that in one sense the young officer's death as a result of being shot by Ivan is hardly bad considering he is only deprived of a few seconds of life, however, the intuition that the death of the officer is bad is less compelling. In other words, Feldman and McMahan's strategy for specifying the antecedent may help explain the intuition that the young officer is harmed by his death on the battlefield. Their strategies, on the other hand, do not explain our intuition that, given the information that the young officer will be killed only seconds later if he avoids the first cause of death; the young officer is not harmed by his death. If there are still multiple legitimate ways to specify the antecedent then there is no single unequivocal answer to the problem of specifying the antecedent. If there is no single legitimate answer to the problem of specifying the antecedent, then the Deprivation Theory cannot provide a single determination of whether a person's death is bad for the person who dies.

Even if the Deprivation Theory cannot give a single determination of whether death is a harm for the person who dies, it can justify the intuition that death is a harm if we recognize the relationship between context and the question "why was x harmed by her death." Before further examining how context plays a role in answering the question, "why was x harmed by her death," it may be helpful to examine the relationship between context and why questions in general. In his book *The Scientific Image*, Bas C. van Fraassen argues that why questions posed in the form "why (is it the case) P," such as "why did Adam eat the apple," are ambiguous because they can be interpreted in multiple ways. For example, he points out that the question

“why did Adam eat the apple” can be interpreted in the following ways:

- 1) Why was it Adam who ate the apple?
- 2) Why was it the apple that Adam ate?
- 3) Why did Adam eat the apple?²⁹

These different interpretations are asking different questions. The second question asks why Adam ate the apple as opposed to some other fruit and the third option asks why Adam ate the apple as opposed to giving it back to Eve uneaten. So, as Frassen points out, the answer, “because he was hungry,” is a suitable response to the third interpretation but not to the second interpretation.

After recognizing this concern, Frassen argues that to avoid this ambiguity, why questions need to identify an alternative to contrast with presupposition P. He calls these alternatives contrast-classes and advances the underlying structure of an unambiguous why-question as follows:

Why (is it the case) P in contrast to (other members of) X?³⁰

So why questions like “Why did Adam eat the apple,” have multiple interpretations because they do not provide a contrast-class. To answer a why question we need to commit to a certain contrast-class. If the contrast-class is explicitly stated, then suitable responses are obvious. Other times the contrast-class is obvious given the context of the question. If the contrast-class is not obvious, then we must try to determine the implicit contrast-class given the context of the question. Whether implicit or explicit, giving a suitable answer to a why question is always determined with respect to a certain contrast-class and the contrast-classes are either explicitly

²⁹ Bas C. Van Fraassen, *The Scientific Image*, (Oxford: Clarendon Press), 122-131.

³⁰ *Ibid*, 127.

stated or implied by the context of the question.

I have tried to identify whether someone is harmed by her death by assuming the common intuition that she is harmed and then trying to identify what is theoretically necessary to explain why she is harmed. If Van Frassen is correct about the necessary role of contrast-classes in the structure of why questions, then the question, “why was the young officer harmed by his death” is also ambiguous without some contrast-class. This question, however, is not unlike a question I considered earlier. Recall that the Deprivation Theory is inherently comparative. Determining whether the young officer is harmed by his death in the charge depends on the relationship between the actual world and some possible world. In other words, when someone asks, “was the young officer harmed by his death,” the Deprivation Theorist still needs to decide which counterfactual to compare to the actual world. There are a number of various contrast-classes to choose from, such as, CC1) as opposed to not dying in his youth, CC2) as opposed to not being shot by Boris seconds later, or CC3) as opposed to being wounded, taken prisoner, and tortured to death. Is there one counterfactual that is most legitimate, and if so, how do we determine which one it is? Like the role of context in why questions, the most legitimate counterfactual, or most legitimate contrast-class, is determined by the context of the discussion. For example, imagine the mother of the young officer believes that her son’s death is a great misfortune and asks for a philosophical explanation for why his death is so bad. Given this context, it is obvious that the officer’s mother is considering an alternative like CC1 as opposed to CC3. On the other hand, if we question whether the officer is harmed by his death in the midst of a discussion about how the prisoners were taken and tortured before being killed, then we would most likely be considering the contrast-class C3. Thus, we should not be concerned that the Deprivation Theory cannot give a single context independent determination whether death

harms the person who dies because there is no single legitimate context independent contrast-class.

§8. The Problem of Specifying the Consequent

Even if there is a way to specify an antecedent, the Deprivation Theory also requires the evaluator to articulate a legitimate consequent to the conditional. In other words, a person questioning the badness of a particular death has to determine “what might have happened” if a person did not die when and how they did. McMahan makes the bold claim that to evaluate the badness of an individual’s death we must consider “what would in fact have happened” if a person did not die when and how they did.³¹ The reliability and usefulness of the Deprivation Theory depends on our ability accurately speculate what would have happened in certain possible worlds.

One concern with the Deprivation Theory is the probabilistic reasoning involved in trying to accurately specify the consequent. Since it is impossible to know exactly what would have happened in the life of the individual who dies, the best we can do is offer a guess regarding the possible future goods that are taken away from the person who dies based on an evaluation of her specific circumstances. Even worse, the further we speculate into the future, the more difficult the speculation becomes. Given a glimpse into the future, like in hypothetical examples, evaluations of the badness of an individual’s death would need to be revised. Some people’s lives might carry on as expected; but others, such as the young officer in the charge, might have far less or more future goods than previously anticipated. How much does this uncertainty limit the Deprivation Theory and does it limit it enough to make the theory no longer useful? Could a

³¹ McMahan, “Death and the Value of Life,” 244.

skeptic about the usefulness of the Deprivation Theory consistently claim the Deprivation Theory cannot offer any account for the badness of a person's death because future losses are always uncertain?

There are a number of ways to respond to this objection without denying its legitimacy. One way to respond to the objection is to recognize that although no one can be absolutely certain about things in the future, expecting Cartesian certainty is too demanding. If we reject the Deprivation Theory because it does not provide answers with Cartesian certainty, or knowledge totally secure from error, then nearly all other theories and claims about knowledge must be rejected or considered problematic since they also fail to meet the demanding standard. Furthermore, all counterfactual claims and instances of deprivation also share this epistemological concern. For example, imagine that you witness a woman who quickly swerves to avoid a large stone in the road. If we ask her why she swerved she might respond by giving a counterfactual; "If I did not swerve my car, then I would have crashed into the boulder." Although the driver did not know with Cartesian certainty that without intervening action she would crash into the rock, very few would doubt her belief in the relevant counterfactual. Although the results of the Deprivation Theory do not meet the standards of Cartesian certainty it is not a concern that makes the theory unpalatable.

The skeptic may further question how certain a prospect in one's future must be for its frustration to count as a deprivation. Many people share the intuition that the more probable it is for a future state of affairs to be actualized; the more reasonable it is to call its frustration a deprivation. Recall that McMahan articulates this principle of genuine loss in what he labels the Realism Condition that states that "for there to be real loss, a good must have been genuinely in

prospect but then have been prevented by some intervening condition.”³² One might wonder what it means for something to be “genuinely in prospect.” Perhaps something is genuinely in prospect when it is significantly more likely to happen than not happen. For example, imagine that my brother and I agree to roll a 100 sided die to decide who gets the last cupcake and I win on any number two or higher. Unfortunately for me, right before we roll the die our mother interrupts our game and just gives the cupcake to my brother. It seems reasonable for me to feel deprived of my cupcake since, absent my mother intervening; I had a good chance of winning the die roll and eating the cupcake. On the other hand, should my brother feel deprived of a cupcake if our mother intervenes and decides to give me the cupcake? The answer is not as obvious.

The unclear probabilistic standard for what can be considered a deprivation may be what accounts for important differences between the problem associated with the probabilistic reasoning involved in trying to accurately specify the consequent of the counterfactual associated with the Deprivation Theory and the endangered driver scenario. Most people would have few reservations about claiming that in the driver scenario, a collision with the boulder is genuinely in prospect absent some intervening condition. In contrast, predicting the potential goods in the life of a person had she not died is less certain because it requires one to speculate about what might have happened not only seconds or hours into a person’s hypothetical future, but usually a number of years. Predicting how long a person would have lived and articulating specific potential goods in her life is difficult to do with enough certainty to consider them deprivations. In other words, if we cannot determine the goods or evils one has genuinely in prospect, we

³² McMahan, “The Ethics of Killing,” 135.

cannot determine what a person is deprived of had she not died when and how she did. Without knowing what death deprives the person who dies, the Deprivation Theory seems unhelpful.

Given the right information, however, we can make general evaluations about a person's future with greater certainty. We may know some specific goods in Mort's life that he would be deprived of by an untimely death. If we know that Mort is in the middle of his undergraduate degree and has thus far been successful and motivated in his classes, we would have good reason to claim that his premature death would deprive him of this college diploma. Since Mort valued getting his college diploma, a death that deprives him of his diploma may be one reason why he is harmed by his death. Although this information might be helpful, making general evaluations about his future does not have to be product of all the specific actual or potential goods and evils in his life. For example, we know that if Mort is a good spirited, intelligent and attractive young man with a loving and supportive social structure, there is a good chance that a premature death will deprive him of a good future. In fact, since a vast majority of people consider their lives valuable, we would need a good reason to justify a belief that someone does not have a good future in front of her. Although it may be difficult to speculate what specific goods Mort would have had in his future with confidence, we can make general evaluations about the value of a person's future with a high level of certainty.

This response highlights what is really needed to determine whether death is a harm to the person who dies. The probabilistic reasoning involved in the Deprivation Theory may pose a challenge regarding the theory's ability to determine exactly how much death harms the person who dies and how to distinguish between which deaths are more harmful than others, but the goal of the essay is to determine whether death is a harm for the person who dies. To determine

if death is a harm to the person who dies, the Deprivation Theory does not need to identify what exactly a person is deprived of or exactly how much she is harmed by her death. To determine if death is a harm to the person who dies, the Deprivation Theory only needs to show that death probably deprives an individual of a future that would be more valuable than having no future at all. Since we can make evaluations about whether someone's future would be generally good, the probabilistic reasoning involved in the Deprivation Theory is not strong enough to undermine the theory.

Even if we could determine the value of someone's possible future with complete certainty, it may still be unclear whether the person is actually deprived of this possible future and the goods it included. Some people argue that to be deprived of something, someone must have something taken away that was previously in her possession. In many cases, an instance of deprivation is rather straightforward. For example, I am deprived of my cigarette when a thief steals it from my jacket pocket. Having a future, however, is different than having a cigarette. Do I possess the future pleasurable experience of smoking my cigarette in the same way I possess the cigarette currently in my hand? Does the thief who steals my cigarette from my hand similarly steal my future pleasurable experience as well?

The main concern for the Deprivation Theory is whether, and in what sense, someone can possess a future so that death can count as taking it away. In his essay "Death and Deprivation," Christopher Williams analyses what he believes to be the most defensible meanings of 'having a future'. One sense of having a future he addresses is that of 'having a life (as an object of possession, or enjoyment) in the future.' He finds this sense of having a future unpersuasive because someone's hypothetical future life is always contingent on the actual time of her death.

A person's 'having a life in the future' depends on whether that person survives long enough to live it. Williams argues:

Since the death itself decides the issue of whether a person is to have a future at all, we cannot claim that death takes away something that the person already possessed, in advance of the deciding event. For the loss of a future in that sense is merely a hypothetical loss, once the facts about the term of life are taken into account.³³

If death does not take away any future goods from the person who dies, then the Deprivation Theory would be untenable.

An advocate of the Deprivation Theory would agree with Williams that death is the deciding event that determines if someone will have a future life. They would also agree that when someone dies at a particular time "death itself decides the issue of whether a person is to have a future at all."³⁴ The advocate of the Deprivation Theory, however, can believe that things could have gone differently. If the person who dies had an extremely high likelihood of living a valuable life, then it seems reasonable to consider her death, that which prevented her valuable future from being actualized in the actual world, to be a loss for the person who dies.

The intervening condition that results in a loss of future goods that have a high probability of being actualized is not unique to death. There are numerous conditions in people's lives that prevent them from receiving some good. For example, consider the classic scenario of a kid and her ice cream cone. Right before she takes her first lick, the ice cream scoop falls on the ground. Normally we have no problem claiming that the young girl lost something; she lost the pleasurable experience of eating her ice cream. Another common case involves injury. Imagine a sprinter capable of running times good enough to qualify for the Olympic Games.

³³ Christopher Williams, "Death and Deprivation," *Pacific Philosophical Quarterly* 88 (2007), 267.

³⁴ *Ibid.*

Unfortunately, right before the qualifying race an opposing athlete hits her with her car and paralyzes her from the waist down. Does the sprinter lose any future good? Would the sprinter be relieved if the opposing athlete that hit her with her car explains she never actually had a future that involved running in the Olympic Games since being hit by car determined whether that future existed? In order to be consistent, Williams would have to argue that these are not examples of loss because, like death, the injury to the sprinter and the clumsy drop of the ice cream cone holder are empirical facts that decide whether the future goods even exist. If we adopt Williams' argument, it would be a mistake to judge whether someone is worse off or better off in any case of deprivation where a certain state of affairs does not obtain, such as the young girl not accidentally dropping her ice cream or the sprinter not being hit by a car. Since Williams' theory requires that we change our beliefs about numerous other instances of loss, it is highly counterintuitive.

§9. Conclusion

The Deprivation Theory accounts for the harms of death by comparing the actual world to some relevant alternative. Some versions of the Deprivation Theory, such as Nagel's version, claim that the relevant alternative to an individual's actual death for the purposes of comparison should be an infinite life containing infinite goods. Since these theories conclude that an individual is always deprived of an infinite amount of future goods, they lead to the counterintuitive consequences that dying young is no worse than dying old and euthanasia and suicide are never justified. Other versions of the deprivation account, such as McMahan's version, solve these problems by claiming the relevant alternative to a person's death for the purposes of comparison should be the life she would have lived had she not died when and how

she did. If we consider what life the person would have lived, death does not deprive an individual of infinite future goods. If death deprives an individual of a finite amount of goods, then certain conditions in life can make some deaths worse than others, and euthanasia and suicide justifiable. Understanding death as a deprivation of a finite amount of goods also explains why it is worse to die earlier as opposed to later. Determining the life a person would have lived had she not died when and how she did, however, depends on how we specify when and how she died. Since there are multiple legitimate ways to specify how an individual might not have died when and how she did, i.e. multiple legitimate ways to specify the antecedent, and these different antecedents affect the life she would have lived, there are also multiple legitimate hypothetical lives to compare to the actual world. Comparing these different antecedents with the actual world can lead to different evaluations about whether death is a harm for the person who dies. The fact that, given different antecedents, the Deprivation Theory leads to different evaluations about whether death is a harm for the person who dies does not mean that the Deprivation Theory is not useful. The fact that the theory cannot give a single determination whether someone is harmed by her death is unproblematic if we recognize that answering why questions, such as the question “why is X harmed by her death,” require a specific contrast-class and that determining the contrast-class is based on the context of the question.

Chapter 2: Desire Thwarting Theory

Many of the problems with the Deprivation Theory are related to its comparative nature. To calculate whether a person's death is a harm we need to identify an appropriate alternative to death for comparison. A comparison between death and immortality leads to unacceptable conclusions, and when we try to compare a person's death with the life she would have lived had she not died we end up with multiple legitimate comparisons that lead to different determinations of whether death is a harm. One solution to this problem would be to attempt to determine whether death is a harm for the person who dies with a theory that does not rely on a comparison between death and some relevant alternative.

One major non-comparative theory that attempts to explain how death can harm the person who dies involves desires. Many people have the intuition that an individual's life goes better when her desires are met and worse when her desires are frustrated. Given this intuition, it seems like a person would be harmed by those things that prevent the actualization of her desire. For example, it would be bad for me if you stole my computer because I wanted to use it to watch my favorite video or stay in contact with a good friend. Death, among other things, frustrates the forward-looking desires of the person who dies.³⁵ Therefore, death is a harm to the person who dies when it frustrates her forward-looking desires. This theory is commonly referred to as The Desire Thwarting theory.

The argument for the Desire Thwarting Theory can be stated as follows:

- 1) A person is harmed when her desires are thwarted.
- 2) Death thwarts the desires of the person who dies.

³⁵ I use the term forward-looking desires to mean desires about a future state of affairs.

3) Therefore, death is a harm for the person who dies.³⁶

Although this simple version of the desire thwarting theory articulates the main motivation for the theory, it needs further refinement. The argument appears to be valid because the conclusion follows from the two premises. The soundness of the argument, however, relies on our ability to defend the first two premises, both of which may be open to criticism. The first premise is only acceptable if one can show that someone is harmed when any of her desires are frustrated. If a person is not harmed when some of her desires are frustrated, then premise one will have to be revised. The second premise is also only acceptable if death does in fact thwart the desires of the person who dies. If death rarely or never thwarts an individual's desires, then the theory would be untenable and fail to justify the intuition that death harms a person who dies. I will first address the concerns with the second premise and then address concerns with the first.

§1. Concerns with the Premise Two

Before outlining and addressing the concerns with the second premise, it may be helpful to explain the general notion of what it means to say that death thwarts the desires of the person who dies. Desires are commonly understood as a person's preferences for the actualization of some future state of affairs. There are a great number of things that might prevent the actualization of a person's desires. For example, if I want to go visit my friend and you slash my car tires, your slashing of my tires prevents the actualization of my desire to visit my friend. Imagine the same scenario but instead of having my tires slashed, I die before I have the chance

³⁶ For similar versions of the Desire Thwarting Theory see, Christopher Williams, "Death and Deprivation," *Pacific Philosophical Quarterly* 88 (2007), Steven Luper-Foy, "Annihilation," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), and Jack Li, *Can Death Be a Harm to the Person Who Dies?* (Boston: Kluwer Academic Publishers, 2002).

to go visit my friend. Death, like the slashing of my tires, prevents the actualization of my desire to visit my friend.

I will address two main concerns with claiming that death thwarts the desires of the person who dies. One potential concern is whether death thwarts all of a person's desires, only certain desires, or no desires. Since there seem to be some desires that are unaffected by death, we will have to show that it thwarts enough desires to justify the intuition that death can be a harm to person who dies. The other major concern is whether death ever actually frustrates a person's desires or if it simply eliminates a person's desires all together. If death does not actually thwart a person's desires, then the desire thwarting theory would be unable to account for the harm of death.

Claiming that death thwarts the desires of the person who dies may be problematic because there seem to be many desires that are unaffected by death, such as a desire that it does not rain tomorrow. One obvious type of desire that is not thwarted by death is desires that are held only on the condition that one is alive. For example, a suicidal person may desire to die while also having the desire to be well fed on the condition that she is alive. These desires are commonly called conditional desires. Steven Luper-Foy advances a clear version of a conditional desire. He explains that conditional desires take the following form:

I want the following to be the case: Were I alive at t , X would be the case at t .³⁷

Death does not thwart conditional desires because they are only held on the condition that one is alive. If all desires were conditional, death would not thwart the person's desires.

³⁷ Steven Luper-Foy, "Annihilation," 276.

Many desires, however, are not held on the condition that one is alive. For example, the desire to visit a family member or write a novel are usually not held on the condition that one is alive but require one to be alive for their fulfillment. In other words, my desire to write a novel implies another more fundamental desire; namely, the desire that I live long enough to finish a novel. Bernard Williams calls these desires that are not held on the condition that one is alive categorical desires.³⁸ There are two main distinctions that help determine whether a categorical desire is affected by death. These distinctions are the content of the desire and the causal process needed for the fulfillment of the desire. Death thwarts a person's desires if the person is a necessary part of the content of the desire. For example, I am part of the content of my desire if I desire to be well fed or desire to visit Venice. Death also thwarts a person's desire if the person is a necessary part of the causal process that leads to the fulfillment of the desire. Death does not thwart desires that are impossible to actualize, such as logically or physically impossible desires. For example, death has no influence on the actualization of someone's desire to draw a square circle because her desire is impossible to actualize. Death also thwarts very few of a person's desires that she is has no ability to influence because her existence does not affect the fulfillment of the desire. For example, I may be locked in a cage without any chance of visitors or being released but still desire that my son live a happy life.³⁹ Death does not thwart my desire that my son's life goes well since I cannot affect the outcome of the desire.

It is possible that someone may have no desires that can be thwarted by death. For example, someone may have all conditional desires, only categorical desires that are unaffected

³⁸ Bernard Williams, "The Makropulos Case: Reflections on the Tedium of Immortality," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 77.

³⁹ Death thwarts some of a person's desires that she is unable to influence, such as a prisoners desire to be well fed. Although the prisoner cannot affect whether she is well fed, if there is a chance that someone might feed her, her death would thwart her desire to be well fed. Notice that in this scenario the person is part of the content of the desire.

by death, or no desires at all. However, there are good reasons to believe that many people have desires that are not conditional, such as a desire to raise a family or see their child graduate from college. Although there are many desires that are not affected by death, since it is reasonable to believe that most people who die have at least some categorical desires, the Desire Thwarting Theory would still account for what is theoretically necessary to justify the common intuition that death can harm the person who dies. To make the Desire Thwarting Theory more accurate it could be revised as follows:

- 1) A person is harmed when her desires are thwarted.
- 2) Death typically thwarts at least some of a person's desires.
- 3) Therefore, death is typically a harm for the person who dies.

Determining whether there is an important distinction between thwarting a desire and erasing a desire may be more problematic for the second premise. In the beginning of this section we drew an analogy between being prevented from visiting my friend because my tires were slashed and being prevented from visiting my friend because of my untimely death. Death, however, is not an ordinary obstacle that prevents someone from fulfilling her desires. Unlike the case involving the car, death prevents the fulfillment of a desire because it annihilates the desirer and thus removes the desire. Luper-Foy also recognizes this difference but claims that the removal of a desire and the frustration of a desire are both misfortunes because they each ultimately prevent the person from fulfilling her desire. Luper-Foy argues:

An event can prevent me from fulfilling my desire not just by frustrating my attempts to fulfill them, but also by removing my desires ... It is in this sense that dying thwarts my desires. It is a misfortune for me for the same reason that being forced to swallow a drug

that washes away my desires (including my desire not to have swallowed the drug) is a misfortune for me.⁴⁰

Although Luper-Foy's claim that death frustrates a person's desires by removing her desires has some initial plausibility, under closer examination, it is not entirely evident that someone suffers a misfortune by having her desires erased. Luper-Foy claims that death is similar to forcing someone to swallow a drug that erases all of her current desires including her desire not to swallow the drug. Steven Rosenbaum, however, suggests that this may not be a fair comparison. He argues that the wrongness in the drug scenario is due to the fact that someone is being forced to do something that significantly alters her life and not due to the washing away of her desires. To illustrate this point, Rosenbaum proposes another scenario where someone voluntarily swallows a drug that erases all of her desires, including any desire not to acquire any new desires until the old ones are fulfilled, but is unaware of the drug's effects. He argues that in this scenario, it is not obvious that the person who unwittingly swallows the drug suffers a misfortune as a result of having her desires altered. In fact, the person may benefit from swallowing the drug "considering that the person might come to acquire desires which are, in an important sense, more appropriate, given the person's abilities and inclinations."⁴¹ After considering Rosenbaum's revised scenario, it is not entirely obvious that erasing a desire and thwarting a desire are similar enough to support the second premise.

Usually we do not think someone's desire is thwarted by the mere fact that her desires go away. For example, it would be strange to think someone's desire is thwarted because she voluntarily abandons the desire. The notion of voluntarily abandoning a desire can be interpreted in multiple ways, but I will use a version offered by Douglas Portmore. Portmore asserts, "S is

⁴⁰ Luper-Foy, "Annihilation," 271.

⁴¹ Steven Rosenbaum, "Epicurus and Annihilation," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 64. Rosenbaum, 299.

taken to have voluntarily abandoned his or her desire that P if and only if S has ceased to desire that P as a result of a process that she did not, or would not (had she been aware of it), oppose.”⁴² Some argue that someone may have good reasons to fulfill desires that have been previously voluntarily abandoned, but the conclusion seems absurd.⁴³ For example, I have little reason to become a superhero similar to Batman because I had the desire at a young age and later voluntarily abandoned it.

If Portmore’s concept of voluntarily abandoning a desire is satisfactory, then perhaps we can argue that something thwarts an individual’s desire when it prevents the fulfillment of a desire that she does not or would not (had she been aware of it), voluntarily abandon. This description of desire thwarting would explain both Rosenbaum and Luper-Foy’s conflicting intuitions. The forced ingestion of Luper-Foy’s drug that wipes away an individual’s desires is a case of desire thwarting because it prevents the fulfillment of a person’s desires that she would not have voluntarily abandoned had she been aware of it. It is clear that the person in Luper-Foy’s scenario is opposed to the process because she is ‘forced’ to ingest the drug. The person in Rosenbaum’s scenario, however, is not clearly opposed to the process because she is not ‘forced’ to take the drug but ingests it by accident. Whether the accidental ingestion of the drug in Rosenbaum’s scenario is a case of desire thwarting depends on whether the person before the desire change would oppose the process.⁴⁴ If the person would not have opposed having her desires erased and developing new desires, then it would not be an instance of desire thwarting.

⁴² Douglas W. Portmore, “Desire Fulfillment and Posthumous Harm,” *American Philosophical Quarterly* 44 (2007), 9.

⁴³ For an example of this argument see, Steven Luper, “Past Desires and the Dead,” *Philosophical Studies* 126 (2005).

⁴⁴ We should consider whether the person before ingesting the drug would oppose the process because one could construct a scenario where the drug not only erases old desires but also implants a desire to take drugs to alter one’s desires.

If the person would have opposed the process had she known about it, then it would be a case of desire thwarting.

In this section I reviewed two main concerns with claiming that death thwarts the desires of the person who dies. The first concern was whether death thwarts all of a person's desires, only certain desires, or no desires. I concluded that although there are many desires that are unaffected by death, such as conditional desires, desires that are impossible to actualize and those whose fulfillment cannot be influenced by the person with the desire, it is reasonable to assume that in many cases the person who dies has a number of desires that are thwarted by death. The second concern I addressed was whether death thwarts a person's desires or if it simply eliminates a person's desires altogether and whether the distinction has a bearing on the plausibility of the Desire Thwarting Theory. Death does thwart a person's desires in a unique way because it removes her desires. Ultimately, if we can persuasively assert that something thwarts an individual's desire when it prevents the fulfillment of a desire that she does not or would not voluntarily abandon, we can support the claim that death thwarts the desires of the person who dies.

§2. Concerns with Premise One

The plausibility of the desire thwarting theory largely rests on the first premise. The first premise, however, is only acceptable if one can show that someone is harmed when any of her desires are frustrated. If the frustrations of some desires are not a harm to the person who dies then premise one and premise two would have to be revised to make the theory defensible.

Defending the first premise of the Desire Thwarting Theory is largely a defense of the Desire Fulfillment Theory of wellbeing. The Desire Fulfillment Theory claims that someone's

life goes better when her desires are fulfilled. This theory, however, is considered problematic for at least two main reasons. One major concern with the Desire Fulfillment Theory is that people seem to have desires that conflict with their wellbeing. For example, someone who is seriously addicted to a drug might desire to use a substance that is detrimental to her health, or someone may desire to avoid going to the dentist even though the consequences to avoiding the dentist would seem to conflict with her wellbeing. In cases like these it seems like frustrating a strong desire, such as preventing the addicted individual from taking her drug or forcing someone to go to the dentist, does not detract from her wellbeing and therefore does not harm her.

Another major concern with the Desire Fulfillment Theory is that some of a person's desires seem unconnected to her wellbeing. In his book *Wellbeing Its Meaning Measurement, and Moral Importance*, James Griffin recognizes this concern and explains that "The trouble is that one's desires spread themselves so widely over the world that their objects extend far outside the bound of what, with any plausibility, one could take as touching one's own wellbeing."⁴⁵ As an example of one of these desires he asks the reader to imagine a rider on a train who overhears a stranger's ambitions. After hearing the stranger's ambitions the rider forms a strong desire that the stranger succeed. If the rider's life is not affected in any significant way by success of the stranger, how can the fulfillment or frustration of his desire that the stranger succeed affect his wellbeing?⁴⁶ Desires that seem unconnected with an individual's wellbeing are commonly referred to as non-pertinent desires.

⁴⁵ James Griffin, *Wellbeing Its Meaning, Measurement, and Moral Importance* (Oxford: Clarendon Press, 1986), 17.

⁴⁶ Ibid.

§3. Problem of Harmful Desires

It is problematic to claim that desire satisfaction consistently adds to one's wellbeing and desire thwarting detracts from one's wellbeing if people have desires that conflict with their wellbeing. Derek Parfit advances a similar argument against the claim that a person's wellbeing can solely be a matter of desire fulfillment. Parfit asks the reader to imagine a case where someone is offered the chance to start taking an extremely addicting drug. The drug is so addicting that after trying the drug the user will feel a strong desire to take it every morning. The drug does not offer any positive experience, but if the addicted individual does not take the drug in the morning she will experience severe suffering throughout the day. The drug is also free and easily accessible.⁴⁷ Does the potential user have good reason to start taking the drug? If desire fulfillment always adds to one's wellbeing and is also the sole contributor to one's wellbeing, then she does have good reason to become a drug addict. By accepting the offer for the drug the individual would greatly increase her opportunities for desire fulfillment and thus her overall wellbeing.

One reply to this criticism is to claim that addiction fails to show that desire fulfillment does not necessarily add to one's wellbeing because people who are addicted to drugs recognize that using them will detract from their wellbeing, but they suffer from a disease that causes them to improperly rank their desires. In some cases, a person who desires a drug so strongly she cannot resist using it will admit to knowing that using it detracts from her wellbeing. In this scenario, the addicted individual knows that using drugs is counter to her wellbeing because she recognizes that, absent her disease, she has other desires she considers to be more valuable to her life as a whole, such as pursuing a career or raising a family. Parfit agrees that a simple

⁴⁷ Derek Parfit, *Reasons and Persons* (New York: Oxford University Press, 1984), 497.

summative theory of wellbeing where a person's wellbeing is solely a sum-total of desire fulfillment is unconvincing. He advocates for what he calls a global version of the desire account of wellbeing where "a preference is global if it is about some part of one's life considered as a whole, or is about one's whole life."⁴⁸ In the case of the addiction opportunity scenario, the potential addict has a good reason to refuse the offer because she has certain desires about her life as a whole that do not include using a drug every morning. Parfit argues that she has good reason to ignore the offer for the morning drug since she has already considered and rejected them in the process of forming her global preference.⁴⁹ In other words, desires about the shape of someone's overall life have priority over other less global desires.

So one solution to the objection that desires cannot be the basis of an individual's wellbeing because they periodically seem to conflict with one's wellbeing is that people rank desires. Although I may have a desire to use a drug, I also have a desire to live a healthy life that is free from drug use that ultimately trumps the conflicting desire. This solution, however, does not yet explain all cases of drug use. Some drug users will admit that they simply lack the willpower to resist using a drug even though they know that they have the desire to live a healthy life without drugs. On the other hand, other users who seem to be completely ruining their lives by using drugs will claim they are living the life they desire to live even after considering global preferences. Although they may choose to live a life as a drug addict, it seems possible that their life could have gone better if they had chosen otherwise.

Even if we agree that ranking desires and giving preference to desires about one's life as a whole can successfully explain some cases where someone desires something counter to her wellbeing, The Desire Fulfillment Theory is problematic because individuals can be wrong about

⁴⁸ Ibid.

⁴⁹ Ibid, 498.

what is in their best interest. If a person can be wrong about what is in her best interest and a person can be benefited instead of harmed when her desires are thwarted, the first premise would be blatantly untrue. Therefore, the persuasiveness of the Desire Thwarting Theory depends on our ability to provide a convincing version of the Desire Fulfillment Theory of wellbeing.

Recognizing that people can be mistaken about what is in their best interest, many philosophers have argued that the Desire Fulfillment Theory should be based on an informed desire account instead of an actual desire account. An informed desire account of the Desire Fulfillment Theory claims that the desires whose satisfaction promotes one's wellbeing are those that are, or would be, formed in an ideal way. I will use a version of informed desire proposed by Peter Railton. Railton claims:

[A]n individual's good consists in what he would want himself to want, or to pursue, were he to contemplate his present situation from a standpoint fully and vividly informed about himself and his circumstance, and entirely free of cognitive error or lapses of instrumental rationality.⁵⁰

Notice that this version of informed desires avoids some possible concerns. One concern is how to treat someone's desire to learn something new. Suppose someone had the actual desire to learn how to play tennis and wanted to appeal to the informed desire account to determine if learning how to play tennis would promote her wellbeing. Although the informed account requires that she already know how to play tennis in order to determine whether learning to play tennis would promote her wellbeing, this knowledge would not detract from her interest in learning tennis. The ideal self, or the fully informed self in Railton's account of an informed desire, includes information about an individual's current situation and information about herself. Given this information, the ideal self would know the benefits of coming to know how to play tennis from the perspective of her actual uninformed self. The fact that Railton's version of the informed

⁵⁰ Peter Railton, "Facts and Values," *Philosophical Topics*, vol. 14 (1986), 16.

perspective includes information about an individual's current situation and information about herself may also answer a more pressing concern for the theory.

A more pressing objection to the informed desire account concerns the relationship between desires and their objects. If desires must be tailored by information about the nature of their objects, then the role of desire becomes a little obscured. The simple version of the Desire Fulfillment Theory claims that the fulfillment of an individual's desire adds to her wellbeing. After considering some concerns with the theory, we amended the theory so that it was not simply the fulfillment of desires that adds to her wellbeing but the fulfillment of the desires someone would want herself to want, or to pursue, if she was rational and fully understood the features or properties of the objects of her desires. This, however, seems to lead to the conclusion that it would be best for someone to fulfill desires that she does not actually have. For example, someone may have no desire to study chemistry but an ideal self may conclude that studying chemistry would promote her wellbeing best. The relationship between desires and the value of their objects seems susceptible to a version of Euthyphro problem. Are things desired because they are valuable, or valuable because they are desired? Griffin clearly advances this objection. He asks,

What makes us desire the things we desire, when informed, is something about them—their features or properties. But why bother then with informed desire, when we can go directly to what it is about objects that shape informed desires in the first place.⁵¹

The most convincing answer to this objection is to defend opposite side of the Euthyphro problem; namely, things are valuable because they are desired. Although the ideal perspective claims that an individual's wellbeing is promoted by the fulfillment of the desires someone would want herself to want, it would not ultimately conclude that someone should work towards

⁵¹ Griffin, *Wellbeing Its Meaning, Measurement, and Moral Importance*, 17.

the fulfillment of desires that do not correspond to the desires that she could potentially have. The ideal self considers what desire best promotes an individual's wellbeing within the context of her actual and potential desires. The ideal self identifies which wants would best promote an individual's wellbeing with respect to her actual present situation from a standpoint fully and vividly informed about herself and her circumstance. In other words, the ideal self would know how to best rank her desires given the type of person she knows she already is, such as her personal dispositions and likes and dislikes, and the person she could potentially be and the desires she could potentially have. The ideal self would also know which changes to the actual self would promote her wellbeing most. This balance between objective ranking and subjective preferences might be clearer with a concrete example. Imagine a person with particular preferences to taste such that she enjoys the taste of cheese but finds the taste of beer disgusting. Most people agree taste is subjective in that a person's evaluation of whether something is tasty or not is solely determined by the quality of her experience. An ideal self may recognize that her actual self does not currently like the taste of beer, but also know that she would learn to appreciate the taste of beer after tasting it a number of times. Although taste is based on subjective preferences, the ideal self would know which flavors would ultimately bring her most enjoyment in her lifetime. Similarly, although desires are based on subjective preferences, the ideal self would know which desires would promote an individual's wellbeing given specific conditions in her life. Someone's fully informed ideal self would not conclude that her actual self should pursue future states of affairs that do not correspond to any of her actual or potential desires, but would know which desires would promote her wellbeing most given the limited information available to, and dispositions of, her actual and potential self.

Individuals seem to have desires that conflict with their wellbeing because they

frequently mistake what is in their best interests. Although the Desire Fulfillment Theory claims that an individual's interests are determined by her desires, her actual desires can be faulty because she lacks an adequate understanding of herself and the objects of her desires. A fully informed and rational individual would not make errors about the objects of her desires, would appropriately rank her desires with full knowledge regarding which desires she could potentially have, and would not mistakenly pursue less meaningful desires in place of more meaningful desires that she could potentially have. Since the fully informed individual would not make any mistakes in forming and ranking her desires with regard to her interests, she would not pursue lesser desires, such as the avoidance of a small amount of pain at the dentist or the suffering that accompanies drug rehabilitation. Thus, she would not pursue desires that are counter to her interests and her overall wellbeing.

The Desire Thwarting Theory may face an even larger problem if a cogent version of the Desire Fulfillment Theory of wellbeing must appeal to rational and fully informed desires. Recall that not all desires are thwarted by death. In defense of the Desire Thwarting Theory, I argued that death is typically a harm for the person who dies because death typically thwarts at least some of a person's desires. The concern with this conclusion, however, is whether a person could have any fully informed and rational desires that could be frustrated by death. For example, imagine someone has a categorical desire to raise a family. If she dies before she has the opportunity to raise her family, she appears to be harmed by her death because death frustrates her desire. On the other hand, her desire to raise a family when she will die before having the opportunity to do so does not seem like a fully informed and rational desire. Her fully informed self would know when she will die and recognize that desiring to raise a family when she has no potential to fulfill the desire is irrational. This result is not unique to this example; any desire that

is frustrated by death would seem irrational to a fully informed self. If a person is only harmed by the frustration of a fully informed and rational desire and all desires that are frustrated by death are irrational, then death never harms the person who dies.

To resolve this problem, a proponent of the Desire Thwarting Theory might argue that it is not irrational to have the desire to raise family that cannot be fulfilled if having the desire has other positive consequences, such as a life of achievement or interesting experiences. In these cases, the ideal self would want herself to want to raise a family even though the desire cannot be met because having the desire results in positive consequences of greater value than the misfortune of not having the desire met. These cases, however, do not provide the Desire Thwarting Theorist any instances where death makes someone worse off by frustrating one of her informed desires. The only desires that an informed self would want herself to want that can be frustrated by death are those desires that directly lead to the fulfillment of other more significant desires. It would be irrational for the ideal self to want herself to want something that cannot be fulfilled before her death whose pursuit does not also lead to the fulfillment of other more significant desires. If this is right, then death is never a harm for the person who dies because it frustrates one her informed and rational desires. Therefore, if the most cogent version of the Desire Fulfillment Theory of wellbeing must appeal to rational and fully informed desires and the Desire Thwarting Theory is based on a Desire Fulfillment Theory of wellbeing, then according to the Desire Thwarting Theory, death is never a harm to the person who dies.

§4. Problem of Non-Pertinent Desires

Even if the informed desire account of the Desire Fulfillment Theory can adequately respond to the objection that people seem to have desires that conflict with their wellbeing, the

problems associated with restricting one's desires to solely those that affect one's wellbeing is difficult. In the previous section we claimed that an individual's interests are determined by her desires. The objection concerning non-pertinent desires is based on an observation that sometimes people have desires that are unconnected to their lives and thus wellbeing. If someone's wellbeing is determined by her desires, then how do we restrict which desires count towards her wellbeing?

Unlike the response to harmful desires, an appeal to informed desires will not help restrict the type of desires that bear on one's wellbeing. Recall the rider who forms a desire that a stranger succeed in Griffin's scenario introduced earlier. After talking with a stranger the rider forms a strong desire that the stranger succeed. The concern with the scenario is that the fulfillment of the rider's desire that the stranger succeed does not affect his life or wellbeing. Appealing to informed desires does not help restrict the type of desires that affect one's wellbeing because the rider in the train could still have the desire that the stranger succeed even if she was fully informed.

One strategy for answering this objection is proposed by Mark Overvold. Overvold argues that the desires that affect a person's wellbeing should be restricted by two criteria. He argues that "the only desires and aversions that are logically relevant to the determination of an individual's self-interest are those in which (1) it is logically necessary that the individual exist at t for the object of one's desire or aversion to obtain at t , and (2) the reason for this desire is due to one's essential involvement in the state of affairs."⁵² In other words, the desires should be restricted to those where the person is an essential constituent for the fulfillment of the desire. According to Overvold, a person is an essential constituent if she is part of the content of the

⁵² Mark Overvold, "Getting what You Want," in Harlan B. Miller and William H. Williams, ed., *The Limits of Utilitarianism* (Minnesota: University of Minnesota Press, 1982), 190.

desire or the causal structure responsible for the fulfillment the desire. This proposed solution avoids the concern in Griffin's scenario because the rider on the train is not a necessary constituent for the fulfillment of the desire; whether the stranger succeeds does not depend on the efforts of rider and the stranger's desire can be fulfilled even if the rider does not exist at the time of the fulfillment. Without more explanation, it is unclear whether the first criterion claims that the desirer must exist at the time of the desire fulfillment or frustration for it to affect her wellbeing. In a discussion about the criteria, however, Overvold argues that she must exist concurrently. He claims, "As stated, the desire [a person's desire regarding his wife's happiness] would be excluded since it is not logically necessary that S exist at t for his wife to be happy, sad, or successful at t."⁵³

Someone may object to Overvold's theory by claiming that any desire can be revised to make the desirer part of the content of the desire. For example, imagine someone has the desire that her husband's life goes well. Since, as stated above, it is not a desire in which the person is a necessary constituent, the desire cannot affect the person's wellbeing. Perhaps the desire could be revised so that the person desires that she live in a world where her husband's life goes well. This revised version of the desire, however, does not meet the second criterion; the reason for this desire is due to one's essential involvement in the state of affairs.

Overvold's solution may solve the problem of non-pertinent desires because it restricts desires to only those that have some potential to affect the person's life. Unfortunately, his theory has some counterintuitive consequences. One unfortunate consequences of his theory is that his proposed restriction makes person's wellbeing unaffected by her desires about things like the wellbeing of others and social causes. For example, suppose someone is concerned with the

⁵³ Mark Overvold, *Getting What You Want*, 189.

wellbeing of her husband. According to Overvold's theory, her husband's wellbeing does not affect her wellbeing unless she desires to be the one who is responsible for the condition of her husband's wellbeing. On the other hand, if she solely desires that her husband's life go well regardless of who or what brings it about, she would not be an essential constituent of the fulfillment of her desire and thus her desire that her husband's life goes well does not affect her wellbeing. This same concern would apply to social causes, such as a desire for the reduction in poverty or suffering in general.

Even if his theory is persuasive, it limits the types of desires that when thwarted affect an individual's wellbeing. Since his theory requires that the person exist at the time of the desire, his theory excludes any possibility for posthumous harms or harms that occur after an individual's death. In other words, nothing can happen after someone's death that affects her wellbeing because the person does not exist at any time after her death.

Some philosophers, such as Brad Hooker, have rejected his theory for precisely this reason. Hooker claims that we can restrict desires to only those that impact one's wellbeing by recognizing that "the relevant desires are the ones in whose propositional content the agent is an essential constituent in the sense that the state of affairs is desired under a description that makes essential reference to the agent."⁵⁴ This strategy for restricting desires is also shared by Parfit in what he calls the Success Theory. Parfit argues that desires that are relevant to our wellbeing are those that only appeal "to our desires about our own lives."⁵⁵ These theories make posthumous harms possible because they do not require that the person exist at the time of the desire fulfillment. For example, imagine someone desires to be considered an honest person after her

⁵⁴ Brad Hooker, 1993. "A Breakthrough in the Desire Theory of Welfare." *In rationality, Morality, and Self-Interest: Essays Honoring Mark Carl Overvold*, edited by J. Heil, (Rowman & Littlefield Publishers, 1993).

⁵⁵ Parfit, *Reasons and Persons*, 494.

death. This desire makes essential reference to the person or is about the person's life, and the state of affairs after her life can either fulfill or frustrate her desire.

These theories, however, do not seem to solve the problem of non-pertinent desires. Ostensibly, the rider's desire that the stranger on the train succeed in her endeavors is a desire that neither makes essential reference to the rider nor is about the rider's life. The desire can be revised to once again be susceptible to the problem of non-pertinent desires. For example, the rider might form the desire that she wishes to live in a world where the stranger is successful. Framed in this way, the desire makes essential reference to the rider and is about the rider's life, but if the stranger's success does not affect the rider's life, it once again seems problematic to claim it can affect her wellbeing.

Perhaps the most persuasive response to the problem of non-pertinent desires is offered by Griffin. Griffin argues that the informed desire account of the Desire Fulfillment Theory helps explain why persons frequently mistake their own interests and solve the phenomena of harmful desires, but admits that it does not help solve the problem of non-pertinent desires. Griffin recognizes that in order for a desire to affect one's wellbeing it must enter into the person's life in some way. He presents his theory by contrasting the rider's desire that the stranger succeed with his desire that his children prosper. He claims that the difference between the two scenarios is that the prosperity of his children becomes a part of his life's being successful in a way that the prosperity of the stranger does not. He concludes that:

What counts for me, therefore [he recognizes that sometimes good things can just happen to someone], is what enters my life with no doing from me, what I bring into my life, and what I do with my life. The range of that life is not so great as to include things that I cannot (e.g. the prosperity of our twenty-second-century successors) or do not (e.g. the sympathetic stranger's success) take into my life as an aim or goal.⁵⁶

⁵⁶ Griffin, *Wellbeing Its Meaning, Measurement, and Moral Importance*, 22.

Griffin claims that some desires, such as his desire for his children to prosper, are the type of desire that people make part of the aim or goal of their lives. Other desires, such as his desire that a stranger succeed, are not important enough to take into one's life and therefore do not affect the person's wellbeing.

Although this strategy seems promising, one might wonder what it means to take a desire into one's life or make a desire an aim or goal of one's life. Perhaps a person makes a desire a goal in her life when her desire is intense enough to motivate her to make some effort to fulfill the desire. If a person makes some effort to actualize a goal, such as sending an encouraging letter to the stranger, then the success of the stranger enters into the life of the rider and thus the stranger's success can affect the rider's wellbeing.

This theory, however, seems problematic for at least two reasons. One reason it seems problematic is that it is not obvious why sending a letter to the stranger can make a desire that previously did not affect her wellbeing into one that does. For example, imagine a scenario A where the rider writes a short letter to the stranger before they part ways. Imagine that ten years later the stranger re-reads the letter of encouragement, becomes inspired to succeed, and ultimately does succeed. Now imagine another scenario, scenario B, where the rider does not write the letter and just forms a strong desire that the stranger succeed. Like scenario A, ten years in the future the stranger in scenario B succeeds. In both scenarios, unbeknownst to the rider, the stranger succeeds and the rider's desire is fulfilled. Is the difference between scenario A and scenario B, the fact that the rider wrote the letter, substantial enough to make the success of the stranger affect that wellbeing of the rider in scenario A but not in scenario B? There does not seem to be a significant enough difference between the two scenarios. Scenario B seems

problematic because the success of the stranger does not appear to enter into the life of the rider; it does not affect the rider's thoughts or feelings. Scenario A does not differ from scenario B in any relevant way. All the concerns that make scenario B seem problematic are also shared by scenario A. Without further clarification for what it means to take something into one's life as an aim or goal that can help resolve seemingly problematic scenarios like the letter writing scenario, Griffin's strategy does not sufficiently explain why desires that someone takes into her life as an aim or goal affect her wellbeing where mere desires do not.

In order to defend the first premise of the Desire Thwarting Theory's we must be able to persuasively respond to the problem of non-pertinent desires. If we cannot determine which desires, when thwarted, affect one's well being, then we cannot argue that a person is harmed when her desires are thwarted. The most plausible solution to the problem of non-pertinent desires is to restrict the desires that affect someone's wellbeing to those that in some way enter into her life. We looked at three attempts to restrict a person's desires that affect someone's wellbeing, but they each had different explanations for what it means for something to enter into one's life. Overvold argued that a desire enters into someone's life if she must exist at the time of the desire fulfillment or frustration and play an essential role in the fulfillment of the desire. The strength of Overvold's theory is that it restricts desires enough to respond to the non-pertinent desire objection. In other words, it consistently excludes desires that do not seem to affect a person's wellbeing. Unfortunately, his theory seems to be too restrictive because it excludes desires that have some potential to affect a person's wellbeing such as a person's desires about the wellbeing of others and social causes. It also makes posthumous harms conceptually impossible.

The next solution we considered tries to retain the strengths of Overvold's theory but also

include the desires that seem to affect a person's wellbeing that Overvold's theory excludes. Hooker's less restrictive theory claims that we should restrict desires to those that make essential reference to the agent. This theory is an improvement on Overvold's because it includes a person's desires about the wellbeing of others and social causes that she does not personally influence as desires that can affect her wellbeing because the reason for her desire does not have to be due to her essential involvement in the state of affairs. It also makes posthumous harms possible because a person does not have to exist concurrently with the fulfillment or frustration of her desire. Hooker's theory, however, is not restrictive enough because it is still vulnerable to the objections posed by the problem of non-pertinent desires. The rider's desire that the stranger succeed can be altered to make essential reference to the rider yet still seem unconnected to the rider's life.

Since Overvold's theory is too restrictive and Hooker's does not restrict desires enough, we considered a theory that tries to capture the strengths of both yet avoid their weaknesses. Griffin argues that for something to enter into one's life it must be something that she take into her life as an aim or goal. Like Hooker's theory, Griffin's theory is an improvement on Overvold's theory because it is not so restrictive that it excludes a person's desires about the wellbeing of others and social causes that she does not personally influence as desires that can affect her wellbeing. His theory attempts to be more restrictive than Hooker's theory because he claims desires that can affect a person's wellbeing must make essential reference to the desirer and be one of the desirer's aims and goals in life. Griffin's theory, however, does not adequately explain why desires that are an aim or goal in someone's life affect her wellbeing whereas mere desires do not. Unfortunately, after reviewing the most plausible solutions to the problem of non-pertinent desires, there is no conclusive strategy for determining which desires affect a

person's wellbeing and which ones do not.

§5. Conclusion

The Desire Thwarting Theory explains why death harms the person who dies by asserting that someone is harmed when her desires are thwarted and that death thwarts the desires of the person who dies. Since the conclusion of the theory follows from two premises, the plausibility of the Desire Thwarting Theory is largely based on being able to defend the first and second premises. The second premise, that death thwarts certain kinds of a person's categorical desires, is most vulnerable to the concern that death erases a person's desires rather than thwarting them. If we can persuasively assert that something thwarts an individual's desire when it prevents the fulfillment of a desire that she does not or would not voluntarily abandon, then the fact that death erases a person's desires is not relevantly different than other conditions that thwart a person's desires. The first premise, which states that person is harmed when her desires are thwarted, faces more troublesome concerns. Defending the first premise is largely based on being able to defend the Desire Fulfillment Theory of wellbeing that asserts a person's life goes better the more her desires are fulfilled. One significant objection against the theory is that people seem to frequently have desires that conflict with their wellbeing. One potential strategy for solving the problem of harmful desires is by switching from an actual desire account to an informed desire account. If a person's wellbeing is lowered only when her fully informed and rational desires are frustrated and death does not frustrate any fully informed and rational desires, then death is never a harm to the person who dies. Another problem with the Desire Fulfillment Theory is the problem of non-pertinent desires. Griffin suggests the most promising solution to the problem of non-pertinent desires. He argues that we should restrict the desires that bear on our wellbeing by

things that we cannot or do not take into our life as an aim or goal. Unfortunately, it is difficult to distinguish between objects of mere desire and desires that one takes into her life as an aim or goal. Further, it does not adequately explain how making a desire into a life goal makes them sufficiently different to solve the problem of non-pertinent desires. Since there is no conclusive answer to the problem of non-pertinent desires, the Desire Fulfillment Theory, and thus the first premise of the Desire Thwarting Theory and the Desire Thwarting Theory itself are only as persuasive as the response to the objection.

Chapter 3: Timing Problem

Both the Deprivation Theory and the Desire Thwarting Theory initially appear to face a problem of identifying the time when the person who dies is worse off as a result of her death. This aspect of the theories makes it difficult to defend the claim that death is a harm for the person who dies because we must explain how being dead can make someone worse off even though after her death there is no person who is worse off. If there is no time at which the person who dies is worse off as a result of her death, since before her death the supposed harmful event has not occurred and after her death she cannot be worse off because she no longer exists, then at no time is death a harm for the person who dies. To help articulate the central question it is worth noting the distinction between a harm event and the state of something being a harm for someone. A harm event is a state of affairs that is responsible for making someone worse off than she would have been had the event not occurred. For example, if I break my arm snowboarding, the harm event is the breaking of my arm. The time when the break is a harm for me is when I am experiencing pain or prevented from participating in activities I enjoy. The difficulty in identifying the time at which death is a harm for the person who dies is called the Timing Problem.

The previous construal of the Timing Problem needs further refinement because its validity relies on an unstated basic premise; namely, that anything that harms someone must be a harm for her at some time. If we take note of this premise, the argument for the Timing Problem can be stated as follows:

- 1) Something that harms someone must be a harm for her at some time.
- 2) There is no time at which death is a harm for the person who dies.
- 3) Therefore, death is not a harm to the person who dies.

Since the argument is valid, if it is not possible to refute one of the two premises, then we would be forced to admit that death does not harm the person who dies. Therefore, there are two strategies for solving the Timing Problem. One solution is to show that not all harms are harms for someone at some time. If some harms cannot be dated, or located in time, then the fact that there is no particular time when death is a harm for the person who dies would be unproblematic. The second solution is to identify the time when death is a harm for the person who dies. If it were possible to identify a time when a person is worse off because of her death, then clearly the Timing Problem would not be a concern.

§1. Concerns with Premise Two

Since it is typically easy to identify the time when someone is made worse off by a harm, the most appealing solution to the Timing Problem is to identify a time when person is worse off as a consequence of her death. There are a number of possible times at which a person could be worse off as a result of her death and I will review each option separately. The five possibilities I will address are the following:

- 1) Eternalism: Death is a harm for the person who dies at all times.
- 2) Priorism: Death is a harm for the person who dies before her death.
- 3) Subsequentism: Death is a harm for the person who dies after her death.
- 4) Concurrentism: Death is a harm for the person who dies at the moment of her death.
- 5) Indefinitism: Death is a harm for the person who dies at an indeterminate time.⁵⁷

There is lively debate about the existence of posthumous harms and therefore some may accept

⁵⁷ This list of possible times at which a person could be worse off as a result of her death and the terminology that is used to identify them are largely taken from Stephen Luper, "Moral Harm," *The Philosophical Quarterly* 57, no. 227 (April 2007): 241.

or reject these options based on whether they make posthumous harms conceptually possible.

However, I will only be concerned with whether an option makes posthumous harms possible if it helps identify a time when someone is worse off as a result of her death.

§2. Concurrentism

One solution to the Timing Problem is to argue that a person is harmed by her death at the moment of her death. This answer seems to be the most intuitively pleasing response. If I witness a person getting her head cut off as she walks down the street and someone asks me if and when she was harmed, I would naturally respond, “Of course she was harmed; she was harmed when she got her head cut off.” However, if a person no longer exists at the moment of her death, then concurrentism would be susceptible to the main concern of the Timing Problem; how can an individual be worse off at a time when there is no individual to be made worse off? It is unclear, however, whether the person who dies exists at the moment of her death. Trying to describe whether someone is living or dead at the moment of her death is difficult because death is supposed to mark a person’s transition from the living to the dead.

Is there a way to determine whether someone exists at that time of her death? If someone does not exist at the time of her death, then it is problematic to claim that she is worse off at that time. Without more support, however, simply stating that someone does not exist at the time of her death is unpersuasive. If death is the moment at the end of someone’s dying process and the beginning of a person’s being dead, then it does not seem possible to conclude whether someone exists at the time of her death.⁵⁸ If we claim that the person no longer exists at the time of her death, then we would be describing a person who is already dead. On the other hand, if we argue

⁵⁸ For a similar explanation of the concept of death see, Stephen Rosenbaum, “How to Be Dead and Not Care,” in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 121.

that the person exists at the time of her death, then we would be describing a person who is still in the process of dying. This uncertainty may be enough to accept that it is conceptually possible for a person to be worse off at the very moment of death.

If we can accept that a person still exists at the moment of her death, then concurrentism would be compatible with the Deprivation Theory and the Desire Thwarting Theory for similar reasons. In his book, *Wellbeing and Death*, Bradley argues that concurrentism should be rejected because it explains when the event responsible for the harm of death occurs but fails to explain when the harmful event is a harm to the person who dies.⁵⁹ He uses an example to illustrate his point. He explains, “If tomorrow I drink a vial of poison that results in my having a torturous sickness next week, the drinking is not bad for me tomorrow, but next week.”⁶⁰ Initially, Bradley’s objection seems unconvincing. Concurrentism is not as vulnerable to this concern because it claims that the harm event and the time in which someone is worse off are simultaneous; they both occur at the moment of death. Concurrentism would be analogous to an example of a poison that makes you sick instantaneously.

Unfortunately, there is good reason to be suspicious of concurrentism’s claim that a person can be worse off at the moment of her death because at that moment it is unclear whether she still exists. Although claiming that someone is alive or dead at the moment of her death is difficult, because death is supposed to mark the transition from the living to the dead, it is also difficult to understand how the harm event of death can make someone worse off before it actually occurs. The harm event of death is considered a harm event because it marks the moment when someone transitions to non-existence. When a person still exists and is capable of

⁵⁹ Ben Bradley, *Wellbeing and Death* (Oxford: Clarendon Press, 2009), 76-77.

⁶⁰ Bradley, *Wellbeing and Death*, 86.

being made worse off by her death, she is still alive and the actual harm event has not yet occurred. When the harm event occurs and it makes sense to claim that someone is worse off as a result of her death as opposed to dying, the person must already be dead and thus cannot exist to be made worse off.

Even if we could solve the concerns with concurrentism stated above, a proponent of concurrentism would have to admit that the person who is harmed by her death is only worse off for an instant. This conclusion may be unsettling. Could death be considered a serious harm if it only makes someone worse off for an instant? If there is no actual length of time when someone is made worse, then some may argue that concurrentism makes the harm of death a timeless harm. This would be a mistake. Concurrentism can hold that a even though there is no length of time when someone is made worse off by her death, it can still be located in time. Although there does not seem to be anything conceptually wrong about claiming that death is a serious harm yet only last an instant, it may conflict with someone's intuitions. This concern, along with the fact that when the harm event occurs the person must already be dead and thus cannot exist to be made worse off person who dies, makes concurrentism less plausible.

§3. Subsequentism

Another way to respond to the Timing Problem is to claim that death harms the person who dies after she dies. This response is initially appealing because it also corresponds well with other cases of harm. Usually someone is worse off for some time after the harm event. If I break my leg, I am harmed while I am in pain and prevented from doing things I desire. As we have seen, it can be difficult to explain how my broken leg could harm me before I break it. The problem with subsequentism is also rather evident. It is deeply problematic to claim that

someone is harmed by her death after she dies when after she dies there is no her to be harmed; there is no person capable of being worse off.

The theory may be more promising, however, if a proponent of subsequentism can identify who or what exists after an individual's death. There are at least two ways to talk about a person after her death. We can refer to the ante-mortem person who once lived or the post-mortem body that continues to exist after her death. For example, we can refer to the ante-mortem Socrates, such as "Socrates was a philosopher," or we can refer to the Socrates' post-mortem physical self, such as "that decaying body smells bad." Claiming that Socrates' post-mortem body can be harmed is problematic. It makes as much sense to inquire whether a lifeless body can be harmed as it does to inquire whether a rock can be harmed. In order for a proponent of subsequentism to make a case for how someone can be harmed after her death she must explain how the person who existed before her death can continue to be affected by states of affairs that occur after she is dead.

Someone who adopts a holistic version of wellbeing may be able to explain how an individual can continue to retain some reality even after she no longer exists. For example, if determining whether someone lives a good life depends on her life's entire narrative and some of a life's narrative includes things that happen after her life is over, perhaps she still has a certain reality even after she no longer exists. In other words, people retain a certain reality even after they die because we can make reference to them relative to a particular time. Socrates is still is real in the sense that we can say things about the person he was when he existed, such as Socrates was a philosopher or spreading false rumors is bad for Socrates. There may be another sense in which someone retains some kind of reality after her death that is closely related to the one based on our ability to make reference to her as the person she was before her death. Many

people claim that a person exists after her death in the minds of the living or in the social context of those that continue living by retaining some social identity or reputation in a community.

It is unclear, however, how the Socrates, who is only real in the sense that people can make reference to him as existing in a particular time, as a memory, or as a reputation, can be the subject of a harm. Anything that can be good or bad for Socrates can only be good or bad for the ante-mortem Socrates; the Socrates that existed before his death. Even if slandering Socrates after his death is a harm for Socrates, it would be a harm to the Socrates that once existed. However, if a proponent of subsequentism tries to explain how things are harmful to someone after she dies by claiming that they can affect the wellbeing of the person who existed before her death, her version of subsequentism would collapse into a version of priorism. Since things can go better or worse for the ante-mortem Socrates who lived in ancient Greece whereas they cannot go better or worse for the post-mortem body of Socrates, the Socrates who is only real in the sense that he can be referenced in history, the Socrates in the memory of the living, or has a reputation, subsequentism is not a promising solution to the timing problem.

§4. Priorism

One of the most common solutions to the Timing Problem is to argue that a person is harmed by her death before she dies. The most appealing aspect of priorism is that it can easily account for the subject of the harm. If death harms the person who dies before her death then there is no problem with identifying the person who is worse off. The challenge that this response faces is to explain how an event can affect someone's wellbeing before it occurs. Although explaining how an event can affect someone's wellbeing before it occurs may be difficult, since priorism makes the harm of death conceptually possible by identifying a

wellbeing that may be affected by death, it is also one of the more promising solutions to the Timing Problem.

One appealing interpretation of priorism is offered in terms of the Desire Thwarting Theory. While someone is alive she has interests that correspond to certain desires about her future life. When someone with future categorical desires dies, the desires that she had while she was alive are frustrated. The person with the desires is worse off during those times when she had desires about future states of affairs that death frustrates. In his essay, "Harm to Others," Feinberg makes a similar defense of Priorism. He responds to the question of when someone is harmed by her death as follows:

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) he is playing a losing game, betting a substantial component of his own good on a doomed cause ... But insofar as this one important interest was going to be defeated (that is, was actually doomed), he was in a harmed state.⁶¹

A person is harmed before she dies because she is worse off during those times when she has a desire for a future state of affairs that will, on account of death, ultimately be unfulfilled.

However, defending priorism in terms of desire thwarting is problematic because it makes the harms of the Desire Thwarting Theory different from other cases of desire thwarting. For example, imagine someone forms a strong desire to ride her bike when she gets home. When she gets on her bike she immediately runs over a nail and punctures her tire. It seems odd to claim that she is worse off before her desire is frustrated, before she punctures her tire. This example highlights the difference between a harm event and the time when someone is worse off because of the event. It seems that in most cases a person is worse off, if she is worse off, at the

⁶¹ Joel Feinberg, "Harms to Others," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 187. For a similar argument see, George Pitcher, "The Misfortunes of the Dead," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 159-168.

time of or a time following the event responsible for the harm, such as the event of desire frustration. The defense of priorism in terms of desire thwarting is unconvincing because it conflicts with our intuitions about other cases of desire thwarting.

The explanation for how someone can be made worse off before her death in terms of the Deprivation Theory is susceptible to a similar objection. Normally we think a person is worse off at the time of, or the time following, a deprivation. For example, imagine that someone who deeply enjoys sporting events buys a ticket to watch her favorite team. On the way to the sporting event, however, her ticket is stolen. Once again, it seems odd to argue that her wellbeing is lower during the time leading up to having her ticket stolen. Some may even argue the opposite. She may be better off due to feelings of anticipation and excitement while waiting to attend her sporting event. Since the time when someone is worse off in cases of deprivation occur at the time of the deprivation or the time following the deprivation, priorism and the Deprivation Theory appear incompatible.

Someone who accepts a holistic version of wellbeing, however, may have a suitable explanation for how events that occur at an individual's death can affect the wellbeing she had while she was alive. If determining whether someone lived a good life must be done in light of her life's entire narrative, then her death event or even events after her death impact our judgments regarding her life as a whole. For example, imagine someone who puts a great deal of effort into establishing a trust fund to give to her children. She makes numerous sacrifices to save money for the trust fund, such as not eating out at her favorite restaurants and living without things she desires such television and Internet. She wants her children to use the trust fund to travel because she believes that seeing the world is an essential component of a good life. After her death, however, her children are swindled out of their inheritance and never attain the means

to travel the world. Someone with a holistic conception of wellbeing would argue that the person who sacrificed and saved to establish a trust fund for her children is made worse off when her children are swindled out of the trust fund. If this is correct, then the desirability of a person's life is influenced by the success of her projects even if her projects include states of affairs that obtain after her death.

In his essay "The Misfortunes of the Dead," George Pitcher makes a similar case for priorism⁶². Pitcher asks us to consider the case of Bishop Berkeley and his son William in three different ways. In the first case, Berkeley has a strong desire that his son not die young, but is aware that his son will soon die at the age fourteen due to a rare allergy to a certain virus. Although knowing that his son will soon die is a misfortune for Berkeley, Pitcher argues that the actual death of his son is a misfortune because it conflicts with one of his important interests. In the second construal of the case, Pitcher asks the reader to imagine that Berkeley held all of the same desires but was unaware that his son will soon die at a young age. Pitcher argues that this is still a misfortune for Berkeley. Pitcher claims:

"But surely if his friends knew, though Berkeley did not, that his son was fated to die young, they would have felt very sorry for Berkeley—and not just because there would eventually be the tragedy of his son's death, but also because then (i.e., before his son's death) there was a grave misfortune in Berkeley's life."⁶³

Finally, imagine that all the aspects of the scenario are the same except that Berkeley dies before his son. Pitcher argues that although Berkeley's son dies after Berkeley himself has already died, Berkeley still suffers a misfortune while he was still alive as a result of his son's young death.

Pitcher claims that:

⁶² George Pitcher, "The Misfortunes of the Dead," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993), 166-167.

⁶³ Ibid.

The early death of the boy means, as it meant in the original example, that during the time before his death there was a misfortune in the lives of all who cared strongly about William—the misfortune, namely, that William was going to die young. For the part of this time that Bishop Berkeley was still alive, he was obviously one of those who had that misfortune (whether or not he knew that William was to die young). So the shadow of harm that an event casts can reach back across the chasm even of a person's death and darken his ante-mortem life.⁶⁴

With a more holistic version of wellbeing, an individual's death, and events that occur after her death, can affect our judgments about how well her life went overall.

Someone may object to the third construal of Pitcher's scenario by arguing that since the events occurred after his death, they could not affect his wellbeing because he no longer exists. This objection may be closely tied to concerns about non-experiential harms. It is difficult to claim that Berkeley is worse off by something that does not enter into his experiences. Another closely related concern is whether making someone worse off by affecting her life's narrative is analogous to making someone worse off by affecting her experience in some way. These concerns address potential problems with the holistic version of wellbeing that makes priorism possible. I will review some of these concerns in a later section regarding holistic and non-holistic theories of wellbeing. If someone is willing to assume a holistic version of wellbeing, then priorism is a viable solution to the Timing Problem.

§5. Eternalism

Another way to refute the second premise is to argue that death harms the person who dies eternally. To assert that a person is harmed eternally by her death means she is harmed by her death before, during, and after her life. This response seems immediately problematic. If all harms are eternal, then breaking my leg snowboarding harms me not only when I am in pain, but

⁶⁴ Ibid., 167.

also before I was born and after I die. This consequence makes the position seem strongly counterintuitive. There are some philosophers, such as Feldman, who defend eternalism. He argues that to say x harms someone means that the value for her of the nearest world where x occurs is lower than the value for her of the nearest world where x does not occur. Since a harm is determined by the relationship between two possible worlds, and the relationships between the actual world and the nearest possible world where x does not occur is eternal; whenever someone is harmed, they are harmed eternally.⁶⁵

Feldman's claim that the harm of death is eternal is initially unconvincing because he does not seem to answer the central question posed by the Timing Problem. His response answers the question, "at what time is the fact that a person is harmed by her death obtain?" Suppose I am harmed when I break my leg snowboarding on February 23rd 2011. Feldman may be right that the fact that the harmful event occurred on February 23rd 2011 obtains eternally, but the Timing Problem is concerned with trying to identify the time when a person who dies is actually worse off as a result of her death and not trying to identify the time when the fact that a person is harmed by her death obtains.⁶⁶

Eternalism, however, may be more convincing if we once again adopt a holistic theory of wellbeing. According to a holistic theory of wellbeing, something harms someone in relation to her life's narrative. A proponent of eternalism would agree with Pitcher when he argues that Berkeley is made worse off before his son's death because before his son's death there was a grave misfortune in Berkeley's life; he is living a life where one of his main interests will be unfulfilled. If our main concern is how events affect the narrative of Berkeley's life, then the fact

⁶⁵ Feldman, "Puzzles About the Evil of Death," 321.

⁶⁶ Lamont and Bradley give similar arguments against Feldman's defense of eternalism. Julian Lamont, "A Solution to the Puzzle of When Death Harms its Victims," *Australian Journal of Philosophy* 76, no. 2 (1998): 199-201. Bradley, *Wellbeing and Death*, 85.

that it includes his son's death obtains not only when he is alive but before his birth and after his death. The proponent of eternalism can argue that the holistic theory of wellbeing that makes priorism possible also undermines the theory because the relationship between a person's actual narrative and her narrative in another possible world is a relationship that lasts eternally.

Berkeley is harmed before, during, and after his death by his son's death because the fact that Berkeley will live a life where his son dies is a fact that obtains eternally. Although eternalism may make common instances of harm seem strange, if one is willing to assume a holistic conception of wellbeing, then eternalism may be a possible solution to the Timing Problem.

§6. Indefinitism

Finally, a proponent of indefinitism argues that someone is harmed by her death at an indeterminate time. To fully understand the solution proposed by indefinitism, it is important to distinguish between something not happening at any particular time and something not happening in time. When something does not happen in time, or is timeless, it must be thought of as occurring outside of time. The phrase "outside of time" should be understood in a metaphorical sense for an event that cannot be described temporally. When something does not happen at any particular time, however, that thing still happens in time but cannot be identified as occurring at any particular time. One example of an event that occurs in time but cannot be identified as occurring at any particular time is a person going bald. Imagine a scenario where a man slowly loses his hair until he becomes hairless. Although it is difficult to identify the particular moment when the man went bald, he clearly did go bald and the balding process occurred in time. Other examples might include the transition from day to night or Theseus' paradox. Perhaps a proponent of indefinitism claims that asking when a person is made worse off

by her death is like asking when the man went bald. They both happen in time but cannot be identified as occurring at any particular time because going bald and being harmed by death do not occur at any particular time.

If going bald is an appropriate analogy with the harm of death, then indeterminism might not be a promising solution to the timing problem. Suppose going bald cannot be located at any particular time. What does this really mean? The interpretation that is most useful to the indeterminist is that it is impossible to locate a particular time when someone goes bald between the time when someone has hair and the time when someone does not have hair. If this interpretation is correct, then although the moment when someone goes bald cannot be precisely located in time, it can be located in a general time frame. After all, it would seem strange to argue that since the exact moment when someone went bald cannot be located, we are in no position to say that it occurred some time after he started losing his hair and some time before he is completely hairless. If the harm of death is like going bald in this respect, then we should be able give a general time frame for when someone is made worse off by her death. The general time frame would have to involve the time before death, at death, after death, or some combination of the three. If this is correct, then indefinitism is only true if one or more of the other responses are true.

A proponent of indefinitism might argue that the harm of death is unlike going bald because we cannot give a general time frame for when someone is made worse off by her death as easily as the general time frame for when someone goes bald. The proponent of indefinitism might claim that the most precise determination for when someone is made worse off by her death is that it occurs in time. Even if this is true, the proponent of indefinitism would still have to admit that if the general time frame for the time when someone is made worse off by her death

is in time, it must include a combination of the time before her death, at her death, and after her death. In other words, even if the general time frame when someone is made worse off by her death can only be identified as occurring in time, this general time frame would still be made up of the previous alternatives. Claiming that the general time frame when someone is made worse off by her death cannot be expressed in terms of one or more of these responses would be analogous to saying that the harm of death does not occur in time and that the first premise of the Timing Problem is untrue.

Although indefinitism is sometimes considered a unique response for identifying when someone might be worse off as a result of her death, it ultimately collapses into one or more of the previous four solutions. Even if the time when someone suffers the harms of death cannot be precisely located, if the person is worse off at some time, it must be before death, at death, after death, or some combination of the three. Perhaps indefinitism claims that even though the solution to the Timing Problem is one or more of the previous four responses, we cannot identify which one it is. If this is correct, then indefinitism is still only true if one or more of the other responses are true. If someone cannot be made worse off in time (before, during, or after her death), then indefinitism is untenable. Thus, indefinitism is a viable alternative to the Timing Problem if one or more of the other solutions are possible.

§7. Concerns with Premise One

If none of the previous solutions for when a person could be worse off as a result of her death are persuasive, then the Timing Problem can only be successfully refuted by undermining the first premise. Claiming that all harms are a harm for someone at some time seems

uncontroversial because most instances of harm can be easily dated, or located in time.⁶⁷ For example, recall the scenario where I break my arm snowboarding. Identifying when the harm event occurred and the time when I am worse off is rather straightforward. The harm event occurs when I break my arm and it is a harm for me, or I am worse off, during those times when I am experiencing pain or prevented from participating in activities I enjoy. Unfortunately, since after a person's death she no longer exists, the time when she is worse off cannot be as easily located.

One response to the first premise is to assert that there are some harms, such as the harms of death, that cannot be located in time or are timeless. Without further support, this response seems unpersuasive for two main reasons. One reason that the reply seems unpersuasive is it appears to be self-contradictory. If a harm event is understood as an event that makes someone worse off, then a person being made worse off appears to be a necessary condition for a harm. If we assume that a harm event occurred yet claim there is no time when someone is worse off by the event, then it seems like we must conclude that there was no harm event. Another, closely related concern, is whether death is the only case of a timeless harm. Claiming that death is the only case of a timeless harm may make the harm of death strange since it would be the only harm of its kind. If there were cases of timeless harms other than death, however, then claiming that death is a timeless harm would be less concerning.

What does it mean to say that someone is harmed by her death but the time when she is worse off cannot be located? There are many ways to interpret this claim. One interpretation is that although someone is made worse off by death, the time when she is worse off cannot be precisely located. In other words, we may know the general time when someone is made worse

⁶⁷ I use the term 'date' to mean locate in time. For example, claiming some event is datable means that the event can be identified as occurring at a time.

off by death but it is difficult to identify the exact boundaries that mark the beginning and end of the time when she is made worse off. Another interpretation may be that although there is a time when a person is made worse off by her death, there is no way for us to identify what that actual time is. Showing that the time when someone is made worse off by her death cannot be located according to the previous two interpretations, however, does not undermine the first premise. The first premise, which states that anything that harms someone must be a harm for her at some time, can only be undermined if one could show that someone can be harmed by an event yet at no time be worse off because of that event. Is there any way to conceive of this seemingly self-contradictory timeless harm?

My strategy for determining whether timeless harms are possible and whether death is an example of a timeless harm is to review the most common examples of timeless harms. Although showing that none of the most common supposedly persuasive examples of timeless harms are defensible would not prove that timeless harms do not exist or that they are not conceptually possible, it would provide a good reason to be suspicious. An advocate of timeless harms may be able to provide a convincing example of a timeless harm, but if the most common examples were problematic or unconvincing, then the burden of proof would rest on the advocate to provide a viable example.

The first attempt to identify a case of a timeless harm I will review is made by Bradley. Bradley's scenario involves an individual named Andy who plans on flipping a coin to decide whether he will get married. Right before flipping the coin, however, he suffers a brain injury that results in him living a mediocre life. Although the coin flip was never made, Bradley asserts that Andy's life could have gone two different ways. If the coin had landed heads up, Andy would have lived a certain life; call it L1. In L1, Andy would have gotten married and lived ten

years of extreme happiness followed by ten years of moderate unhappiness. If the coin had landed heads down, Andy would not have gotten married and he would have lived ten years of moderate unhappiness followed by ten years of extreme happiness; call this life L2. Andy would prefer to live both lives when compared to his actual life because each possible life contains more goods than his actual life. As a further assumption, imagine that there was no way to predict which way the coin would have landed. Bradley argues “It would seem that given these assumptions, there is no time such that we can say that Andy’s injury is bad for him at that time. At any given time, there are two ways his life could have been going, one good and one bad.”⁶⁸

Bradley’s case of a timeless harm is unconvincing. It may be true that there is no individual moment when Andy is worse off as a result of his brain injury, but why assume that we have to locate harms in an individual moment rather than a period of time. If I break my arm snowboarding, I may be better off for a small period of time because I get to skip school and play video games. However, if my broken leg prevents me from enjoying significant benefits, such as snowboarding for the rest of the season, I may be worse off overall even if it benefits me at small moments. Similarly, if Andy’s life would have gone better overall had he married either woman, then we can identify the time when he is worse off; he is worse off during the period of time after his brain injury.⁶⁹

Although Bradley’s case of a timeless harm may be unpersuasive, Nagel may provide a more convincing case. Nagel has the reader imagine an intelligent person who suffers a serious brain injury that reduces her to the mental condition of a contented infant whose happiness

⁶⁸ Ben Bradley, *Wellbeing and Death* (Oxford: Clarendon Press, 2009), 76-77.

⁶⁹ Bradley anticipates this objection to his example of a timeless harm but still considers identifying death as a timeless harm a viable alternative. Without giving a persuasive response to this objection, however, I believe asserting that death is a timeless harm is unconvincing.

consists in a full stomach and a dry diaper. He argues that, like the harm done to the person who dies, it is difficult to locate the time when the intelligent individual is harmed by her brain injury. Before the brain injury the intelligent person is living a good life, and after the injury the individual is happy and content. Nagel advances his argument by claiming:

[She] does not mind h[er] condition. It is in fact the same condition [s]he was in at the age of three months, except that [s]he is bigger. If we did not pity h[er] then, why pity h[er] now; in any case, who is there to pity? The intelligent adult has disappeared, and for a creature like the one before us, happiness consists in a full stomach and a dry diaper ... If we apply to death the account suggested for the case of dementia, we shall say that although the spatial and temporal locations of the individual who suffered the loss are clear enough, the misfortune itself cannot be so easily located ... Nevertheless if there is a loss, someone must suffer it, and he must have existence and specific spatial and temporal location even if the loss itself does not.⁷⁰

Nagel argues that there are some cases, such as cases of severe brain injury and dementia, where the person who suffers a harm can be located in time but the time when she is worse off cannot.⁷¹ His alternative example, however, may not be sufficiently different from cases of death to provide the independent support he intended. An advocate of the first premise may point out that Nagel's example of the intelligent individual suffering severe brain damage is analogous to the death of the intelligent individual. In other words, if we are to understand that the intelligent individual no longer exists after the brain injury, then suffering the injury is analogous to her death. If this is the correct interpretation, then the example is equally susceptible to the Timing Problem. When is the intelligent person worse off? Before the injury she has not yet suffered a harm and after the injury she no longer exists.⁷² On the other hand, if we are to understand that the intelligent individual still exists after the brain injury, then it is not difficult to identify when

⁷⁰ Nagel, "Death," 66-67.

⁷¹ It is possible that Nagel is advancing a case where the time at which the brain injury patient is harmed by her injury is difficult to locate or can only be located in a time with no clear boundaries. If one favors this reading of Nagel than she would also agree with my final conclusion, that his scenario it is not an example of a timeless evil.

⁷² Similar objections to Nagel's examples of timeless evils are made by Ben Bradley, *Wellbeing and Death*, and Martha Nussbaum, *The Therapy of Desire* (Princeton: Princeton University Press, 2004).

she is worse off, if in fact she is worse off. She is worse off after the injury when she has significantly reduced mental abilities.

Although writers frequently cite Nagel's brain injury scenario as an example of a timeless harm, Nagel provides other cases that may be more promising. Recall Nagel's argument that there are many misfortunes, such as betrayal, that might befall someone without being experienced. Many people share the intuition that it is a misfortune for someone to be betrayed even if she never discovers the betrayal. For example, imagine that you discover that your good friend's husband is being unfaithful. Would you continue to believe that your friend has suffered a misfortune even if you had good reason to believe that she would never find out? Suppose your friend dies without ever finding out that she had been betrayed. Would you believe that her husband's infidelity did not make her worse off in any way because she never discovered his infidelity? If she is made worse off by the infidelity, at what time is she actually made worse off? People's intuitions may be pulled in different directions. If one believes that a person's wellbeing is not affected by anything unless it enters into her experience in some way, then these cases of non-experiential harms will be unpersuasive. On the other hand, those who believe that a person can be made worse off by states of affairs that never enter into her experience, such as betrayal, may have a hard time identifying when the person is actually made worse off.

One response to the case of betrayal, from the point of view of the Desire Fulfillment Theory, is to claim the person is worse off during those times when she desires that her husband be faithful and her husband is in fact unfaithful. However, if the state of affairs does not enter into the betrayed person's experience, it is hard to explain why someone is made worse off during the time of the harm event rather than any other time. Although it is true that a person's desire that her husband be faithful is frustrated at the time when her husband is being unfaithful,

even if she does not have any knowledge of it occurring, is there good reason to believe that her wellbeing is affected more at that moment than any other time? This objection is an example of the problem of non-pertinent desires levied against desire fulfillment theories of wellbeing discussed earlier. If we assume a desire fulfillment theory of wellbeing, it is difficult to explain how simply having a desire that some state of affairs in the world be true when in the actual world it is false can affect an individual's wellbeing when the agent is unaware of the discrepancy. In other words, how can the thwarting of my desire that my husband be faithful when I make my wedding vows or the desire that a stranger succeed in his future endeavors affect my wellbeing if my husband's infidelity or the stranger's failure never enter into my experience in any way? Furthermore, if it does affect her wellbeing, why does it affect her wellbeing at the moment of her husband's infidelity or the moment of her desire as opposed to the time before or after the betrayal? Perhaps an advocate of the desire fulfillment theory of wellbeing can give adequate answers to these concerns, but until this answer is offered the solution to when the person is made worse off is difficult.

This concern would also apply to deprivation accounts of wellbeing as well. Suppose someone believes that honesty and fidelity are part of a good life. Someone could be deprived of this aspect of a good life even if she is never aware that her spouse is unfaithful. It is difficult to see how the mere fact that her spouse is unfaithful affects her wellbeing if the deprivation does not enter into her life in any way.

One possible explanation for when a person is worse off by something she never experiences is to claim that her life went worse overall because she lived a life where she was betrayed as opposed to a life where she was not betrayed. Someone who assumes a holistic conception of wellbeing, where certain states of affairs are considered harmful or beneficial in

relation to her life as a whole, might use this response. If holistic versions of wellbeing are tenable then the time when someone is worse off due to non-experiential harms is not as perplexing; the person is harmed while she is living a life where she is betrayed. If someone does not find holistic versions of wellbeing or desire fulfillment theories of wellbeing defensible then dating a non-experiential harm would be difficult. She might have to admit that non-experiential harms are not possible or that they are timeless. Although holistic versions of wellbeing help date supposed non-experiential timeless harms and undermine the first premise, as seen earlier, adopting a holistic version of wellbeing may also undermine the second premise by solving the Timing Problem; they can identify a time at which death is a harm for the person who dies.

Claiming that the harm of death is timeless is initially concerning because normally the time when someone is made worse off by a harm is straightforward. However, some philosophers defend the claim that death is a timeless harm by citing examples of timeless harms that do not involve death. Many of these examples do not hold up to close scrutiny. Non-experiential harms might be the most difficult harms locate in time. The most promising strategy for locating non-experiential harms in time commits one to a holistic theory of wellbeing. If holistic theories of wellbeing are unpersuasive, then there is good reason to accept that non-experiential harms do not exist or that they are examples of timeless harms. Although arguing that the most common examples of timeless harms are not defensible does not prove that timeless harms do not exist or that they are not conceptually possible, it does shift the burden of proof to those who believe timeless harms are possible to provide a more convincing example.

§8. Holistic and Non-Holistic Conceptions of Wellbeing

Since some solutions to the Timing Problem rest on our ability to accept or reject a

holistic theory of wellbeing, it is important to articulate the difference between holistic and non-holistic theories of wellbeing. There are some theories of wellbeing that claim that we can determine whether certain states of affairs harm someone by determining how it impacts her wellbeing without relating the affairs to the complete narrative structure of a her life. These versions of wellbeing match many people's intuitions well and most of the obvious cases of harm have been illustrated in terms of these theories of wellbeing. For example, recall the example of me breaking my arm snowboarding. Breaking my arm snowboarding harms me because it makes my life go worse than it would have gone absent the break for some period of time. The break harms me because it causes me to suffer pain and miss out on activities that I would have enjoyed participating in, such as more trips to the mountain to snowboard. When my arm heals, the pain stops, and I resume my normal activities, the break to my harm ceases to be a harm to me.

These theories of wellbeing can be contrasted with more holistic theories of wellbeing, such as the holistic versions alluded to earlier. Some holistic conceptions of wellbeing hold that we can only determine whether something is good or bad for someone in relation to the narrative of a person's life, and in some cases what happens after she dies. For example, breaking my arm may cause me to miss out on some activities and suffer pain; but if it somehow motivates me to live a more virtuous life, it may ultimately promote my wellbeing instead of causing me harm. Some of these holistic conceptions also claim that a feature of life can affect one's wellbeing without being experienced. There are certain features of life, such as acting virtuously or being loved by her family, that promote her wellbeing regardless of her awareness of them. For example, a good life consists of being loved by her family rather than simply having the experience of, or having the false impression of, being loved by her family. Being betrayed

causes her life to go worse even if she never discovers that she has been betrayed.

Each of these separate theories has their own strengths and weaknesses. One concern with holistic theories of wellbeing is that their notion of harm is somewhat different than the common notion of a harm. Ordinarily, harm is understood as something that causes a person's life to go worse than it would have gone had that event not occurred from the perspective inside the person's life. When I claim ordinary cases of harm occur from "the perspective inside the person's life" I am referring to states of affairs that in some way affect the person's experience, such as pain, pleasure, or disappointment. There are some examples of harm, such as non-experiential cases, however, that require that we go outside the lived perspective and adopt some outside perspective. For example, recall the case where someone is betrayed by her spouse yet never discovers that she has been betrayed. We need to take an outside perspective that reveals the way the actual world really is to make sense of these harms. According to the desire fulfillment theory, it is simply the discrepancy between a person's desires and the actual world that constitutes a harm. Similarly, if fidelity is an essential component to living a good life, then once again it is simply the fact that person's narrative involves betrayal constitutes a harm. This aspect of holistic theories of wellbeing may be problematic for a couple reasons. One reason it might be problematic is that, as Feldman points out, since the harm is determined by the relationship between the actual world and some possible world and the relationship between the worlds is eternal, whenever someone is harmed, she is harmed eternally. Claiming that every event that harms me harms me eternally seems counterintuitive.

Another, closely related concern with the claims of holistic theories of wellbeing, is whether harms that enter into my experience, such as the experience of pain or desire frustration, are more significant than harms that can only be understood from an outside perspective. Is it

less harmful to be betrayed and never discover the betrayal? Intuitions may be pulled in different directions depending on specific scenarios, but this aspect of holistic theories of wellbeing could have a large impact on understanding the harm of death. For example, we may view the harm of death differently if we conclude that the harm of death can only be understood from an outside perspective while harms that enter into one's experience are in some way more significant. Alternatively, someone may argue that harms that can only be known from an outside perspective can be more significant than those that can be experienced. For example, someone may consider her spouse's fidelity to be more important than most things that enter into her experience, even if his infidelity would not enter into her lived perspective.

There may also be practical concerns with holistic theories of wellbeing. Non-holistic versions of wellbeing allow us to determine whether someone is harmed or benefited without having to wait until her entire life has been lived. It is a large concession to admit that we cannot determine whether the breaking of my arm harms me until after I die. These non-holistic versions of wellbeing are also helpful in many practical senses. For example, holding people responsible for their actions requires that we make judgments whether someone was harmed by a state of affairs without waiting for their entire life's narrative to play out. Important aspects of our society, such as the court of law, require that we determine if someone is harmed and who is responsible. These evaluations would be long-delayed if we could not determine whether someone is harmed by a certain state of affairs until after her death. Some may argue that the objection goes even further. If events that occur after someone's death can affect whether certain states of affairs are harmful to the person who dies, then we cannot determine whether the states of affairs are harmful until some time after her death. If someone punches me in the face for no reason, I would like to be able to claim that I was harmed without having to wait until some time

after my death.

Holistic versions of wellbeing, however, may have an adequate response to these objections. Although there may be a common desire to be able to determine whether being punched in the face for no reason is a harm without having to wait for an extended life's narrative to play out, we also have a strong intuition that the long term consequences affect whether the punch is ultimately harmful. For example, imagine that being punched in the face causes a person who previously had a difficult time controlling her emotions to develop an aversion to violence. This event causes the victim of the punch to develop better control over her emotions and ultimately results in her living a better life. If there is good reason to believe that being punched in the face for no reason helped promote these positive virtues, we would have good reason to claim that being punched in the face made her life go better overall. This conclusion makes sense if we distinguish between something that is a prima facie harm and something that is a harm when all things are considered. Something is a prima facie harm when it, in at least one sense, causes someone's life to go worse than it would have had it not occurred but may potentially have other beneficial consequences. A state of affairs is an all things considered harm if someone is made worse off by the state of affairs after all the consequences of that state of affairs are considered.

The distinction between a prima facie harm and an all things considered harm might help resolve the practical limitations of holistic conceptions of wellbeing as well. The person who punches someone in the face for no apparent reason can be held accountable even if the victim is ultimately benefited rather than harmed by the punch. If the puncher has no good foreseeable reason to believe that punching someone in the face will make her life go better and good reason to believe it make her life go worse, she can still be held accountable; even if the punch makes

her life go better due to the unforeseeable consequences.

Assuredly there is more to consider concerning the strengths and weaknesses of these different theories of wellbeing. It is important to note, however, that strategies for identifying when someone is made worse off by her death may depend on adopting one of these theories and rejecting another. Thus, the persuasiveness of the separate accounts for when someone is made worse off by her death will depend on her ability to accept and defend the theory of wellbeing that she assumes.

§9. Conclusion

Solving the Timing Problem can be accomplished if we can refute one of its two premises. Accepting the first premise, that anything that harms someone must be a harm for her at some time, is initially uncontroversial because in most cases where we believe someone is harmed we can easily identify when she is made worse off. This intuition is supported by the fact that it is difficult to identify instances of timeless harms that do not involve death. Perhaps the most promising examples of timeless harms that do not involve death are non-experiential harms, such as instances of betrayal. Even in these cases of harm, there is good reason to believe that there is a time when someone is made worse off. Claiming that the time when someone is made worse off by non-experiential harms is indeterminate or difficult to locate is still admitting that there is a time when she is worse off. Some conceptions of wellbeing, such as holistic versions of wellbeing, may be able to help identify the time when someone is worse off as a result of non-experiential harms and perhaps even a time when someone is worse off as a result of her death.

Undermining the second premise by identifying the time when someone is made worse off by her death is challenging. Perhaps the most promising solutions to the Timing Problem are

priorism and eternalism. The most serious difficulty with priorism, which claims death is a harm for the person who dies before her death, is to explain how something can affect an individual's wellbeing before it actually occurs. The largest concern with eternalism is to explain how something that never enters into someone's experience can not only affect her wellbeing before it occurs, but how it can harm her at all times. These concerns with both priorism and eternalism can be largely met if we assume a holistic version of wellbeing where the complete narrative of an individual's life is needed to determine whether something adds or detracts from her wellbeing. Assuming a certain holistic theory of wellbeing, however, is also subject to a variety of concerns. I have reviewed a few major concerns with the theory of wellbeing that makes priorism and eternalism possible. One concern is that a holistic theory needs to admit that things that never enter into one's experience can affect her wellbeing. The holistic theory also makes identifying a harm difficult because determining whether something harms someone can only be done in light of her whole narrative structure. Ultimately, the persuasiveness of priorism and eternalism depends on one's ability to accept and defend a theory of wellbeing that makes it tenable.

Conclusion

After reviewing the two most promising theories for justifying our intuition that death is a harm to the person who dies, I have argued that our ability to determine whether an individual is harmed by her death is limited and requires us make some contestable theoretical commitments. Out of the two major theories that attempt to explain why death harms the person who dies, the Desire Thwarting Theory is the least persuasive and involves the most problematic theoretical commitments. The Desire Thwarting Theory claims that death harms the person who dies when it frustrates certain forward-looking desires. One major concern with the Desire Thwarting Theory is whether death actually thwarts a person's desires or simply erases them. If someone is not made worse off when her desires change and having one's desires erased is not relevantly different than a change in an individual's desires, then death would not make a person worse off by erasing her desires. I ultimately argue that this objection can be defused if we accept that something thwarts an individual's desire when it prevents the fulfillment of a desire that she does not or would not voluntarily abandon.

The Desire Thwarting Theory also relies on defending certain theories of wellbeing. One major premise of the theory is that a person is harmed when a certain set of her desires are thwarted. People object to desire fulfillment theories of wellbeing for a number of reasons and I addressed two major concerns. One concern with the Desire Fulfillment Theory of wellbeing is how to restrict desires that affect an individual's wellbeing to only those that are connected to the lives of the agent who possesses them, or the problem of non-pertinent desires. Unfortunately, none of the most popular strategies for solving the problem of non-pertinent desires are successful. Another main concern is with the fact that people have desires whose fulfillment seem to conflict with their wellbeing. This concern is met by adopting an informed desire

fulfillment theory that claims that people are made worse off by the frustration of some idealized version of a desire, such as fully informed and rational desire. Although an informed desire account of the Desire Fulfillment Theory is a promising solution to the objection that people seem to have desires that conflict with their wellbeing, it raises another problem. According to an informed desire account of the Desire Fulfillment Theory, death never harms the person who dies because she is never worse off when death frustrates a fully informed and rational desire. Ultimately, one of the most problematic theoretical commitments to accepting the Desire Thwarting Theory's account for why death is a harm for the person who dies is adopting a plausible Desire Fulfillment Theory of wellbeing that does not undermine the Desire Thwarting Theory.

The most persuasive theory that explains why death harms the person who dies is the Deprivation Theory. The strongest version of the Deprivation Theory justifies our intuition that death is a harm by comparing an individual's life in the actual world with her life in another possible world where she does not die when and how she did. The Deprivation Theory's ability to explain why a person is harmed by her death is limited by its comparative nature. Although there is only one actual world where a person dies when and how she does, determining what hypothetical life, or possible world to compare to the actual world is more difficult. There are some general strategies that we can use to help us decide which hypothetical life to compare to the actual world. I have argued that we should compare a person's actual life to the life she does not die when and how she did to a world where she ultimately dies from another cause rather than other possible comparisons, such as a world where she lives indefinitely, because it accounts for other intuitions we have about the harms of death, like the belief that sometimes suicide is rational and euthanasia justified. I also argue that a person's actual life should be

compared to a hypothetical life in the nearest possible world, or a world that is most similar to the actual world. Even with these general strategies, given the problem of specifying the antecedent, I conclude that the Deprivation Theory cannot give a single determination of whether death is a harm to the person who dies.

Although this seems like a shortcoming of the Deprivation Theory, I argue that deciding which hypothetical life to compare to an individual's actual life is determined by the context of the discussion. Since I assume the common intuition that death is a harm for the person who dies and attempt to defend the intuition, the context of the question "why is x harmed by her death" is determined by the aim and strategy of my essay. In this context, it is clear that some contrast-classes, such as opposed to not dying when and how she did and dying from some other cause later in life, are of greater interest than other contrast-classes that may not explain why people have the common intuition that death is a harm for the person who dies. Recognizing how the context influences which contrast-class is of most interest helps solve the problem of specifying the antecedent and explains why the Deprivation Theory's inability to give a single context independent determination whether death is a harm for the person who dies is unproblematic. Given the context of the question, the Deprivation Theory can explain why death is a harm for the person who dies.

Perhaps the most problematic theoretical commitment that one needs to make to accept both the Deprivation Theory and the Desire Thwarting Theory's justification for the intuition that death is a harm to the person who dies is related to the Timing Problem. Identifying the time when someone is worse off because of her death is difficult. One strategy for solving the Timing Problem is to argue that the harm of death is unique because someone is made worse off by her death, but not worse off at any time. One could make this theoretical commitment more

convincing if she could identify other cases of timeless harms. After reviewing the most common examples of timeless harms, however, I argue that this option is not persuasive because none of the most common examples of a timeless harm is convincing.

The most promising solutions to the Timing Problem are priorism and eternalism. Priorism is an appealing solution because, unlike many other solutions, it identifies a person with a wellbeing that could be made worse off by death. However, priorism is problematic because it claims that a person can be made worse off before a harm event occurs. Eternalism is another potential solution to the Timing Problem. According to eternalism, a person is made worse off by her death eternally. Eternalism faces problems that are similar to priorism. It claims that all harms, even ordinary cases of harms, make a person worse off before, during, and after her life. The concerns with both of these theories can be largely met by adopting a holistic theory of wellbeing. Therefore, priorism and eternalism are only as persuasive as a holistic version of wellbeing that makes them possible.

Ultimately, the Deprivation Theory can justify the common intuition that death is a harm to the person who dies. The Deprivation Theory, however, relies on our ability to commit to a solution to the Timing Problem. If someone does not find the argument for priorism or eternalism tenable, she would have to commit to and defend one of the other potential solutions to the Timing Problem or accept that death is a timeless harm. The Deprivation Theory does not involve many other controversial theoretical commitments. One must believe that a deprivation can be considered a real loss and that it is unproblematic that the theory cannot provide a single evaluation of whether death is a harm for the person who dies. Given the context of the discussion, we can say yes, the Deprivation Theory can justify the intuition that death is a harm to the person who dies.

The general conclusion that death can be a harm for the person who dies may not seem novel or surprising, especially since the position is rather common. Adopting the more specific conclusion that the Deprivation Theory, along with a few contestable theoretical commitments, does the best job justifying the intuition that death is a harm for the person who dies, however, is practically important for a number of reasons. Perhaps the most surprising consequence of the conclusions of this essay is that the most persuasive justification for the common intuition that death is a harm for the person who dies involves adopting a holistic version of wellbeing. Although a holistic version of wellbeing helps solve the Timing Problem, it also commits someone to some problematic and counterintuitive conclusions about harm. Someone committed to a holistic version of wellbeing believes that someone can be made worse off by something that never enters into her experience. Some might find expanding the notion of harm and wellbeing to include things that never enter into someone's experience problematic. For example, spreading a rumor that ten years ago my high school friend Mitch cheated on his ACT's does not seem to harm him, especially if the rumor does not affect his life experiences in any meaningful way.

A holistic theory of wellbeing might make the notion of harm and wellbeing even more inclusive than previously stated. If something is a harm when it conflicts with a person's life narrative in a certain way, regardless of that individual's experience, then someone could be harmed by events that occur before her birth and after her death. For example, suppose the pain and suffering of loved ones detracts from someone's wellbeing. Imagine that a woman suffers a painful bone fracture ten years before giving birth to her child. It seems odd to claim that the child is harmed by her mother's bone fracture when her fracture occurs ten years before the child even exists. Similar counterintuitive cases can be made for events that occur after an individual's death.

Finally, a holistic version of wellbeing would make identifying harms difficult. As discussed earlier, it seems odd to argue that we cannot know whether someone is harmed by an event until after her life's narrative is played out. If a person's narrative includes events that occur beyond the limits of her life, identifying harms would be even more difficult. Ordinarily, when we try to determine whether some event causes harm the short term and long term consequences do matter. For example, even if a punishment, like a fine or community service, causes a small amount of suffering, the small amount of suffering can be beneficial if it leads to more positive consequences in the long run. It seems problematic, however, to argue that determining whether an event harms someone can only be done in light of a person's entire life's narrative. It seems even more problematic to argue that determining whether an event harms someone can only be done with respect to a narrative that extends far beyond the limits of her life.

Although some people might find these conclusions satisfactory, they will undoubtedly strike others as strongly counterintuitive. If someone finds these concerns with a holistic version of wellbeing unacceptable and intractable, she would have to defend a solution to the Timing Problem that does not involve a holistic version of wellbeing or admit that a person is not harmed by her death.

Perhaps the most useful application of the finding of this essay is to help us determine how death affects other living organisms. Although many people share an intuition that death is a harm for a person who dies, intuitions about whether other living organisms are harmed by death are less consistent. One fitting example of an issue where people's intuitions clash about whether death harms the organism that dies in abortion. Understanding what makes death a harm for the person who dies might offer insights into if or why death harms an embryo. If death is a harm to

the person who dies because it deprives her of the goods she would have enjoyed had she not died, it seems reasonable to argue that an organism would incur a greater harm dying in its embryonic stage of life as opposed to a time later in life because dying earlier would deprive the organism a greater amount of potential future goods. Clearly, the various debates concerning abortion are complex and even if someone did conclude that death is a harm for the embryo that dies, she would not necessarily be committed to a position regarding the morality of abortion. Coming to a consensus about if and why death harms the person who dies, however, may help further our understanding of the complex and divisive issue of abortion by highlighting some important shared theoretical commitments.

Determining if and why death harms the person who dies might also help us understand how death affects other organisms, such as animals and plants. For example, some philosophers, such as Bernard Williams, argue that death harms the person who dies because it frustrates her forward-looking desires.⁷³ On the other hand, he argues that death does not harm the animal that dies because, unlike humans, animals cannot form forward-looking desires. Even without spelling out William's line of reasoning more fully, we have good reason to be skeptical of his argument because we have shown that the Desire Thwarting Theory is problematic. According to the findings of this essay, arguing that death harms the animal that dies in terms of the Deprivation Theory may be more convincing. Animals and humans seem to have future goods in a relevantly similar way. Initially, it appears that death deprives an animal of its future goods just like it deprives a human of her future goods. If death harms the person who dies because it deprives her of future goods, then it seems consistent to argue that death harms the animal that dies because it deprives the animal's future goods. Perhaps someone might be able to identify

⁷³ Bernard Williams, "The Makropulos Case Reflections on the Tedium of Immortality," in *Problems of the Self*, (Cambridge: Cambridge University Press, 1973).

relevant differences between humans and animals such that the deprivation of future goods harms a human and not an animal, but understanding the Deprivation Theory's account for why death harms the person who dies is directly relevant to the issue of whether death harms the animal that dies.

The conclusions about if and why death harms the person who dies may also provide some insight into how death affects a plant that dies. Most people agree that things can be better or worse for a plant. It is reasonable to claim that those things that help a plant thrive and reproduce are good for the plant. Similar to humans and animals, death seems to harm the plant that dies because it prevents the plant from enjoying future goods that it would have enjoyed had it not died when it did. Although the Deprivation Theory might be able to explain why death harms plants and other living organisms, such as animals and embryos, it does not provide any conclusions about the morality of causing the harm. When examining whether it is morally permissible to inflict harm on an embryo via abortion, if it is a harm, there will surely be other important considerations, such as how an abortion affects the mother or how the practice of abortion affects the society in general. Similarly, determining whether it is morally permissible to inflict harm on an animal or a plant, if they are harms, might depend on factors such as cognitive capacities. These important and complex moral issues, however, are largely based on theoretical commitments about if and why death is a harm for the organism that dies.

Understanding what one must theoretically accept to justify the common intuition that death is a harm to the person who dies establishes a theoretical framework from which to investigate issues where people's intuitions clash.

Finally, understanding if and why death is a harm for the person who dies helps us better understand and evaluate our personal attitudes and judgments about our life and death. Many

people share a strong fear and anxiety regarding their inevitable death, and in many cases this fear makes them actively avoid the issue. Without analyzing if and why death harms the person who dies, however, we cannot know whether these intense attitudes are rational or justified. In other words, the fact that many people are fearful or anxious about their unavoidable passing from existence to non-existence does not necessarily mean that this transition merits fear or dread. After reflecting on the issue, some people are convinced that death is nothing to the person who dies.⁷⁴ If someone were convinced that death is nothing to the person who dies, because before she dies she is not affected by death and after her death she no longer exists for example, she would have good reason to admit that death does not merit feelings of fear or dread.⁷⁵

Although the conclusions of this essay may not immediately alleviate an individual's anxieties regarding her death, they may affect her life in other ways. Knowing why death is a harm to the person who dies may affect an individual's actions or desires while she is alive. For example, imagine that someone is persuaded by the Desire Thwarting Theory's account for why death harms the person who dies. If she believes that unfulfilled desires contribute to the harm of death, she may actively shape her desires to minimize the harm of her death. For example, she may make efforts to voluntarily abandon desires that have little chance of being fulfilled before her death. The conclusions of this essay, however, explain why adjusting a person's desires in

⁷⁴ Recall that the concern here is solely with a person's attitudes regarding her own death and not with her dying process or the impact that her death might have on those that continue to live. For example, there may be good reasons to fear dying, such as experiencing pain. The sole fact that no one can truly know what will happen to her when she dies might be a significant reason to fear death. Someone who claims she is convinced that death is nothing to the person who dies, or convinced by some other theory, however, would be less uncertain and thus would have good reason to be less fearful.

⁷⁵ There are multiple philosophers who reach this conclusion. For examples of this position see Epicurus, "Letter to Menoeceus," in Russel M. Geer, ed., *Epicurus: Letters, Principal Doctrines, and Vatican Sayings* (Indianapolis, 1964), and Jeff McMahan, "Death and the Value of Life," in John M. Fischer, ed., *The Metaphysics of Death* (Stanford: Stanford University Press, 1993).

light of her impending death does not help diminish the harms of death. Since the most plausible account of the Desire Thwarting Theory relies on a Desire Fulfillment Theory of wellbeing where only the frustration of rational and informed desires lower one's wellbeing, and death does not frustrate any fully informed and rational desires, according to the Desire Thwarting Theory, death never harms the person who dies. Unfortunately, the Deprivation Theory may not offer any obvious strategy for denying or minimizing the harm of death. According to the Deprivation Theory, the more goods someone has in the future, the more she is harmed by her death. Even if someone with few potential goods in her future would have less to lose by dying, simply being in such an unfortunate position might be a misfortune of its own.

Although there are many other important reasons why determining what is theoretically necessary to justify the common intuition that death is a harm for the person who dies, its relevance to discussions about abortion, whether death harms the animal or plant that dies, and its influence on an individual's attitude and understanding regarding her life and death, make it worthy of thoughtful consideration.