

# Is it worse to be dead than to be alive?

**A defence of Epicurus against his critics.**

Masteroppgave i filosofi

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## Forord

Jeg har lenge vært interessert i problemstillinger som jeg har oppfattet som irrasjonelle når det gjelder vårt forhold til døden.

Det har derfor vært en udelt fornøyelse å få lov til å arbeide med denne masteroppgaven hvor jeg har kunnet fordype meg i problemstillinger som jeg tidligere bare hadde et overfladisk kjennskap til. Jeg må innrømme at temaet, som jeg trodde var nokså sært, og lite diskutert, viste seg å være bredt behandlet, og med ulike interessante innfallsvinkler.

Heldigvis har jeg hatt professor Øyvind Rabbås som min veileder i disse fire semestrene, fra høsten 2017 til våren 2019. Han har inspirert og forklart, korrigert og diskutert med meg. Hans veiledning har vært både hyggelig, nødvendig og inspirerende.

## Summary

This master dissertation is about death. Should we fear it? Is it worse to be dead than to be alive? I argue that Epicurus, who famously claimed that we should not worry about death, because when we are, death is not, and when death is, we are not, was right. He was right that we should not worry about this, and he was right in claiming that thinking about death in a less irrational way than we have a tendency to do, could make our lives better. He argued that to live a good life is to live a life of pleasure and no pain, what he called *ataraxia*. This state of mind where one is not in any pain, free of all fears, including the fear of death, was for him the ultimate way of living. And he thought that one could change the way we think about death by explaining what is wrong with our thinking, that he could convince us, through rational arguments, that we have nothing to fear and that this would help us change our thoughts about death and remove our fear.

However, to many it may seem obviously false to claim that death is not a bad thing, that it in fact is not a harm to us. How can one claim that this happy life that I live is not better than being dead? Everyone tries to avoid death as long as possible. It is common to see capital punishment as a bad thing, worse than a life in prison, and discussions on the topics of euthanasia and abortion often focus on the value of life.

The way we think about this, I argue, is irrational and flawed. Arguments to the contrary often confuse life-life arguments with life-death arguments, i.e. one argues that life is better than death using arguments to the effect that a good life is better than a bad life, which is easy to agree to. When I say that I find death to be a terrible thing because it deprives me of all the good things in life, this, on the face of it, seems true. And it is probably what many think, and it is a favourite argument among the philosophers disagreeing with Epicurus. However, this is not a sound argument as it conflates the situation of me experiencing good things when living with not experiencing them when dead, which seems to be a life-death comparison. But it is in fact a life-life comparison, because it leads you to think of the situation you are in when dead, as a state of affairs with no good things happening to you. But this presupposes that there is someone, namely you, the dead person being in a situation, a situation where you are missing those good things. But this is obviously false as you are no more, you do not exist when you are dead, and then you have no experiences, you do not sense anything, and you do not miss anything.

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*The philosophers (and others) who argue that death is nothing, or is natural and of value for that reason, or is to be welcomed, are sleight of hand artists who often deceive themselves as part of the process of deception of others, and who seek to transfer anodyne desiderata of the attitudinal state to the reality that state anticipates.<sup>1</sup>*

*The Epicurean argument does seem to have wildly counterintuitive consequences for the supposed harm of murder or the supposed loss of life. Hence, most of us bracket off that argument in most philosophical contexts to get on with our work on the ethics of killing and related issues. That seems legitimate. The argument seems intractable.<sup>2</sup>*

## Chapter One

### Introduction

And now, O my judges, I desire to prove to you that the real philosopher has reason to be of good cheer when he is about to die, and that after death he may hope to obtain the greatest good in the other world. And how this may be, Simmias and Cebes, I will endeavour to explain. For I deem that the true votary of philosophy is likely to be misunderstood by other men; they do not perceive that he is always pursuing death and dying; and if this be so, and he has had the desire of death all his life long, why when his time comes should he repine at that which he has been always pursuing and desiring?<sup>3</sup>

These words from Socrates to his friends on his deathbed, before taking the poison, are aimed at comforting them before his own death. Focusing on how death, the separation of body and soul, will make possible the achievement of truth, not distracted by bodily sensations or desires, his arguments are aimed at showing that in death the philosopher will, at last, achieve what he has strived to reach in life. And although the arguments are different, and the thought of what death with a surviving soul will be like, are quite different from what Epicurus thought and argued, their aim is the same – to alleviate the fear of death. All the three major Hellenistic schools, the Stoics, the Sceptics and the Epicureans, focused on the art of living

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<sup>1</sup> Lopton (1998), p. 140

<sup>2</sup> Marquis (1985), p. 160

<sup>3</sup> Plato (1991), p. 223

and could agree to the Epicurean definition of philosophy as “an activity that secures the flourishing (eudaimon) life by arguments and reasonings.”<sup>4</sup>

Thus, Epicurus’ arguments have as its goal to make people live happy lives, not being worried about death. As he said: “Empty is that philosopher’s argument by which no human suffering is therapeutically treated. For just as there is no use in a medical art that does not cast out the sicknesses of bodies, so too there is no use in philosophy, unless it casts out the suffering of the soul.”<sup>5</sup>

The need for such arguments presupposes that people think that being dead is worse than being alive.<sup>6</sup> And it does seem that most people, also today, without the fear of the gods, think it is worse to be dead than to be alive. There are many examples of the way people think of death as a bad thing, or at least, as worse than being alive, almost irrespective of the life one lives. The death penalty is considered by many to be a more severe punishment than a lifelong imprisonment, people are willing to pay lots of money, or demand that society do so, to prolong their life, even with a few months, if treatment is available.<sup>7</sup> But nobody can escape death, at least not now, and the way one thinks about it is therefore of importance for the life one lives.<sup>8</sup>

In this thesis I will focus on the metaphysical question raised in the title, not on more practical, or ethical questions as abortion, death penalty, euthanasia, or the definition of death. I will assume that death is the complete annihilation of the person that dies, and that there is no afterlife, or a soul that continues to exist. When dead, the person has permanently ceased to exist.<sup>9</sup> But of course, all these questions and topics are closely connected, and the implication of a conclusion that death is no harm to the person that dies, could be far-reaching if accepted by everybody. I will also mention that although death, or being dead,<sup>10</sup> in my view is not bad

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<sup>4</sup> Nussbaum (1994), p. 15. Mitsis (2013), p. 201: “...Epicurus believed that his strong claims about death’s inability to affect the quality of a pleasurable life follow naturally from a particular conception of the good. Among philosophers in Greco-Roman antiquity, this was by no means a minority position, and it is probably no exaggeration to claim that such deeply contrasting attitudes to the harm of death represent one of the most characteristic divides between most ancient and modern philosophers.”

<sup>5</sup> Nussbaum (1994), p. 13

<sup>6</sup> There is also the issue of a painful dying, which may be one reason that some fear death, not as such, but the process of dying. This will not be my main focus in this paper.

<sup>7</sup> There are, however, some that argue that death is *better* than life, cfr. Benatar (2007)

<sup>8</sup> Heidegger points to the way we try to escape the thought of our own death: “In Dasein’s public way of interpreting, it is said that ‘one dies’, because everyone else and oneself can talk himself into saying that “in no case is it I myself”, for this “one” is *the “nobody”*, Heidegger (1962), p. 297

<sup>9</sup> In Feldman (1992) , p. 89 called the Termination Thesis

<sup>10</sup> “Being dead” is my focus of the arguments in this paper, and I take “death” to mean the same.

for the subject in question, death can be bad for other people, connected in some way to the person that dies, and cause feelings of sorrow, can cause financial problems, and so on. Also, a society where one must fear for one's life because killing one another is considered acceptable, would be a terrible society with fear and stress.<sup>11</sup> Those are topics not covered here.<sup>12</sup>

Warren states four possible reasons for the fearing of death:

The fear of being dead

The fear that one will die, that one's life is going to end

The fear of premature death

The fear of the process of dying.<sup>13</sup>

The last of these four cases is not part of my paper.

To make the arguments clear, one can think of sudden death, or for example, on an operation table, in deep anaesthesia.

I will use Epicurus (341-270 B.C.) as my accomplice in the arguments that follow, as I agree with, and will try to defend, his statement that "death is nothing to us".<sup>14</sup> His argument goes as follows: To be harmed, there must be a subject that experiences the harm. But as long as you are alive, you do not experience death, and when dead, you do not experience anything, so therefore, "when we exist, death is not yet present, and when death is present, then we do not exist."<sup>15</sup> When Epicurus says that death is nothing to us, if taken literally, it may be argued that this is obviously false. Death is something to us, we think about it, we fear it, we plan for it, e.g. by making a will, we live our lives assuming that it will not last forever etc. But my understanding of Epicurus, which I will defend, is that death, i.e. being dead, is not something we should fear, and we should therefore not let the thought of our mortality make our lives worse.

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<sup>11</sup> If the fear of death is not totally gone. I think, however, that this is not plausible as it may be a strong evolutionary trait, not easily extinguished by reason.

<sup>12</sup> I will, however, discuss if it is possible to harm someone after his death, and if, even if that is not possible, as I will argue, there are other reasons for the society to follow persons' last wishes.

<sup>13</sup> Warren (2004)

<sup>14</sup> Epicurus (1992), p. 417

<sup>15</sup> Ibid.

A main question in the paper is what it means to be ‘harmed’, as death is considered to be a harm to the person who dies. This may be a different question from the questions of fearing death, as some may claim that one can be harmed without any connected fear.<sup>16</sup> I discuss the concept of harm in chapter four where I try to cover most of the relevant meanings and discussions of the concept of harm in the philosophy of death. I follow up in chapter five with a discussion of the ‘missing-subject’ problem, a problem for the opponents of Epicurus. The discussion in chapter 5 do, to a certain extent, overlap the discussion in chapter 4 as both are about harm. In chapter 5, however, I try to focus on harm in the context of a subject-less harm, whereas in chapter 4 it is the concept of harm per se, that is in focus.

As the missing subject problem is a main problem for the opponents of Epicurus’ position, I can make the discussions of the most popular arguments against Epicurus in the chapters six to eight shorter, as I hope to show that there are similar unsound arguments in all of them, covered in my chapters four and five.

I consider different attempts to prove that Epicurus was wrong, and in this I use, to some degree, Li’s structure,<sup>17</sup> but on most questions I will have different answers, as he thinks that death is a harm to the person who dies, but I do not.

I start, in chapter two, after this introduction, with an explication of Epicurus’ argument.

In chapter three I discuss Lucretius’ symmetry argument, which is supporting Epicurus.

In chapter four I discuss the meaning of harm, in chapter five the missing subject problem, in chapters six, seven and eight three theories against Epicurus, the desire thwarting theory, the interest-impairment theory, and the deprivation theory.

Chapter nine is the conclusion of the paper.

While working on this thesis I have come to think that some of the arguments, especially about the concept of ‘harm’, may be semantic, about the definition of the concept, rather than about the understanding of the content of the concept. Is it a matter of taste how one uses it? Has the definition no bearing on what is or happens in the world? I would think that some readers of this thesis may come to think the same. I have, however, come to see this differently.

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<sup>16</sup> And one can have fears without any actual harm, which in my view, is the case when one fears being dead.

<sup>17</sup> Li (2002)

I think it does have consequences for how we think of different situations. Epicurus introduced his argument not for semantical reasons, but because he wanted to change people's lives, change them for the better. He thought that this could be possible by way of changing how we think of something, in this case, death.

Silverstein, after a thorough examination of arguments against Epicurus, says:” Thus, we seem to have reached an impasse. Acceptance of the Epicurean view now seems clearly to be an unhappy last resort, if not flatly intolerable; but since we cannot refute it by thinking of death as an ordinary evil of deprivation, we seem to have no acceptable argument against it. Hence, the Epicurean dilemma constitutes a serious problem.”<sup>18</sup>

I agree with Silverstein that this discussion is more important than, and is different from, finding the right definition of a concept, or the right word for a concept. The issue here is about whether death is something bad – a real issue with considerable consequences for many situations and decisions, in society and for the individual person.

I must add that it is possible that my arguments concerning the understanding of harm, especially unperceived harm, is not compatible with all cases of the way this is regulated in the law. I would suspect, for instance, that an insurance company would have to pay for the brain injured man, which I use as an example when discussing unperceived harm. They would not get away with the argument that he is not harmed. This shows that the metaphysical discussion of harm may deviate from the legal use of the term.

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<sup>18</sup> Silverstein (1993), pp. 105-106

## Chapter Two

### The Epicurean Argument<sup>19</sup>

Epicurus may be the most famous of hedonists, and, according to Eusebius and Diogenes, got many of his ideas from Democritus, Aristippus, Theodorus and Eudoxus.<sup>20</sup> He claimed that no argument is necessary for the establishment of the value of pleasure. Because, if “we seek to argue for the value of pleasure by pointing, for example, to the fact that everyone strives to achieve it, we are weakening our case, for we argue for something obvious by means of something less obvious.”<sup>21</sup> Epicurus was not advocating a life full of pleasurable activities, like drinking, eating, playing and so forth, but rather a plain and simple life, not depending on extravagant material goods, but with the right mentality.<sup>22</sup> He has sometimes been called a negative hedonist because he focused not on pleasure, but on the avoidance of pain, and “the amount of pleasure reaches its limit when all pain is removed.”<sup>23</sup>

The Epicureans placed the eradication of the fears of death at the very heart of their ethical project. The goal of a good life was, in their opinion, the removal of mental and physical pain.<sup>24</sup> And mental pain they further characterized as anxieties and fears. And the two major sources of such fear, they thought, were religious beliefs and the fear of death. Epicurus developed a fourfold remedy, the *tetrapharmakos*:<sup>25</sup>

God should not concern us.<sup>26</sup>

Death is not to be feared.

What is good is easy to obtain.

What is bad is easily avoided.

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<sup>19</sup> Warren (2004), pp. 6-16

<sup>20</sup> Moen (2012), p. 19

<sup>21</sup> Ibid., p. 19

<sup>22</sup> Ibid., p. 20

<sup>23</sup> Ibid. For a more comprehensive discussion of what Epicurus thought of as pleasure, happiness and desire, see Mitsis (1988), pp. 11-58.

<sup>24</sup> This in contrast to Aristotle’s idea of the good life as a life of virtues activities, and/or contemplation to achieve eudaimonia.

<sup>25</sup> Warren (2004), p. 7

<sup>26</sup> Warren writes: ‘God should not concern to us’. I take this to be a writing error.

Removing the fear of death is therefore an essential step towards the goal, the good life. For the Epicureans it was important to learn to think correctly about death. If we think about death correctly, we will live a good life correctly.

And Epicurus thought that it was possible to learn to think correctly about death, because the fear of death, in his view, was based on false judgements and opinions, and it is therefore an intellectual property that can be corrected by learning to think in a different way about this.<sup>27</sup>

Epicurus used two arguments – The experience argument and the existence argument.

### 1) The Experience argument

The experience argument presupposes that for something to be bad for you, you must experience it.<sup>28</sup> Epicurus says:” Get used to believing that death is nothing to us. For all good and bad consists in sense-experience, and death is the privation of sense-experience.”<sup>29</sup>

Thus, in accord with Rosenbaum, Epicurus’ argument can be stated as follows:<sup>30</sup>

- A A state of affairs is bad for person *P* only if *P* can experience it at some time.<sup>31</sup>
- B therefore - *P*’s being dead is bad for *P* only if it is a state of affairs that *P* can experience at some time.
- C *P* can experience a state of affairs at some time only if it (i.e. this state of affairs) begins before *P*’s death
- D *P*’s being dead is not a state of affairs that begins before *P*’s death.
- E therefore - *P*’s being dead is not a state of affairs that *P* can experience at some time

*Therefore, P’s being dead is not bad for P.*

A, C and D need some explanation. B and E follow logically from these. As for D by my definition of death as annihilation, and as a state logically following being alive, it seems not to require any further arguments. A and C, however, are criticised and need some explanation.

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<sup>27</sup> It can be discussed then, if this fear of death, in Epicurus’ understanding, is irrational or not, since it is based on reason and opinion, although wrong ones. I will argue that the fear of death is a much deeper part of our psychology, being a crucial evolutionary product. More on that later.

<sup>28</sup> I use “bad”, “harm”, “evil” to mean about the same.

<sup>29</sup> Epicurus (1992), p. 417

<sup>30</sup> Rosenbaum (1993), p. 121-122

<sup>31</sup> The meaning of «at some time» is discussed below.

Both are about experience. Experience before or after death. In this context it seems necessary only to argue that experience after death is not possible. It is not possible because experience is, as Epicurus says, sense-experience. We have to sense it to experience it. And after death, we have no senses. I will, however, expand on this later, and argue that even before death, there can be no experience without sensing the experience, and thus strengthening the argument that you cannot experience any harm or badness without sensing it. This may be necessary as there are critics of Epicurus claiming both that unexperienced harm before death, and therefore harm after death, or at death, although not experienced, is possible.

Soll makes a distinction between *experiential* and *non-experiential* (or *state of affairs*) theories of the ultimate aims of action and sources of value.<sup>32</sup> The importance of the distinction between experience and state of affairs, can be seen in the arguments for death as a harm. Is it a harm because one then is deprived of experiences, or is death a harm independent of experiences? As Epicurus clearly is a hedonist with experience as a necessary condition for happiness and harm, the loss of the capacity for experience results in a situation where nothing can reasonably be seen to be a harm. If experience is not the ultimate value, but some state of affairs in the world is, then death may not change this, and events can be seen to be of importance to the life project of the deceased. As Soll observes,

Although Epicurus' view that death is nothing to us is usually understood to be a consequence of his hedonism, it is really a consequence, not of hedonism *per se*, but of the experientialism that underlies this hedonism. The view that death is nothing to us follows from the claim that the only things desirable or undesirable in themselves are experiences of some sort, whatever determines the goodness or badness of an experience.<sup>33</sup>

This seems to lead to the somewhat paradoxical situation that Epicurus' critics, most of whom argue against Epicurus with a deprivation theory of harm, supports Epicurus in his focus on the importance of experience, because their argument for the harm of death is the loss of experience, the deprivation of experiences in life. They just do not accept that the extinction of the experiencing subject means the impossibility of harm. The other position that harm does not necessarily need experience but is a result of a certain state of affairs, would also have the paradoxical result that one is harmed by things happening that one does not experience, and that may not affect one at all.

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<sup>32</sup> Soll (1998), p. 24.

<sup>33</sup> Soll (1998), p. 26

Rosenbaum discusses the understanding of what it is to experience something, which, in his understanding, is necessarily always something that can affect one in some way.<sup>34</sup> There must be some causal element. Believing or imagining a situation is not experiencing it. The causal connection which is necessary, is missing.<sup>35</sup> That there must be a causal element, affecting the subject, is a necessary condition, but not a sufficient one. There must also be awareness of the situation. There are therefore three necessary and sufficient, conditions of experience: the object, the causal affection and the awareness. Although one may speak of undergoing some affection, for instance an operation when sedated, or being irradiated from a leakage in a nuclear facility, without being aware of what is going on, I will argue, that if one is not aware of it, one has had no experience of it. Rosenbaum allows for an understanding and interpretation of Epicurus' proposition as stated in A that the situation at some time *can* be experienced, not that it *is* experienced. I disagree with this understanding of Epicurus and claim that conscious experience is necessary. And it follows from this that I hold that unexperienced harm is not possible, first being a harm when experienced. This interpretation of Epicurus also seems to follow directly from his statement that "all good and bad consists in sense-experience. . . . For that which while present causes no distress causes unnecessary pain when merely anticipated."<sup>36</sup> And if unnecessary when merely anticipated, then surely it follows that some later experience, i.e. anticipated harm, is not now actual harm.

It is on this background necessary to discuss whether awareness is a necessary part of sense-experience. I will come back to that.

## 2) The Existence Argument

For Epicurus' claim to hold, however, the experience argument is not strictly necessary, because for something to be a harm to someone, whether consciously or unconsciously, there must as a necessary condition at least be a someone, an existing subject. So, one could accept that the experience argument is not necessary and fall back on this existence argument. And since after death there is no subject, there is no existing someone. This can be stated as follows:<sup>37</sup>

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<sup>34</sup> Rosenbaum (1993), p. 124

<sup>35</sup> This explanation may seem odd, as it is not contrary to logic or semantics to say that 'I believed, I was sure, we were being invaded by aliens, and the experience was terrible' (as in the situation when Orson Wells made the radio program of the invasion from Mars). Rosenbaum's understanding, however, presupposes an external cause, not just a mental state.

<sup>36</sup> Epicurus (1992), p. 417

<sup>37</sup> Li (2002), p. 18

1. Death is the permanent and irreversible cessation of one's existence
2. Given 1, after P's death, there is no subject
3. Given 2, after P's death, P cannot be causally affected in any way by any state of affairs
4. One can experience a state of affairs only if it can affect one in some way
5. Therefore, after P's death, P cannot experience any state of affairs.

This is also part of the "missing subject" argument which I discuss in chapter five.

The understanding of the Epicurean position can be differentiated in four ways, as Olson does.<sup>38</sup>

- a. *Weak Epicureanism*, what he calls a true, uncontroversial and uninteresting view. This is the position that being dead is not *intrinsically* bad, it is not a condition that we have reason to avoid, like being in pain. But it nevertheless does not undermine our aversion to death, maybe because we think death will deprive us of good things, it is extrinsically bad. Because he is dead, my father cannot go fishing, which he loved, and that may be bad for him.
- b. *Moderate Epicureanism* is the view that it is not, in any way bad to be dead, intrinsically or extrinsically. That my father is not able to go fishing anymore is not bad for him. This is the position that Olson thinks is both defensible and controversial. Although death, being dead, is not considered to be a bad thing, death itself, the ending of life, can be.
- c. *Strong Epicureanism* is the position that it can never be bad to die, under any circumstances. Our hatred of death is unwarranted because there is nothing bad for us about it. Olson finds this desperately implausible and he thinks it would be one of the most important of all philosophical discoveries if one could show it to be true.
- d. *Extreme Epicureanism* is the position that it can never be good or bad to die. Dying is beyond good and evil, free of all value, even neutral or 'zero' value. This position is argued by Olson also to include that death can never be good because if death has any value at all, namely that it in certain circumstances could be good, it surely also could have negative value. Thus, if it has no negative value, one must accept that also it can never be good to die, which he finds even more outrageous than strong Epicureanism. As he says, living for a dreadful 20 years and then die, or dying now would be a

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<sup>38</sup> Olson (2013), pp. 67-68

choice that one should meet with complete indifference. This he finds to be a hard philosophy indeed.

The differentiation that Olson makes, is not stated explicitly by any other author I have read. And it may be that the positions are sometimes not distinguished clearly.<sup>39</sup> In this thesis my position leans more on the extreme Epicureanism, although I find the arguments for how it can never be good to die more difficult than to argue that it is never bad to die, which I discuss later on.<sup>40</sup> The question of whether death can be good, seems to be an important question, although not for the defence of the Epicurean position that is about whether death is bad or not.<sup>41</sup> However, if one should discuss some practical ethical issues, like euthanasia, both perspectives would be important. I have some comments on the issue:

One can think of the example used by Olson of a dreadful life of 20 years followed by death, or of the most extreme torture followed by death. Would it not be better to die before the pain? I have heard that some women when sentenced to die by being burnt, sometimes, if lucky, got a bag of powder around their neck which exploded in the flames and killed them before they would else have died of the flames. This it seems, would obviously be better for them. There are two questions here. First, is it death that is good, or is it the fact that it is good to escape pain? Death is the means, but is it in itself also good? Second, Olson argues that if it is the case that death can never be bad, it must also be the case that it can never be good. He thinks it would be ‘pretty surprising’ if it could be good to die but never bad.<sup>42</sup> Except for his surprise, I cannot find any arguments for his claim about the symmetry of the goodness and badness of death. Must there be a symmetry?

Benatar discusses asymmetry and finds a number of asymmetries, commonly accepted. The one of relevance here is the asymmetry between pleasure and pain.<sup>43</sup>

The presence of pain is bad, and the presence of pleasure is good. However, the absence of pain is good even if that good is not enjoyed by anyone; but the absence of pleasure is not bad unless there is somebody for whom this absence is a deprivation. In our example of death, this

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<sup>39</sup> Taylor (2014a, 2014c) says he defends a ‘full-blooded Epicureanism’, but he does not use the same definitions.

<sup>40</sup> Olson’s arguments in his article, which concludes with his claim that if there is nothing bad about death, that can only be because there is nothing bad about anything, are flawed because he conflates life-life comparisons and life-death comparison, and also subject-object perspectives. This I will discuss later in this thesis.

<sup>41</sup> However, taken literally, ‘death is *nothing* to us’, would include both good and bad.

<sup>42</sup> Olson (2013), p. 68

<sup>43</sup> Benatar (2013), p. 122-123

would mean that although death is not bad, as I will argue later on, because there is nobody suffering any harm, or any deprivation of goods, death can be good, when it implies that ‘somebody’ is spared the suffering of pain, although that ‘someone’ does not exist at the time, as would be the case of the victim of possible torture, after death. This asymmetry discussion is not of importance for my discussions of the Epicurean position, so I will leave it here just with the comment that it may be that we should rather sometimes see death as a good thing because it relieves us of life.

We have seen that the Epicurean project, the therapy he advocates for attaining the good life, or *ataraxia*, is the removal of pain, including the fear of death. This he can do by arguing that death does not deprive us of life, because we do not experience any deprivation. There is also another argument, namely that having reached *ataraxia*, the ultimate kind of life, then any prolongation of that state does not add more pleasure to life, so death may come without depriving one of pleasure, not because one does not experience it after death, but because one has reached the ultimate way of life, a life without pain. And if it is without any pain, it cannot be made any better because there is no more pain in your life. As Warren puts it:

If we remember that for an Epicurean the only criterion of value is (perceived) pleasantness (Ep. Men. 124), then a longer period of enjoyment is no better (i.e. more pleasant) in any way than a shorter period enjoying the same degree of pleasure. Correctly conceived, *katastematic* pleasure, the absence of pain, cannot be increased by simple prolongation....

One of the most pertinent consequences of Epicurus’ stance on the nature of pleasure is that it can be marshalled successfully in support of his claim that ‘death is nothing to us’. If a longer period of pleasure is no more valuable than a shorter period, then prolongation of life is not of itself valuable...

If death ‘cuts short’ my enjoyment of life, then mortality is to be regretted. However, an Epicurean takes a much different view. Since once I have attained *ataraxia* nothing ‘better’ (i.e. more pleasant) will be achieved however much longer I live, there is no reason to fear death. Death cannot rob me of any further goods.<sup>44</sup>

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<sup>44</sup> Warren (2000), pp. 236-239

## Chapter Three

### Lucretius Symmetry Argument

In this chapter I first give a short summary, explaining in general terms what the symmetry argument is about, including Lucretius' explanation of his argument. I then discuss the three most essential parts of the argument:

- A. Is it about the state of being dead or is it about our present fear of death?
- B. What is it that makes us have different attitudes towards past and future events, and especially towards past and future non-existence?
- C. Could we have been born earlier, and thus have had a longer life, or is that a logical impossibility?

Lucretius, supporting Epicurus, argued that before we were born we were non-existent. We were in a state similar to the state we will be in after death (actually, of course, we are not in those states, as we are non-existent). And, as we normally do not think much of, or are worried or frustrated by the thought of our non-existence in the millennia before our birth, we should think in the same way of death. Yes, it is the case that we will be gone, non-existent for an eternity after death, but so we were also before birth. Therefore, according to Lucretius, we should think that death is not harmful, because death is non-existence, and non-existence means no sensations, thus death means no sensations, no pain. (I will discuss this in other chapters).

Why is this controversial? Most philosophers hold the view that death is a harm to the one who dies. Therefore, there must be a reason for us to have different attitudes towards non-existence before birth – since the common view is that that period is not a harm, is not anything we are worried about, and non-existence after death. The reasons can be

- a. that the two time periods are not similar,
- b. that we for some reason have different attitudes to them, even if they are similar
- c. that we think that the time before birth is irrelevant in a way that the time after death is not.

The arguments mostly focus on b. and c. since it seems that the similarity of the two time periods is accepted. In both cases we are non-existent. However, we have an inclination to think that after death it is *me*, with *my* life and my projects, and future hopes and pleasurable

experiences, that is dead and gone. I cannot see myself in the same way before birth. Thus, there seems to be an obvious difference between *me* being dead, and ‘me’ not being born. And this intuitive feeling of identity with the dead ‘me’ is very different from a feeling of a being not being born. As I will argue below and in other chapters, although this feeling is understandable, and may even be a genetical trait, is none the less something we should try to overcome. And as I read Epicurus, and Lucretius, this is their therapeutic project. To make us feel better about death, by using arguments that will change our intuition about this.

Lucretius argues as Epicurus does, against the evil of death. He claims that after the body dies, the soul also dies, being dependant on the body. And thus “Death, then, is nothing to us and does not affect us in the least, now that the nature of the mind is understood to be mortal.”<sup>45</sup> And he further argues that even if the mind should have the power of sensation after death, it would not matter, because our sensation would necessarily also need the body and the mind combined for us to experience the sensation.

Then he introduces the symmetry argument. First he argues that even if we have existed in the past, which he finds possible, we have no recollection of it since after that former existence “our atoms strayed and scattered in all directions, far away from sensation.”<sup>46</sup> There is therefore a gap which prohibits our recollection of that possible former life. He argues for the necessary condition of existence for any harm to be experienced, and then refers to the time before death, and asks rhetorically. “Look back now and consider how the bygone ages of eternity that elapsed before our birth were nothing to us. Here, then, is a mirror in which nature shows us the time to come after our death. Do you see anything fearful in it? Do you perceive anything grim? Does it not appear more peaceful than the deepest sleep?”<sup>47</sup> He also argues that since death is eternal, whether your life is long or short does not make a difference for the time you will be dead.

For those that think that death is a harm, because it deprives us of life, and/or the experience of good things in life, it should be explained why we can think that death, non-existence after life, can harm us, even if we do not think of non-existence before birth as any harm. It should be shown that even if we do not feel distressed about the eternity before our birth, do not think much about the life we have missed because we were not born earlier, we do feel distressed about the time after our death. If, as the proponents of this view seem to agree upon, we do

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<sup>45</sup> Lucretius, in Brennan and Stainton (2010), p. 173

<sup>46</sup> *Ibid.*, p. 173-201

<sup>47</sup> *Ibid.*, p. 176

not mind the time before birth, which can also be seen as a deprivation of life time, we should be able to give arguments both for death to be a deprivation, and why the non-existence after death is different from the non-existence before birth. And if not different, why we think of it differently.

To illustrate the discussion, we can use a metaphor:<sup>48</sup> Think of a room with two doors – through the door on the left, you enter the room, and through the door on the right, you leave the room. Now imagine that this room is a metaphor for life, your entire life is spent in this room. You enter it by birth and leave it by death. Some arguments presented against the symmetry of the states outside of the doors seem to presuppose that there are someone outside the doors, outside of both, or just outside of the door on the right. We are misled also by our language to think this way. We talk of ‘dead persons’, or ‘persons have left us’, and so on. And one can also see arguments to the effect that there is someone outside the door at the left, someone waiting to be born. The fact, however, is that there is nobody outside of the room. Nobody is waiting on the left and nobody is outside the door on the right. I think most will agree to this, but it seems that the thought that there is nobody outside seems to be difficult to completely accept, especially in the discussion of whether there can be what is called ‘posthumous harm’. As Nussbaum puts it:” ..that very often, at least, one’s judgements of the badness of death involve the illicit fiction of a surviving subject.”<sup>49</sup>

Let me just take one example here, as I will discuss this also in other chapters.

Martha Nussbaum<sup>50</sup> argues that events happening after death can be bad for people, after death. “...I now admit that, in many cases, events that happen after a person’s death can – in a special way related to the interruption argument – be bad for a person.” (p. 35). And she also says: “But I also think that most deaths are bad for people for a different type of reason – because they interrupt their cherished projects, altering the shape of their lives.” (p.35). It seems, however, what she actually means by this is what she also is saying: “..some events that happen after a person’s death can retrospectively affect the person’s life, as to whether its strivings were successful, or complete, achieving their intended goal.” (p. 33) Or “Interpreted thus, I think that it would be correct to say that the daughter’s death is bad for the mother,

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<sup>48</sup> Suggested to me by Øyvind Rabbås in private conversation.

<sup>49</sup> Nussbaum (2014), p. 32. Also, Solomon (1998), p. 168: “..for me there is ....no difference between the void that preceded my birth and the void that will follow my death.....WHO is it that is describing the void, and from what perspective? It surely cannot be ME. But then, NO ONE can be describing the similarity between the prior and the posterior abyss.”

<sup>50</sup> Nussbaum (2014)

meaning bad for a project embarked upon by the mother during her life.” (pp.33-34). And this last statement comes very close to my interpretation of Aristotle’s arguments in the *Nicomachean Ethics*, discussed in the next chapter. It is an important difference between claiming that a *person* is affected after death, and that the person’s *life project* is affected. It seems Nussbaum has been unclear as to what she is actually meaning here.

If we call the time before our birth  $t_1$  and the time after death  $t_2$ , Lucretius and the Epicureans hold that since  $t_1$  does not seem to be bad for us,  $t_2$  is not bad. Those opposed must argue that since  $t_1$  is not bad, but  $t_2$  is considered to be bad, there must be reasons for us to differentiate between  $t_1$  and  $t_2$ .

This can be summarized, as Warren does, as follows:<sup>51</sup>

	Symmetry of pre-natal and post-mortem non-existence?	Pre-natal non-existence a possible harm?	Post-mortem non-existence a possible harm?
Epicureans	Yes	No	No
‘Symmetrists’	Yes	Yes	Yes
‘Asymmetrists’	No	No	Yes

The Epicureans hold that death is not a harm and that pre-natal non-existence is similar and therefore also not a harm.

The ‘symmetrists’ hold that both pre-natal and post mortem non-existence are similarly harmful, because both states deprives one of life, and/or good things in life.

The ‘assymetrists’ hold that death is a harm to the person who dies, but that pre-natal non-existence is not similar and therefore not a harm. Or that pre-natal non-existence is a harm, but death is not. (This last case is not part of Warren’s summary above. Glannon holds that pre-natal existence can be bad.<sup>52</sup>).

As I said at the beginning of this chapter, the discussions for and against the symmetry argument are mainly focused on the following:

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<sup>51</sup> Warren, (2014a), p. 166

<sup>52</sup> Glannon (1994)

- Does Lucretius argue for us not now to be worried about death, or is he saying that non-existence before birth and after death is similar and not bad.
- Are there reasons for us to regard past and future events or states differently, especially the state of non-existence before birth and after death.
- Could we have been born earlier, and with the same time of death, thus have had a longer life and therefore should we be concerned about the missed lifespan caused by not being born earlier.

The starting point for much of the discussions against the symmetry argument, is that death is a harm, a harm because it deprives us of life. I will argue in chapter eight that this argument is flawed, and that death is not deprivation of life, or of the experiences in life, and therefore the support of Epicurus is not depending on the rejection of the various arguments for the asymmetry of  $t_1$  and  $t_2$ . The symmetry argument as a support for Epicurus is, however, relevant, and therefore gives additional support to those that already accept the Epicurean point of view.<sup>53</sup> I will therefore discuss some points for and against the symmetry argument.

First, I will discuss what Lucretius is actually arguing.

### **A. Interpretation of Lucretius argument**

For Epicureans the argument supports the claim that death is nothing to be worried about. It can be understood in two ways. First, it can be read as a statement about the times before birth and after death, times that do not matter to us because we do not exist at those times. It can also be read as an argument as to why the time after death should not worry us now, since we are not worried about the time before birth, i.e. from our present time, our view as of today. The first would give support to Epicurus but is not a substantial new argument. The second understanding would be a new, additional argument supporting Epicurus. Warren (2004) and Rosenbaum (1989) discuss this and come to different conclusions.

Warren<sup>54</sup> analyses texts from Lucretius' *On the Nature of Things, Book Three*, to find out whether Lucretius is arguing that

“Pi. Our pre-natal non-existence was nothing to us before we were born.” Or

“Pii. Looking back from within a lifetime, our pre-natal non-existence is nothing to us.”

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<sup>53</sup> Warren (2004), p. 104

<sup>54</sup> Ibid., p.58

The distinction is of course important, because, using the symmetry of pre-birth and after death non-existence, the following statements will follow:

“Fi. Our *post mortem* non-existence will be nothing to us after our death.” And

“Fii. Looking forward from within a lifetime, our *post mortem* non-existence is nothing to us.”<sup>55</sup>

If Lucretius is using his arguments for therapeutic reasons, which is the natural reading,<sup>56</sup> it seems the last statement would be more effective, as it says something about our state of mind now, and that, rather than saying something about a later non-existence, seems the obvious better therapy. Is Fii then, a support of Epicurus’ *Kyria Doxa II*, which famously holds that

“Death is nothing to us; for what has been dissolved has no sensation, and what has no sensation in nothing to us.”<sup>57</sup>

As one can see, this is not the case. *Kyria Doxa II* only says something about the time after death, a time which is nothing to us because we then have no sensation. It does not say anything about our present situation or state of mind.

Does Lucretius give arguments for us not to be concerned now about our death, in our present situation? It is not obvious that this follows from the text. And Warren, after first claiming that “Unfortunate as this might be for the assessment of the efficacy of Lucretius’ therapy, the two texts from the DRN<sup>58</sup> tend to favour the first version of the Symmetry Argument (namely Pi and Fi). At least, text A certainly offers this argument and text B probably does.”<sup>59</sup> (Text A and B, see below) Thus after a detailed analysis of the texts, Warren concludes that “The symmetry argument has a confirmatory and persuasive role rather than the task of establishing a new and independent conclusion.”<sup>60</sup> This conclusion then, supports my initial claim that although the discussion of symmetry/asymmetry between pre-natal and post mortem non-existence is not critical for Epicurus’ arguments, the symmetry argument is supportive of those arguments.

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<sup>55</sup> Ibid., p. 60

<sup>56</sup> Warren (2001b), p. 499, Nussbaum (1994), Aronoff (1997)

<sup>57</sup> Warren (2004), p.60

<sup>58</sup> De Rerum Natura

<sup>59</sup> Warren (2004), pp. 63-64

<sup>60</sup> Ibid., p. 104. However, Warren, in Warren (2014b),p. 45, says:”...*De Rerum Natura*, the third book of which devotes its long closing section (from line 830 to the end of the book) to dispelling the fear of death.”

There is a point in Warren's analysis of the text that is surprising. He refers two texts, A and B, from *Lucr.*, DRN 3.832-42 and *Lucr.* DRN 3.972-5.

A.

And just as in the time that went before we felt no pain-when Carthaginians came from all sides to wage war, and the world struck by the disturbing upheaval of war shook and quivered under the high vault of heaven, and it was unclear to whose kingdom should fall all men on land and sea - so when we are [lit. "will be"] no more, when the body and soul from whose combination we are formed have come apart, then you can be sure that we (who will not exist then) will be able to have nothing whatsoever happen to us or move our senses in the slightest, not even if earth and sea and sea and sky are mixed together.

B.

Look back similarly at how the stretch of unending time before we are born has been nothing to us. Nature, therefore, offers this reflection to us of the time to come after our eventual death.<sup>61</sup>

Warren argues that Lucretius is saying something about the time before birth and after death, times which are nothing to us, *before birth and after death*. It is therefore striking that Warren does not refer to the continuation of the last text which continues as follows: "Do you see anything fearful in it? Do you perceive anything grim? Does it not appear more peaceful than the deepest sleep?"<sup>62</sup> These three sentences seem to me to give support to those that argue that Lucretius does say something about our present attitude to death. When he asks, rhetorically, "do you see anything fearful in it?", the expected, and obvious answer, is of course "no, I do not see anything fearful in it", i.e. I do not fear it now, at this moment in life. "It" here refers to "this reflection to us of the time to come after our eventual death", i.e. post-mortem non-existence, which is seen in the mirror when looking forward at the past and seeing behind you in the mirror (going backwards into the future).<sup>63</sup> And the past non-existence, which we do not remember as anything bad, is similar to the future non-existence.<sup>64</sup> And thus, post mortem

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<sup>61</sup> *Ibid.*, p. 58

<sup>62</sup> Lucretius (2010), p. 176

<sup>63</sup> Or, another interpretation could be that the past itself is a metaphor for a mirror. You see the past, and it is like, it mirrors, the future.

<sup>64</sup> The metaphor of the mirror is a little confusing, and there are different translations, both 'mirror' - Brennan and Stanton (2010), p. 176 and 'reflection' - Warren (2001a), p. 467. But, as the argument goes, the mirror would show nothing and a reflection of nothing is also nothing. This does not give us much information when it comes to inform us of what death is like, except to show that death is nothing. This seems to boil down to an argument that you do not see anything fearful because you do not see anything at all.

non-existence is not to be feared because it is similar to pre-natal non-existence. However, Warren would possibly reply to this that there is a difference between “fearful” and “fear”. One can find something to be fearful, e.g. a terrible root-filling by the dentist, although one does not fear that now, since it was done last year.

Aronoff discusses the understanding of Lucretius and concludes that “Since Lucretius does not clearly commit himself to the argument and, moreover, it is a bad argument, there is no reason to give it to him. It seems safest to stick to the standard interpretation, according to which Lucretius uses the symmetry argument to show that death is not bad rather than that we should not fear it. He did not make the second style of argument, and he is better off without it.”<sup>65</sup>

I agree to this, although the whole argument is of course part of Lucretius therapeutic project, even if Lucretius left out the specific reference to our present attitude.

I will now turn to Rosenbaum<sup>66</sup>, who does think that Lucretius gives a new argument, not just a support to Epicurus’ own arguments. He says that “Lucretius and other Epicureans clearly directed their attention, fairly narrowly, to the fear of an afterlife and to the fear of nonbeing or ceasing to be. Because this was the focus of Lucretius’s concerns, I shall cast the symmetry argument in this context, and treat the fear of death, more specifically, as if it were simply the fear of nonbeing.”<sup>67</sup> Here Rosenbaum talks of the fear of death, and this must mean our fear now, our present attitude to death. Unlike Warren, who argued that Lucretius was talking about the state of non-being, Rosenbaum is talking about our present attitude. Although he accepts that the text alone does not give direct support to this understanding of Lucretius. When commenting on Furley<sup>68</sup> (who holds that the symmetry argument is not about our present attitudes), he says that “He certainly is correct about the verbs in the passage to which he attends and which I have quoted. They point away from the present. However, one should not ignore the fact that Lucretius incorporated into his symmetry comments the Epicurean “death *is* (Rosenbaum’s italics) nothing to us, by way of introducing the first appearance of the symmetry argument.” Rosenbaum argues that the context gives us reason to think that Lucretius argued to make us see that we shall not fear death. And he says: “to place Lucretius near the beginning of a tradition of classical writers who used the symmetry argument to

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<sup>65</sup> Aronoff (1997), p. 134

<sup>66</sup> Rosenbaum (1989)

<sup>67</sup> *Ibid.*, p. 355. The irrationality of fearing nonbeing is discussed in Cicero’s First Tusculan Disputation, Warren (2014b).

<sup>68</sup> Furley (1988), p.76

combat death anxiety. Specifically, Lucretius should be understood to conclude that one should not fear one's death, or that it is not reasonable to fear one's death."<sup>69</sup> Rosenbaum thinks Lucretius has given a new argument, supporting Epicurus, and says "I shall treat Lucretius's symmetry argument as a novel contribution to Epicurean thanatology, which supplements the basic Epicurean reason for not fearing death, a reason of which Lucretius is aware."<sup>70</sup>

Rosenbaum's version of the symmetry argument goes as follows:<sup>71</sup>

1. No one fears the time before which one existed.
2. The time before which one existed is relevantly like one's future nonexistence (in that one cannot be affected negatively in either period). (This is 'the symmetry thesis.')
3. It is reasonable for one to fear something relevantly like what one does not fear only if one justifiably believes that the two things are relevantly different.
4. No one justifiably believes that one's future nonexistence is relevantly different from one's past nonexistence.

THEREFORE, it is not reasonable now for one to fear one's future nonexistence, one's being dead, one's death.

Rosenbaum points to two objections to his arguments. Nagel argues against the similarity of pre-natal and post mortem non-existence, and Parfit argues that it is reasonable to have asymmetrical attitudes to symmetrical states. I will come back to this below.

Although Warren and Rosenbaum disagree on the understanding of the symmetry argument, they both think that it supports Epicurus' arguments against the fear of death.

And Warren offers a small modification of Lucretius that will give it the present state meaning that the symmetry argument, on his reading, is lacking:

Warren has given two possible versions of the understanding of the symmetry argument:

Fi: Our post mortem non-existence will be nothing to us after our death

And

Fii: Looking forward from within a lifetime, our post mortem non-existence is nothing to us.<sup>72</sup>

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<sup>69</sup> Rosenbaum (1989), p. 357

<sup>70</sup> Ibid., p. 359

<sup>71</sup> Ibid., 359

<sup>72</sup> Warren (2004), p. 101

Introducing Epicurus' argument from Letter to Menoeceus: "For that which while present causes no distress causes unnecessary pain when merely anticipated"<sup>73</sup> Warren develops the full argument:

**Fi:** Our *post mortem* non-existence will be nothing to us after our death.

**Ep. Men. 125:** Whatever causes no pain when present, causes only empty distress when anticipated.

**Therefore:** Since death causes no pain when present, it causes only empty distress when anticipated (and empty distress is no real distress at all.)

**Conclusion: Fii:** Looking forward from within a lifetime, our *post mortem* non-existence is nothing to us.<sup>74</sup>

With this modification, combining Epicurus and Lucretius, Warren has given us a way of seeing how these arguments together supports Epicurus' original view.

I will now turn to the second of the three issues mentioned above.

**B. Are there reasons for us to regard past and future events or states differently, especially the state of non-existence before birth and after death**

For those that think that death is a harm because it deprives us of life, it has been an issue to show why we are not distressed by the deprivation of life before birth. This discussion has focused on two issues, the question of why we have different attitudes towards past and future pains and pleasures, and the question of whether it is logically possible for us to have been born earlier than we were, and thus, with the same time of death, could have had a longer life. It seems the logic in this last issue would be that if it is not logically possible to have been born earlier, this would explain our lack of distress by the thought of lost life before our birth.<sup>75</sup>

Examples to support the first are of persons given the choice between past or future pleasures or pains. The intuitive answer to those choices is that we would prefer future pleasures above past pleasures, and past pains over future pains. Those intuitions then points to our different

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<sup>73</sup> Epicurus (1992), p. 417

<sup>74</sup> Warren (2004), p. 103

<sup>75</sup> As noted by Parfit, this is not a good argument. When the Pythagoreans learnt that the square root of two was not a rational number, they regretted this. "We can regret truths even when it is logically impossible that these truths be false", Parfit (1984), p.175

view as to past and future experiences, which could give support to the arguments that even if we do not care about  $t_1$  we are justified in being bothered by  $t_2$ .<sup>76</sup>

Parfit has argued that we do have different attitudes to past and future pains. He has developed thought experiments to show that we would prefer pains that were behind us, rather than (even less) pains before us. One example goes as follows<sup>77</sup>:

You are in a hospital to undergo a completely safe, but painful operation. Painful because the patient has to communicate with the surgeon during the operation and therefore cannot be given anaesthetics. Because it is painful, patients are given a drug that causes amnesia, so you will not remember the operation or the pain. The operation may be long, or it may be short.

You wake up but do not know whether you have had the operation or not. You ask a nurse. She tells you that she knows that one patient was operated on yesterday and that another patient is to have the operation today. She also knows that today's operation will be short. Yesterday's operation was, however, very long, the longest ever, lasted for 10 hours. She cannot, however, remember if I am the one or the other patient.

Parfit finds it plausible that most would hope to be the patient having had the operation. And that this is not irrational.

Rosenbaum takes Parfit's example to be an argument against no. 3 in his version of the symmetry argument:

“It is reasonable for one to fear something relevantly like what one does not fear only if one justifiably believes that the two things are relevantly different.”

Rosenbaum is critical to this and gives several arguments to show how this example fails to be an argument against Lucretius<sup>78</sup>. First, he argues that even if one accepts that one can have a bias toward the future in preferring that pain be in the past rather than in the future and that this is a premise in the example, and that secondly, this is not irrational, one also needs several other assumptions. Those are

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<sup>76</sup> It seems one aspect of our attitude to future pleasures are forgotten in the arguments, namely the importance of looking forward to the pleasurable experience. As I think we all know, the planning and expectation of some pleasurable experience is important and can even outweigh the actual experience. This should be taken into account when discussing why the future pleasure seems to us to be more important than past pleasures cfr. Warren (2004), p. 92

<sup>77</sup> Parfit (1984), pp. 165-166

<sup>78</sup> Rosenbaum (1989), pp. 364-368

1. That our preference-bias toward the future is general enough to include bads generally and also fear.
2. That also unexperienced states are included, since death is an unexperienced state.
3. That something not irrational to do makes it reasonable to do it, since showing that it is not irrational to fear death, makes it reasonable to fear it.

He then argues that no 1 is incorrect, as there are examples of bads that one would prefer to be in the future, e.g. loss of reputation.

He also argues that no 2 is incorrect as it seems generally true that we have a different attitude toward unexperienced bads. He thinks it is not plausible that we would have a preference e.g. to be secretly hated (if that is a bad) in the past rather than in the future. And as death is unexperienced, this undermines Parfit's argument. Thus no 2 is also incorrect.

Rosenbaum also finds no 3 incorrect. This argument is more complicated than the two other as it involves a discussion of the meaning of 'irrational' and 'reasonable', as well as how it can be that one can fear something that one thinks is relevantly similar to something that one does not fear. Rosenbaum does not find a logical explanation of the bias, he finds no basis in reason, and therefore argues that our bias toward future pains is an unexplained psychological phenomenon.

The conclusion to this short presentation of arguments from Parfit and Rosenbaum is that they differ in their views as to whether the symmetry argument is sound. Parfit, thinking that death is a harm, tries to show that thinking that an asymmetry between past and future experiences is not irrational, but reasonable. Rosenbaum, supporting Lucretius, argues that Parfit has not succeeded in showing this.<sup>79</sup>

There seem to be some problems with the discussion. First, why is it that finding pre-natal non-existence unproblematic, but post mortem non-existence a harm automatically should lead us to change our attitude to post-mortem non-existence? Why not the other way around? (called the backfire-problem).<sup>80</sup> And also, how do we infer from what we think of the one and the other state, to what we should think? The answer to both of these arguments, is I think, that the symmetry argument, as stated by Lucretius, does not say anything about what we

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<sup>79</sup> Aristotle discusses deliberation in *Nicomachean Ethics*, book III,3. In 1112a31 he says: "We do deliberate, though, about things that are up to us and doable in action, and these in fact are the remaining ones." And thus, he points to a relevant explanation, namely that we are not concerned with things that are not up to us, e.g. things that happened in the past.

<sup>80</sup> Discussed by Rosenbaum (1989), pp. 368-369 and Aronoff (1997), pp. 129-134

should feel about death. It is an argument about the nothingness of death, as Warren has argued. And thus, it leaves it to us, from the arguments showing that the state of being dead is not harmful, to conclude that we can change our attitude, and stop fearing death. In this way the arguments have the therapeutic effect aimed at by Lucretius but leaves it up to us to draw the necessary conclusion, namely, not to fear death.<sup>81</sup>

**C. Could we have been born earlier, and with the same time of death, thus have had a longer life and therefore should we be concerned about the missed lifespan caused by not being born earlier.**

The last point regarding the symmetry argument I will discuss, is one introduced by Nagel in his article *Death*.<sup>82</sup> He first presents Lucretius' argument as follows: "...no one finds it disturbing to contemplate the eternity preceding his own birth, and he took this to show that it must be irrational to fear death, since death is simply the mirror image of the prior abyss."<sup>83</sup> Nagel argues that this is incorrect because the times prior to birth and after death are not similar. They both are times when you do not exist, but the time after death is "time of which his death deprives him. It is time in which, had he not died then, he would be alive."<sup>84</sup> Nagel here takes as a premise that death is a harm because it is a deprivation. He then argues that it is not possible for you to have been born substantially earlier, because then you would have been a different person. His argument for this position is that it is possible to think of distinct possible lives diverging from a common beginning, but not of different beginnings diverging to a common ending. These would be different individuals with an identical conclusion, not one individual with different possible lives.<sup>85</sup>

There is something problematic with this argument, because it seems perfectly possible to accept the logical possibility that I could have been born earlier. If it is genetics Nagel is thinking of, I find it unproblematic, logically, and with present technology, it is even practically possible, to imagine that exactly the same egg and sperm met not when they did, but a year earlier. Nagel also has an example from Nozick where humans are born from

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<sup>81</sup> And Epicurus, as Warren shows us (see above), does make the argument that as death is not bad, it should not be feared.

<sup>82</sup> Nagel (1997)

<sup>83</sup> *Ibid.*, p. 7. As we have seen from Warren's article, discussed above, it is not clear that Lucretius actually argued against our present fear of death.

<sup>84</sup> *Ibid.*

<sup>85</sup> Nagel (1997), p. 8

spores with an existence far before birth. If they could be brought to hatch before they normally would, this would mean an earlier birth.<sup>86</sup> Nagel suspects there is something wrong in the analysis where the prospect of permanent nothingness is understood as denied possibilities. And that this may require an analysis of our attitude toward past and future in our own lives.

Nagel has been criticized. Rosenbaum argues that it is obvious that if the time of birth is essential to who we are, then the time of death should also be.<sup>87</sup> Brueckner and Fischer also disagrees with Nagel. In a response to Kaufman, who argues that it is not genetics but psychological continuity that is of importance,<sup>88</sup> they conclude that there is “no bar to imagining a genuinely possible world containing Mary (or a counterpart thereof) equipped with psychological states other than those in M.”<sup>89</sup> (“M” denoting the actual sequence of person-stages that constitute Mary’s life history, starting with her birth at t1 and ending with her death at t2.)<sup>90</sup>

Glannon has developed another asymmetry argument. He finds that there is an asymmetry between the pre-natal and post-mortem states which lies in the impossibility of being harmed after death, but the possibility of being harmed by something before one is born, which may have a detrimental effect on one’s life after birth.<sup>91</sup> But he supports the arguments I have made against the harm of death caused by deprivation, and which I will develop in chapter 8.

Nagel holds the opinion that death is a harm, a harm because it means deprivation, and his arguments are meant to support this view. As I will come back to this in chapter eight, I will now leave the discussion around the symmetry argument, with a short comment. It seems that some opponents to Lucretius think that being born earlier would mean that one would have a longer life, because they argue that not being born earlier is a deprivation in the same way as death means deprivation of one’s possible longer life. This, however, seems confused as being born earlier just means that the life is lived at an earlier time in history, not that it is longer. To be born earlier and have a longer life would need some extra arguments concerning the life span, arguments that could also be used for a later death. And this could explain why most

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<sup>86</sup> Ibid. p. 8, n 3. Nagel is here talking of thousands of years of additional active life, not mentioning the premise that this would also imply something regarding the possible life span of humans. One would perhaps prefer then to have these years from now, instead of in the past.

<sup>87</sup> Rosenbaum (1993), p. 129

<sup>88</sup> Kaufman (1996)

<sup>89</sup> Brueckner and Fischer (1993), p. 114

<sup>90</sup> Ibid, p. 111

<sup>91</sup> Glannon (1994), p. 242

would prefer a later death rather than an earlier birth. The past is to some extent known to us, while the future is not. And except for some especially interested people, maybe most would prefer to go into some undiscovered future than live in the past, that in many ways was not better than the present, due to our increased wealth and health conditions. I would also like to add that this discussion to some extent is confused. Witonsky and Whitman say that “..the reason why people in general don’t wish for an earlier birthdate is that they fear that they wouldn’t have the life that matters to them (in particular *their life now*).”<sup>92</sup> This may be so, but in so far as one has such a fear, this is a fear one has in this life, now. I can make a thought experiment: I am in fact born earlier. I am now living this life of a person born earlier than in an alternative world, where I was born at a later time. I do not miss an alternative life, a life in an alternative world where I was born later. I know nothing of that life. That is not a life that matters to me now. I could of course think that it would have been better to have been born later, but not for the reason that I miss my later life. That is a confusion.

I will now discuss the concept of harm, as this is a central concept in most of the argumentation in this thesis.

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<sup>92</sup> Witonsky and Whitman (2018), p. 175

## Chapter Four

### The Concept of Harm in the Philosophy of Death

My main argument in this paper is based on Epicurus' claim that death cannot be a harm to somebody being dead. This includes an understanding of the relevant "harm-concept". I argue that Epicurus' understanding of harm is that harm is some experience, it is something happening to a person, who is aware of the happening. Through this analysis I try to show that most arguments for the harm of death are flawed. In the next chapter I discuss a closely connected issue, namely if there can be an understanding of harm without a harmed subject, the missing subject problem. Thus, there is some overlap between chapters 4 and 5.

Harm is mostly understood as something that affects a person in a negative way and leaves the person in a state worse than he was before. What it means to be in a state worse than before, is however, ambiguous. For example, if a person is in a traffic accident, loses his legs, but at the same time also has a brain injury that makes him mentally retarded, remembering nothing of his former life, but being perfectly happy in his present situation where he is taken well care of, most people would say that he was harmed in the accident. This is the obvious and intuitive reaction. We can observe that the person in question is in a state worse than before. He was a promising philosopher, now he is without any relevant intellectual capabilities and unable to live the successful life he seemed to be going for. However, this is not the only way to see this situation.

I argue that the reason we intuitively think this way is because we judge the situation from the point of view of the observer, not from the point of view of the subject in question. The person mentioned in the example above, is perfectly happy in his new situation. And therefore, it is important to decide whose point of view is relevant. This is part of the discussion of some of the theories that I discuss later on in this paper, but I may already state my opinion that when considering whether some person is harmed or not, I think the relevant point of view is the point of view of the subject in question, not some observer, and not some theoretical "view from nowhere"<sup>93</sup>. Or, as Paul Ricoeur asks: "For really, how can we ask ourselves about *what* matters if we could not ask *to whom* the thing mattered or not? Does not

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<sup>93</sup> Nagel (1986)

the questioning about what matters or not depend upon self-concern, which indeed seems to be constitutive of selfhood?”<sup>94</sup>

There are, however, different views on this, and one could try to accommodate the intuition that the person in the example above is in fact harmed, by introducing a distinction between subjective and objective harm. Objective harm would then not depend on the subjective experience of the person in question. This, however, needs some clarification as to whose view then is the relevant one, and what kinds of events in the world would count as ‘harms’. People can have different opinions as to what is to be considered a harm, and especially when it comes to defining what it is that harms other people. In this paper I am focusing on death as a harm, and with that in mind, some of the possible problems with a more general definition of harm seem less important. And as I am defending Epicurus, I argue that his position is that it is the subjective view, the view of the person experiencing the event, that is relevant.<sup>95</sup>

I start by giving a brief overview of the relevant elements in my discussion of the harm-concept.

Harm can be understood in (at least) four ways:

1. Harm as something physical or mental
2. Harm as thwarting of interests or desires
3. Harm as deprivation
4. Harm as wronging

1. Harm as something physical or mental

This is the concept of harm that first comes to mind. It is when one is harmed in an accident, by illness, by age or life style, or when one has a genetic disposition of some kind that is detrimental to one’s functioning.<sup>96</sup> All of these kinds of harms can be bodily or mental harms. These are not the kinds of harms that I discuss in this dissertation. Although I am aware of the interesting discussions on how to define sickness or disability, and the subjective/objective perspectives in those discussions, in this thesis I discuss whether *death* is a harm. Therefore, a closer study of the concept of harm in this understanding is not necessary. It is, however,

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<sup>94</sup> Paul Ricoeur, *Oneself as Another*, p. 137, cited in Malpas (1998), p. 132

<sup>95</sup> Taylor (2014a), p. 44 has an interesting argument: “third-person claims that something is a harm for a person...are to be understood as being similar to claims about the effect that it would have had upon her had it affected her experiences.”

<sup>96</sup> This genetic kind of harm can however be controversial. I will not go into that.

mentioned in connection with unperceived harm and the closely connected subjective-objective distinction.

## 2. Harm as the thwarting of interests or desires

This I discuss in chapters six and seven where the focus is on whether death thwarts interests or desires.

## 3. Harm as deprivation

This is discussed in chapter eight and the focus is on whether death deprives us, of good things in life, of experience more generally or of life itself and thus can be seen as a harm.

## 4. Harm as wronging

This is a type of harm that I barely mention in this dissertation. The reason for this is that if my arguments for Epicurus position are sound, wronging by death, or after death, is not possible, the same way that harming by death or after death is not possible. I have therefore not discussed wronging as a separate case.

The discussion of harm as such does not so much focus on the different kinds of harms and their bodily or mental effects, but on the metaphysical questions of whether harm is subjective or objective, depends on perception or can be unperceived and on whether the concept of harm can be thought of as something that requires existence and/or experience. And of course, a discussion of what the general definition of being in a worse situation than before, means. These are the questions of special importance for the Epicurean position, as I explain below.

The understanding of harm is normally that it is something negative affecting a person or preventing something positive to affect a person.

According to the comparative account of harm, an event harms someone if and only if it puts her in a worse situation than she would have otherwise been, or as Norcross puts it: "An Act A harms a person P iff P is worse off, as a consequence of A, than she would have been if A hadn't been performed."<sup>97</sup>

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<sup>97</sup> Norcross (2005), p. 150 Norcross' article discusses how this definition is not completely satisfactory in all situations, e.g. when several persons as a group harm someone, without any one person in the group harming someone. Kleinig (1978), p. 27, discusses harm in relation to criminal justice and differentiates four traditions in the historical development of the concept of harm: The old English, *hearm* – a psychological phenomenon – grief or sorrow; Harm come to mean in addition to grief or sorrow also the loss which occasioned it. As this second tradition developed, a person could suffer harms of which he had no knowledge, and so could even inanimate objects; in tradition three only acts are harmful, only people do harm and thus harm is a moral

This, however, leaves open the following questions:

1. What is it to be worse off?
2. Is the judgement of the situation as “worse” to be seen from a subjective or an objective point of view?
3. Must it be experienced? And if so, must one be conscious of the experience or is there something we could call unconscious experience? And must it be experienced when it happens, or could one say that one is harmed now if one experiences it later, or there is just a possibility that one can experience it at a later time?

These questions are relevant in the following ways:

- a) Is it worse to be dead than to be alive? If not, why do we fear death? The Epicurean position is that death is not a harm, it is not worse to be dead than to be alive. Opponents to this position must argue that death is worse, but they then meet several problems connected to questions of how death, or being dead can be a harm, and if so, when it is a harm.
- b) Is there an objective harm? When discussing the harm of death, one often meets arguments that take as a given that there is an objective and relevant position for the evaluation of whether death in a certain case was bad or not. “Such a terrible thing, dying so young”. “It is better for him that he died, instead of his situation these last months”, and so on. These are evaluations of somebody’s death, from the outside, from an objective position.
- c) Is ‘harm’ an experience? If death means non-existence, one could claim that death also means non-experience. Most agree to this, but seek to keep the possibility that death, and even the state of being dead, is an event and a state involving harm. It is therefore, for them, necessary to develop a framework where harm can be understood independent of experience and even existence. This includes finding arguments to support the possibility of unperceived harm. If one accepts that death means loss of the capacity for experience, some argue that as there are cases of unperceived harm, death too can be a harm, even if the harm is not perceived. I discuss this point in some

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notion; in tradition four, i.e. in law, harm has come to be understood as the violation of a legally protected interest.

length as it is important for the theories against Epicurus discussed later. Part of the discussion is also the question of *when* the harm can, or must, be perceived. Must it be perceived when it happens, or could it be perceived later, or not at all, but just be potentially perceivable?

### 1) What is it to be worse off?

This question can be divided into two issues

- a) The comparison of two states – before and after death
- b) The comparison of two states where nothing has affected the person, like when comparing actual life with a possible life in another possible world.

Both cases presupposes the possibility to compare. The situation under evaluation must be worse than another situation. And it is sometimes not so easy to say what this implies. As ‘worse’ is a word used for many different purposes: “I feel terrible today, worse than yesterday”, “this coffee is worse than yesterday’s”, “this music is worse than anything I have heard so far”, “your health is worse than we hoped” are some examples. We may perhaps come closer to an understanding of the use in the context relevant here if we are more concrete. But as we see from these examples it is often used in a subjective way, as somebody’s opinion. The relevant case here is however death, and whether death is, or can be, worse than being alive. Or also if being in a coma is worse than being up and going, or if it is worse to be suffering a brain damage that make you a happy infant instead of a famous philosopher. In these last cases, we intuitively take a different perspective than in the first. The first examples mentioned are found without any problems to be logically and semantically acceptable. They are about me. I have an opinion about my own experiences, and I am the first to know about those. It would be problematic to say that “I don’t think you feel terrible today”. One could say that “I think the coffee is actually better today than yesterday”, but not “you actually think the coffee is better today”. In the second cases we find it unproblematic to put ourselves in the position of the subject in question and we find it, not only unproblematic but even obviously so, to argue from our position about the subject’s situation, or state of affairs. If answering somebody’s statement “it was terrible that she died so young, that was too soon”, with “for her, that doesn’t really matter, does it?”, could be taken as offensive. Or take the debate about capital punishment, which are seen by many as more severe than a life in prison. To argue that capital punishment actually is a way to avoid

punishment, is not readily accepted. In these cases, we express an opinion, of course it is still our own opinion, but not about our own experiences, but about another person's experiences. Or, in the case of premature death, about some alternative world in which the dead person is still alive, and, in our opinion, is better off than being dead.

Is death worse than being alive? I argue throughout this paper that death is not a situation that one experiences, it is not a situation that anybody is in, and therefore cannot be part of a comparison. It is not possible to compare death with life, as there is only one situation, and not two in this comparison. To say, for example, that death is a neutral situation, without pain or happiness, and therefore worse than a happy life, is a misunderstanding. As Feinberg puts it: "The death of the victim, it would seem, is not a mere "harmed condition" he is put in, and certainly not a "harmful" one; it is no "condition" of him at all, but rather his total extinction"<sup>98</sup>. And Hanser:

I assume that when someone dies, he ceases to have any level of well-being. The state of being dead has no value for a person, whether positive, negative or neutral. If the dead fare neither well nor badly, however, then the counterfactual comparison view, as presently formulated, cannot adequately account for the possibility of death's coming as a harm. For it is not generally true that a person who dies would have fared better over some interval of time had the event of his death not occurred. Had his death not occurred his life would have lasted longer, and we may suppose that he would have fared well over this extra interval of time. But this would not have been an interval over which he would have fared better than he actually fared. In actuality he was dead during this interval, and so had no level of well-being; and in the absence of an actual level of well-being, no comparative judgment can be made.<sup>99</sup>

Johansson argues for the possibility of a counterfactual comparison<sup>100</sup>. He first states that "no one holds that death is intrinsically bad – i.e., bad in itself – for its victim."<sup>101</sup> He then refers to the deprivation approach of the badness of death, formulated as follows:

(DA) The overall value of event E, for person S, at possible world  $w$  = the intrinsic value of  $w$  for S, minus the intrinsic value for S of the closest possible world to  $w$ ,  $w^*$ , where E does not occur.<sup>102</sup>

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<sup>98</sup> Feinberg (1984), p. 80

<sup>99</sup> Hanser (2008), p. 437

<sup>100</sup> Johansson (2012)

<sup>101</sup> Ibid., p. 466

<sup>102</sup> Ibid.

This says something of the value of S's entire life, the actual, and the alternative life without death at the time it occurred. However, to address the question that is of interest, namely, when death is bad for S, the following question is important:

When is S intrinsically worse off in w than S is at those times in w\*?

(That is: At which times is the person's well-being level lower than it would have been then if her death had not occurred?)<sup>103</sup>

The theories Johansson discusses in this context are atemporalism, death is bad at no time, priorism, death is bad before death, and subsequentism, death is bad after you have died. Having found all three unsatisfying, he develops his own theory, which he calls fusionism. In short, he claims that although death is not bad for one after death, and not while alive, it is bad if we consider a longer period of time.

Belshaw argues that harm involves intrinsic change. There must be "some alteration within you, your body, your mind, and not merely in things outside of you."<sup>104</sup> However, he continues to argue that also events that do not cause intrinsic changes can be harms, harms in so far as they prevent intrinsic changes, positive changes. Examples are the thief stealing your lottery ticket without your knowing it, or the wage increase you didn't get. He argues further that relational changes do not count as harms. Thus, if you are working in a laboratory where there is a radioactive radiation, you are not harmed unless being sick. So, if you die of some unrelated matter before you get sick, you are not harmed.<sup>105</sup>

Belshaw takes a position between a narrow hedonist and a broad mental state account of what harm involves. He thinks that plants can be harmed, and he thinks that it takes more than affecting the physical condition alone to harm a human being, namely a change of the mental state that is necessary for our well-being.<sup>106</sup>

To be harmed involves mental or physical events affecting you, undesired ones that you find to be negative. However, some also argue that if there is a better life in some alternative world compared to the life you live in this world, a comparison of the two worlds may give the

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<sup>103</sup> Johansson (2012), p. 467

<sup>104</sup> Belshaw (2012), p. 426

<sup>105</sup> Belshaw (2012), p. 427 Belshaw uses poison as an example. Both radiation and poison do cause some internal changes. One could therefore argue that these examples are not supporting his point.

<sup>106</sup> Ibid.

conclusion that you are harmed because your life in this world is worse than it could have been in the other world.<sup>107</sup>

This seems to lead to the result that many of us are harmed in some way, as it is for most of us easy to vision a world with some changes that would make our life better, whether it is more money, better health, a better job etc. As Warren says:

..it always seems fair to say that even a happy life could have been better. If death can harm someone by making their life deficient or revealing that it is deficient in comparison with another life they could have lived had they not died then, is it also true that while alive I am harmed because my life is deficient in comparison with another possible life I could be living (whether or not I have the slightest notion of the possibility of my living that other life)?<sup>108</sup>

The discussion using alternative worlds, and of how to evaluate the two worlds, is not an important topic in my discussion of whether death is a harm, as I hope to show that death make this comparison irrelevant. First, because after death there can be no harm, and second, because a comparison presupposes at least two things being compared. And since after death there is only one life, the pre-mortem life, a comparison with an alternative ‘post-mortem’ life, i.e. a continuation of the life that has ended, is irrelevant. This ‘Post-mortem’ life is not a situation anybody is in and it therefore seems confused to compare the life someone lived until death to a life where that person did not die when he did. To construct an alternative, non-existent world to compare with the actual world to show that death harmed the person who died because in the alternative world he continued living a happy life, seems to be an unsound argument. It is based on the thought that death is a harm because it deprives you of life, or the good things in life. This, however, is problematic. If death is a deprivation, it is a deprivation for the dead. But to be a deprivation for the dead, the dead must reenter the scene, now counterfactually. But this counterfactual person is not an actual person and suffers no actual harm.<sup>109</sup> I will come back to this later, especially when I discuss the deprivation theory.

## **2) Is the judgement of the situation as “worse” to be seen from a subjective or an objective point of view?**

Intuitively it seems, in one understanding, obvious that to be harmed is a subjective fact of the matter. It would seem strange that a person tells you that you are harmed if you have no

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<sup>107</sup> Luper (2009), pp. 82 ff., Feldman (1992), pp. 137-138 (Feldman argues that this is an example of unperceived harm)

<sup>108</sup> Warren (2004), p. 33 (The Deprivation Theory will be discussed later)

<sup>109</sup> See to this, Suits (2001), p. 80

understanding of what he means, you feel perfectly fine and have no recollection of anything harmful that has happened to you. But this understanding of harm is widely discussed. There is another, objective understanding. The arguments are often thought-experiments constructed so that your intuition strongly tells you that harm can also be defined as an objective fact, irrespective of the subject's experience of the matter.

Luper<sup>110</sup> summarizes the typical thought experiments into three cases:

- The contended infantile man
- The deceived man
- The experience machine

The first example is of a man put in the position of an infant, but completely satisfied, and living a pleasurable life. The cause of the situation is described in different ways, e.g. by a car accident, or, as in Luper, by a potion put in your ear while you were asleep.

The second is the man that lives a good life, not knowing that his wife betrays him, his colleges laugh at him behind his back etc.

And the third is about a person connected to an experience machine that makes him feel very good, e.g. experiencing writing a novel, reading an interesting book, or anything that makes him feel living a good life.

There are also examples of persons being affected by radiation or chemicals and so on. All examples that from our view seems obviously harmful but are not consciously experienced by the subject in question.

And these examples show that the subjective/objective distinction is closely related to the experienced/unexperienced distinction of harm.

I have made an illustration of these relations in the diagram below:

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<sup>110</sup> Luper (2009), p. 89

<b>HARM</b>	<i>Experienced</i>	<i>Unexperienced</i>
<i>Subjective</i>	Breaking a leg; a close person dies	Possible?
<i>Objective</i>	Possible?	Betrayal, slander, drugged slave, an accident with brain damage resulting in you being a happy infant.

From the table one can see that the subjective, experienced harm, is the kind I introduced at the beginning of this chapter, the uncontroversial understanding of harm as something physical or mental. The objective, unexperienced harm, the case of the man in the traffic accident, with the resulting brain damage, the betrayed man, etc., are the kinds of harms where the victim does not experience any harm, but none the less, is considered, by many, but not Epicurus, to be harmed. (The proponents of unexperienced harms would, I suppose, have put those cases in the box subjective-unexperienced harms as they hold that the subject is actually harmed by the unperceived harms.)

Subjective, unexperienced harms and objective experienced harms are maybe not actual cases. Experience is a necessary condition for harm, as I argue in this chapter. And experience is subjective, it is someone experiencing something. Therefore, the objective experienced harm and the subjective unexperienced harm seem to be contradictions.

And this leads to the next topic, whether awareness of the harm is necessary.

**3) Must it be experienced?**

Is to be harmed, without knowing anything about it, worse than not being harmed, or is it harm at all? I will argue that the Epicurean understanding of harm is that awareness of harm is a necessary condition for something to be a harm. There are, however, many examples supplied to show that experience is not a necessary condition for harm.<sup>111</sup> The most famous examples, and the ones used over and over in the literature, are the ones Nagel uses in his

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<sup>111</sup> See e.g. Nagel (1997), Luper-Foy (1993), Pitcher (1993), Li (2002).

article ‘Death’<sup>112</sup>. His examples are of loss, betrayal, deception, ridicule and brain damage, all of which goes totally unnoticed by the subject in question. The subject is unaware of what is happening, his life goes on as before, except for the brain damaged person, whose life is totally different, although he is completely satisfied. The examples are laid out to show that it is counterintuitive to say that the person is not harmed. And the arguments depend on the intuitive force to make us accept them as evidence for the claim that unperceived harms are possible. I find them unconvincing for two reasons. First, the arguments are not really arguments, but stories appealing to our intuition. Second, my intuition is different in most of those cases. And where does that leave us? If intuition is the only ‘argument’, are some intuitions better, ‘truer’ than others? And it is always possible to create different stories, with different intuitions.<sup>113</sup> See also Warren’s discussion on this towards the end of this chapter.

The focus on this issue results from the necessity to find a way to argue that even when you no longer are able to experience anything, your capacity for being harmed may be intact. (Epicurus, of course, has the fall-back position that existence is necessary, even if experience is not).

Take the pregnant woman taking drugs. Is she harming the baby? I will claim, in accord with the Epicurean argument, that harm, to be harmed, is a sense experience and therefore there is no harm now; only when, or if, the baby is born with some effects which are detrimental to health. If the baby dies before this happens, it has not been harmed because it has not experienced any harm.<sup>114</sup>

What about the case where somebody steals your lottery ticket that you had forgotten that you had? It is a winning ticket. Are you harmed, and if so, at what time? Of course, it is wrong to steal, so you are wronged by the theft. But what if you had lost it and somebody finds it? In this case you are not wronged (it is impossible to find out that you were the owner), but are you harmed by not getting the winnings? One does not usually say that one is harmed every week as one is not winning the lottery. There is a difference in that you once had the winning ticket, but is it relevant? I just read in the newspaper that in Sweden they are looking for the winner of about 500 million SEK. The winner may have lost the ticket. If one never finds out who had bought the ticket, is anybody harmed? I think Epicurus would have to say that as

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<sup>112</sup> Nagel (1997).

<sup>113</sup> Suits (1999)

<sup>114</sup> See Taylor’s (2014a), pp. 45-46 contrary arguments, based on his distinction between harm ‘to’ and harm ‘for’ a person.

nobody experiences any pain or harm, nobody has been harmed (and he would possibly also say that this kind of money is not necessary for a happy life or could even easily turn out to be detrimental for living a happy life).

Many things happen in the world that relates to us, and even influence our situation and our lives, without us being aware of them. People talk about us, new tax regulations for oil companies affect, indirectly, our economy, and so on. It is our experience of good and bad things that makes them enjoyable or harmful to us. For Epicurus' theory, a hedonist theory, only pain and pleasure was important, and he saw those as sense experiences.

I therefore argue that non-experienced harm does not exist. To say that a person is harmed without knowing so, is taking a wrong view of the matter, as I argued above. To support this understanding of harm, I would like to take the example of non-conscious beings. We do not usually talk of plants and trees being harmed, or non-sentient animals being harmed. The reason for this is that we connect the word "harm" with some experience of what is happening. There are some connotations to the word harm that need experience of it for it to be the case. We cannot harm a stone, and we do not think that we harm the grass when mowing the lawn. I think this supports the view that conscious experience is necessary for harm to take place.

But having said that, it is also the case that some say that plants can be harmed if not being given water. They die without water, and some think this is an obvious harm. I am, however, not completely certain that if one thinks plants are harmed when not watered, one is using the word harm in a way and with the meaning most people do. I think other words, like damaging is a better word. And when saying that the ozone layer is harmed by human activities, this is even more in conflict with the normal connotations of the word harm. Destroyed, or maybe diminished or weakened, would be better words. Feinberg lists other words that may be better when it comes to things, rather than subjects. Words like damaged or broken<sup>115</sup>. After listing other similar terms, he says: "These things *can* be done to a mere thing even if no person has an interest in it. But I doubt that we would say, in that case, that the thing was *harmed* in any sense."<sup>116</sup>

But maybe it is not important whether this or that example is to be called 'harm' or 'damage' or something else. For our purpose here, which is to find out if death is a bad thing or not, this

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<sup>115</sup> Feinberg (1984), p. 32

<sup>116</sup> *Ibid.*, p.33

may not be of vital importance. The discussion is not about definition, but about whether something bad happens to you.

If one is harmed by one's own death, that is after having ceased to exist (and ceased to experience), it could also be the case that one can be harmed by other things happening or not happening, after one is dead. If one first allows for harms without a subject, then it seems necessary to accept both.

Aristotle is, by some, used as reference in the discussion of harm in the context of death and in the discussion of unperceived harm and harm after death.<sup>117</sup> I will in the following discuss Aristotle's position in the *Nicomachean Ethics*, I,10 and I, 11, and claim that Aristotle can not be taken to support the argument that harm to a person after death is possible, nor that unperceived harm, as discussed above, is possible.<sup>118</sup>

Aristotle in the *Nicomachean Ethics* discusses whether one's *eudaimonia* can be affected by what happens after death. This discussion is very close to the discussion of the possibility of unexperienced harm,<sup>119</sup> and the possibility of being harmed after death.<sup>120</sup>

The starting point is Solon's advice that we must see the end before we can judge somebody's happiness. "Are we then to count no other human being happy either, as long as he is still living but – in accord with Solon's advice – must we see the end?" And he continues: "And if we are indeed to accept his view, is it really that someone is happy only when he *is* dead?"<sup>121</sup> Aristotle continues by saying that this is not what he, or Solon means, only that after a person has died it will be safe to call him blessed because then he is outside of the reach of bad things and misfortunes, although this can, to some extent, be discussed. Which he then does in the following way:

He first says that "For to some extent it does seem that something may prove good or bad for someone who is dead, if indeed there are also good or bad things for someone who is living but not actively perceiving them – for example, honor and dishonor, and children or descendants generally who do well or who suffer misfortunes."<sup>122</sup>

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<sup>117</sup> See e.g. Aronoff (1997), Pitcher (1993), Williams, B. (1993), Feinberg (1993)

<sup>118</sup> I am grateful to Øyvind Rabbås for explaining and discussing Aristotle's position with me.

<sup>119</sup> Aristotle is not using the term "harm", but I lean on Aronoff (1997) in the following discussion of Aristotle.

<sup>120</sup> Aristotle (2014), I 10

<sup>121</sup> *Ibid.*, I 10

<sup>122</sup> *Ibid.*, 1100a20

He then goes on to point at a puzzle that would arise if the lives of relatives of a deceased change for the worse or the better, and this also changed the dead person. As he says: "But it would be strange, surely, if the dead person changed along with them and was happy at one time and wretched at another."<sup>123</sup> However, he also finds it strange if what happens to descendants do not affect their ancestors "to any extent or for any period of time."<sup>124</sup>

Thus, Aristotle discusses three very important parts of much of the present discussion on the metaphysics of death: can anything harm a dead person; is there unperceived harm; and is existence a necessary condition for being harmed. Aristotle presents his thoughts on this as "puzzles", but concludes that:

Our deductive argument, then, must also take account of this difference, but even more account, perhaps, of the results of going through the puzzles about whether the dead share in any good thing or in any of the opposite ones. For it seems likely from these considerations that even if anything at all does get through to them, whether good or the opposite, it is something feeble and small, either unconditionally so or so for them. Or if it is not like that, or is of a size and sort, at any rate, that does not make happy those who are not happy or take away the blessedness of those who are. It does, then, contribute something to the dead, apparently, when their friends do well and similarly when they do badly, but something of such a sort and size that it neither makes the happy ones unhappy nor does anything else of this sort.<sup>125</sup>

From this it seems that Aristotle both thinks that there is such a thing as unperceived harm, and that the dead shares in good things or bad, but to a very small degree, too small to change a happy life to an unhappy one or the opposite.

But when considering whether this is a correct interpretation of Aristotle one must take into account Aristotle's view of what he thinks a happy life is. The hedonists coming later, of which Epicurus is one, considers pleasure and pain as the goal of life and what to avoid, respectively. For Aristotle, however, happiness, *eudaimonia*, understood as a life of virtues activities and/or contemplation<sup>126</sup> is the best life. And when reading I 10 and I 11, it seems that Aristotle is focused on life, not as the subjective experiences of the person in question, but more on his life as a project – a life-project – that can be successful if lived in accord with

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<sup>123</sup> Aristotle (2014), 1100a25-30

<sup>124</sup> *Ibid.*, 1100a30

<sup>125</sup> *Ibid.*, 1101b1-10

<sup>126</sup> For my discussion here, whether Aristotle thought of *eudaimonia* as a life of contemplation, of practical virtues or both, can be left open. See e.g. Scott (2000), p. 212

Sophia and with actions in accord with virtue. The following quotes can be an illustration of my point here:

Or is it that to be guided by luck is not at all correct? For it is not in it that living well and living badly are to be found but, rather, a human life needs this to be added, as we said, whereas it is activities in accord with virtue that control happiness and the contrary ones its contrary.<sup>127</sup>

What we are inquiring about, then, will be characteristic of the happy person, and throughout life he will be as we say. For he will always or more than anyone else do actions and get a theoretical grasp on things in accord with virtue, and will bear what luck brings in the noblest way, and, in every case, in the most suitable one, since he is “good, foursquare, beyond blame.”<sup>128</sup>

What, then, prevents us from calling happy the person who is active in accord with complete virtue and is adequately supplied with external goods not for some random period of time but in a complete life? Or must we add that he will continue living like that and will die accordingly, since the future is obscure to us and we suppose happiness to be an end and complete in every way?<sup>129</sup>

And this view of the life of a person can be evaluated from the outside, and even on a longer perspective than on what happens between birth and death. The reputation of a person after death, the lives of children and relatives, economic happenings and so on, may reflect on the deceased person, and in this way, also on the evaluation of the life of the person as a success or as a failure.<sup>130</sup>

Rabbås makes this clear:

Aristotle here follows tradition in taking eudaimonia to be a matter of *success* or *good fortune* in life. To ascribe eudaimonia to a person and his life is to judge it successful, and the notion of eudaimonia is therefore the notion of an *objective, ethical property of a life*, not a subjective, psychological state.....Achieving eudaimonia amounts to *success* in that project which is one’s life, which is why regarding someone as *eudaimon*, unlike describing someone as happy in the modern sense, is not to describe a psychological fact – it is to make a heavily

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<sup>127</sup>Aristotle, 1100b10

<sup>128</sup> Ibid., 1100b20

<sup>129</sup> Ibid., 1101a15

<sup>130</sup> See to this also Parfit (1984), p. 495 and his similar explanation of what after death events mean to a Success Theorist. And Solomon (1998), p., 152, “Once we have given up our modern hedonistic sense of ‘feeling happy’ and taken up Aristotle’s much more embracing sense of ‘living and having lived a good life’, then we realize that tragedy is by no means limited to the living.”

loaded normative (ethical) judgement, one that normally licences certain ‘reactive attitudes’, such as applause, admiration, respect, honour.<sup>131</sup>

One should bear this in mind when considering whether, and in what way, Aristotle supports the possibility of harm inflicted on a deceased. It is not plausible that he supports that a non-existing entity could experience anything. But the life of a deceased person, the life seen as a historical project, can be evaluated, and thus, this life-project can be influenced by what happens, also after death. And in this sense, the life-project can be influenced by things happening when the subject in question is alive, but not aware of the things happening. This is because the subjective experience of the person comes in the background, and the life of the person, as an independent project, is put in the foreground.

Warren discusses this and finds that Aristotle in the *Nicomachean Ethics* I.10 – II seems to support the view that death is, or can be, a harm after the person has died. But, he continues “it would be surprising if this were in fact Aristotle’s view, since he appears to share two important beliefs with Epicurus. First, the dead can have no consciousness of post mortem events. Second, death is the end of the person; there is no kind of personal post mortem survival.”<sup>132</sup> Warren points out that Aristotle repeatedly talks of posthumous events affecting the dead. He argues, however, that even if this suggests that Aristotle thinks that harm can occur post mortem, Warren says that “It makes no sense in Aristotle’s view to consider the well-being of the dead. The dead are no longer; they are engaging in none of the activities which would constitute well- or ill-being.”<sup>133</sup> Warren then continues with the following statement that I take to be supporting my discussion above of the view that it is not the personal experiences that Aristotle is thinking of in this connection, but life as a life-project. He says:” Even if we accept the suggestion that Aristotle in I.11 is asking not whether a person’s *eudaimonia* can be affected, but whether *a person* can be affected after their death, there still seem to be difficulties in locating the time of the harm after death.”<sup>134</sup>

And he asks in what sense Aristotle can argue that there is a person to be harmed after death? Warren argues that one answer is that Aristotle does not intend to argue this, but that the harm is in fact a harm after the person has died, but then, not a harm to the dead, non-existing person. Warren argues that

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<sup>131</sup> Rabbås (2015), pp. 95-96

<sup>132</sup> Warren (2004), p. 50

<sup>133</sup> *Ibid.*, p. 51

<sup>134</sup> *Ibid.*

Aristotle in fact believes that since a person's actions when alive can have long-lasting effects, effects which may be located after the person's death, and since a person's well-being depends in part on the success of those actions, then how a person's descendants fare, for example, finally determines in the fullness of time the value of the person's life.<sup>135</sup>

Pitcher refers to Aristotle and thinks that Aristotle supports his argument that it is the ante-mortem person that is harmed (or benefited) after his death. As he says: "No doubt this is what he does mean."<sup>136</sup> If Pitcher here would refer to the person's *life-project*, not the ante-mortem *person*, I would agree. Aristotle's comparison of unperceived harms of existent persons with the post-mortem harms (or ante-mortem harms, according to Pitcher) of non-existent persons, is leading to the discussion, also raised by Nagel, of "what you don't know can't hurt you."<sup>137</sup>

Aristotle's arguments do not support the possibility of unperceived harms by persons, but the person's life project can be harmed in the way outlined above. His use of unperceived harms as an argument for the possibility of some experiences after death, are not weakening the necessary condition of existence. Aronoff thus says: "Aristotle's analogy with unperceived harms does weaken the sensation argument, but it does not touch the existence argument." "Aristotle challenges the argument from sensation, but he gives us no reason to doubt the argument from existence."<sup>138</sup> I think Aronoff holds that Aristotle views existence as a necessary condition for experience. It seems he further holds that Aristotle does not think the sensation argument requires awareness – and thus opens up for unperceived harms. I think this understanding requires us to see Aristotle's arguments, as I have argued above, not as directly connected to the subject in question, and the subject's experiences, but rather to his life-project.

There seem to be more critics than supporters of the claim that unperceived harm is not possible. Warren<sup>139</sup>, however, seems to support this view, and I will examine his arguments in the following.

Warren refers to Epicurus' second *Key Doctrine* (*Kyriai Doxai*):

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<sup>135</sup> Warren (2004), 51-52

<sup>136</sup> Pitcher (1993), p. 164

<sup>137</sup> Nagel (1997), p. 4

<sup>138</sup> Aronoff (1997), p. 140

<sup>139</sup> Warren (2004)

“Death is nothing to us; for what is dispersed does not perceive, and what does not perceive is nothing to us.”<sup>140</sup> Epicurus thus argues that non-perceived harms are nothing to us. There is no such thing as non-perceived pain. Or in the letter to Menoeceus: “For all good and bad consists in sense-experience, and death is the privation of sense-experience.”<sup>141</sup>

Warren uses examples of the kind I have mentioned earlier<sup>142</sup>:

- the man that is betrayed and ridiculed behind his back
- the man that is injured and reduced to the mental capacity of an infant
- the man that after living a happy life dies, but before he can see his family, and his children, grow and prosper.

Warren points out that these examples are designed to show a gradually increasing degree of anaesthesia. And this again is supposed to show a similar increase in harm. And if we accept this, we also accept that harm is not depending on the subjective experience of the subject in question.

Then Warren gives another example, of a writer whose book is being ridiculed by some of his readers in a city a thousand miles away. The writer never hears anything of this, and Warren asks “Is Mr D (the writer) harmed by this? I doubt many would think he is. But how is this relevantly different from case 1 (the case of the man being betrayed).”<sup>143</sup> Warren then discusses different possible answers to this question: the proximity and possibility of learning of the betrayal, the possible negative effects on the betrayed man’s life, and after this concludes “But if we are tempted to say that Mr A (the betrayed man) is harmed but Mr D is not, then perhaps these effects of the betrayal are the source of the harm rather than the betrayal itself. It is difficult to secure the conclusion that the unperceived betrayal itself harms Mr A.”<sup>144</sup> Warren then goes on to discuss the situation of Mr B, the brain damaged man. He starts out with the recognition that Mr B cannot recognize that he has been harmed, and the case can therefore, if it can be defended that Mr B is harmed, be an example of unexperienced harm, and the subjectivist assumption in the Epicurean argument is countered. So, intuitively

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<sup>140</sup> Warren (2004), p. 17

<sup>141</sup> Epicurus, p. 417

<sup>142</sup> Warren (2004), pp. 24-34

<sup>143</sup> *Ibid.*, p. 26

<sup>144</sup> *Ibid.*, pp. 26-27

most would say that Mr B is harmed. Warren, however, argues that Epicurus can offer two defences:

First – although contrary to our intuitions – Mr B has not in fact been harmed. He is in blissful ignorance of his state, like Mr A and Mr D. If arguing that Mr B is harmed, one must be able to give the candidate that is harmed. Epicurus has in his argument stated that harms must be perceived by their subject and Mr B does not perceive any harm.

Second – Epicurus could argue that the brain injury had made Mr B a different person. Mr B before the accident was another person than Mr B after the accident. The first Mr B is actually dead. And then we are back to the question of whether a dead person can be harmed.

Suits<sup>145</sup> argues that the examples used to show that unperceived harm is possible, are flawed because they lack a solid argument for the badness of slander, betrayal, etc. If the situations implies that nothing is different for the claimed victim, how, in what way, is he harmed? He argues that there is nothing bad in slandering, betrayal etc as such. We are considering them as bad because of the consequences normally connected to them. Without those consequences one would not think of them as bad. Or as he says: “..it is hasty to condemn betrayal regardless of the consequences, because there could be cases of being betrayed which have desirable results for the one betrayed. Why not rather prefer that people *do* slander you? What if bad reputations had nothing but good consequences? Then everyone would cherish being thought ill of.”<sup>146</sup>

To argue that unperceived harm is possible, Warren holds that one

must express a sense in which someone may be harmed but not recognize that they are being harmed, or, since it is possible to recognize that one is experiencing something without necessarily recognizing that one is thereby being harmed, at least not recognize the harm taking place. One such account, which I will call the “comparative account”, trades on a distinction between an “intrinsic” and “extrinsic” harm. Intrinsic harms are those which are directly experienced by the subject. In Epicurean terms, of course, pain is the only intrinsic harm.<sup>147</sup>

If there are extrinsic harms, then Epicurus’s claim that what we do not experience is nothing to us is wrong, and his argument fails. Warren refers to Feldman<sup>148</sup> in the discussion of

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<sup>145</sup> Suits (2012)

<sup>146</sup> Ibid., pp. 224-225

<sup>147</sup> Warren (2004), p. 28

<sup>148</sup> Feldman (1992)

intrinsic and extrinsic harms. Feldman argues that Epicureans accept that there are extrinsically bad things, e.g. over-indulgence, acting unjustly, being cripplingly poor. These are not bad per se, but they tend to produce pain and can therefore be said to be extrinsically bad. Feldman argues that death is not bad in itself, but “we think that death is bad for a person because of what it does to him or her; death is bad somehow indirectly because of what it does to us.”<sup>149</sup>

Warren’s answer to this is, as I have argued above, that extrinsic harms are only harms if they produce intrinsic harms. Harms that do not cause intrinsic bad or a loss of intrinsic good, is not harm. If the extrinsic harm produces no effects in the subject’s life at all, any hedonist ethical theory would reject that this is a harm. As Warren puts it: “Indeed, it becomes difficult to conceive of any sort of evil which is, so to speak, “purely extrinsic – an evil which has no effect whatsoever on the subject’s state – without it becoming question-begging whether such a thing ought to be thought of as an evil at all.”<sup>150</sup>

Warren then discusses Feldman’s use of alternative possible lives in Feldman’s argument for the existence of unperceived harms. Feldman’s argument is that there are possible lives, lives that are better than even a very good actual life. That one is not living this better life can be seen as a harm, even if one is not aware of, or thinking about such an alternative life, and living a perfectly happy life as it is. This argument is similar to the argument that death deprives you of the rest of your life – the Deprivation Theory – which I will discuss later. Here I will just refer to Warren:

There are therefore two sorts of difficulties with this kind of account. First, there are some indeterminacies and unclarity internal to the account which threaten unwanted and unpalatable consequences, such as the conclusion that every life is comparatively harmed because there are innumerable other better lives which could have been led. Second, this account for the harm of death does not seem to have a great deal of force on persuading a staunch sceptic such as Epicurus, that death is in fact a harm at all. It does not address directly the central claim of the Epicurean argument that the only harms are perceived harms – specifically pains – other than by constructing scenarios designed to draw from us the intuition that one can be harmed but not realize it. Whether or not that intuition itself is correct is not addressed.<sup>151</sup>

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<sup>149</sup> Feldman (1992), p.134

<sup>150</sup> Warren (2004), p. 29

<sup>151</sup> Ibid., p. 34

Rosenbaum accepts that it may be possible to be harmed now, even if it is experienced at a later time. As he formulates a reconstruction of Epicurus' argument<sup>152</sup>: " (A) A state of affairs is bad for person *P* only if *P* can experience it at some time". He explains this as:

..all (A) requires for something to be bad for a person is that the person *can* experience it (perhaps not consciously) at some time, not that he actually experiences it consciously. We can grant that what one *does not* consciously experience can hurt one without granting that what one *cannot* experience can hurt one. All (A) requires for an event or state of affairs to be bad for a person, implicitly, is that the person be able to experience it at some time, not that the person be aware or conscious of the causal effects at some time.<sup>153</sup>

However, this is not the correct understanding of Epicurus, and it is also not a correct understanding of what it means to be harmed. (It is also unclear to me why Rosenbaum introduces the *causal effects* at some time). As I have argued, the non-experienced harm, but with a possibility to experience it, is in my understanding, no harm at all. An alternative understanding of Rosenbaum's argument on this, a more positive understanding, may be that he thinks it is not necessary to defend the *possible* experience necessity, (one avoids some of the counter-examples by introducing 'possible' here, while the experience necessity would have to be defended against the opponents examples of non-experienced harms), as after death, also the possible experience is impossible.

My conclusion on this point is therefore that it is a necessary condition that *P* experiences the harm when it occurs, and of course, that he experiences it as a harm. This would be the necessary and sufficient condition for Epicurus' understanding of harm.<sup>154</sup>

As we have seen, the conflation of the subjective and objective view leads to conclusions about harm, both when alive and after death, that are flawed. I will end this chapter with a citation from Partridge that is illuminating (the citation follows a discussion about posthumous harm, and whether one would prefer posthumous fame or posthumous notoriety):

"Certainly, I would prefer posthumous fame!" But wait! Just what is going on here? In this very supposition we have utilized, simultaneously, two distinct point of view – that of the detached observer of good regard, and that of the subject of good regard. From the first perspective it is good, as such, to have a good reputation, even though unknown to the subject thereof. But then we neatly import this judgement into the subjective perspective and conclude

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<sup>152</sup> Rosenbaum (1993), p. 121

<sup>153</sup> Ibid, pp. 126-127

<sup>154</sup> Li (2002), p. 25

that it is good for him to have a good reputation, even if he is completely ignorant thereof. . . . . The transfer of interest from the objective to the subjective perspective is less than subtle when Feinberg states:

“I do not know what is being said and believed about me, so my feelings are not hurt; but clearly if I did know, I would be enormously distressed.”

But in the case of unaffecting and posthumous “harms” I categorically do not know. I can, therefore, care for my posthumous reputation only by regarding myself, and what is thought about me after my death, as an object of my moral reflection during lifetime. After death, I will, of course, “care” about nothing whatever and thus (I would insist) have no ‘interests’.

Unaffecting and posthumous ‘harms’, then, make sense only from the point of view of the objective observer detached from the personal, time- and space-bound perspective of the immediate subject of experience.<sup>155</sup>

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<sup>155</sup> Partridge (1981), pp. 257-258. Partridge refers to Joel Feinberg, *The Rights of Animals and Unborn Generations*, in *Philosophy and Environmental Crisis*, ed. William Blackstone (Athens: University of Georgia Press, 1974, pp. 43-68

## Chapter Five

### The Missing Subject Problem

In the previous chapter I discussed if the position is defensible that there is some harm that is unperceived. If this is the case, the argument goes, then the loss of perception by death would not necessarily mean the loss of the capacity for being harmed after death. I argued against the possibility of non-*experienced* harm. In this chapter I discuss whether non-*existence* necessarily implies the impossibility of being harmed.

In chapter 1 I defined death as follows:

“I will assume that death is the complete annihilation of the person that dies, and that there is no afterlife, or a soul that continues to exist. When dead, the person has permanently ceased to exist.”

This leads to

- a) the question of how, and when, death can be a harm, or,
- b) as I argue, that death cannot be a harm.

In his letter to Menoeceus, Epicurus writes: “So death, the most frightening of bad things, is nothing to us; since when we exist, death is not yet present, and when death is present, then we do not exist.”<sup>156</sup> And ” Get used to believing that death is nothing to us. For all good and bad consists in sense-experience, and death is the privation of sense-experience.”<sup>157</sup>

Epicurus’ argument seems very straightforward: He, as a hedonist, argues that pleasure and pain are the most basic states, one to be sought and the other to be avoided. They are sense experiences, and Epicurus thinks that to sense you have to exist. This leads us to the following argument: pain – and the badness of death, to be a harm must be sensed. To be sensed, it must be experienced and to be experienced there must be an existing, experiencing subject. And since death by my definition is non-existence, the problem of the missing-subject is in focus. It seems there is no-one that can be harmed after death, or by death itself.

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<sup>156</sup> Epicurus (1992), p. 417

<sup>157</sup> Ibid.

Those disagreeing with Epicurus must find a way to show that his argument is flawed. And most critics focus on three ways to avoid the missing subject problem,

- One can show that *experience* is not a necessary condition for harmful things happening to you, as discussed in the previous chapter
- One can show that *existence* is not a necessary condition for harmful things happening to you
- One can show that existence, in a sense, does not end with death

Li argues against the necessity of existence and thus, if his arguments are sound, the missing subject problem can be solved.

The so-called Feinberg-Pitcher position, where they argue that harmful things can happen to you before you die by events taking place after your death and Scarre's defence and expansion of the Feinberg-Pitcher position, are also attempts to avoid the missing subject problem. Silverstein's arguments involves the four-dimensional theory where he defends the position that it is possible that one can be harmed by death, because his framework of the four dimensions in a sense is an argument for existence after death, and thus also arguing that the missing subject problem can be solved.

### **1. Li's position**

Li discusses the existence condition, that is the condition that the subject must exist at the time of the harm event occurring and concludes that it is incorrect.<sup>158</sup>

Li's arguments are directed both at the existence and the experience conditions, but I will here concentrate on existence, as this is the relevant argument in this chapter. His methodology is to use thought experiments that are intuitively convincing.

To show that existence is not a necessary condition for harm, Li uses an example from McMahan<sup>159</sup> where a man is on holiday on a remote island. On Friday his life's work collapses. The news about this does not arrive until Monday. On Sunday, however, he was killed and therefore never learns of the collapse.

Li argues that, according to the Epicurean existence argument, Epicureans should agree that this man was harmed. To refute this, Li, citing McMahan, argues that

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<sup>158</sup> Li (2002), pp.26-31

<sup>159</sup> McMahan (1988), p. 34

it seems hard to believe that it makes a difference to the (harm) or misfortune he suffers whether the collapse of his life's work occurs shortly before he is killed or shortly afterward. Yet, according to the Existence Requirement (this presupposition), this difference in timing makes *all* the difference. If the collapse of his life's work occurs just before he dies, then, even though he never learns of it, he suffers a terrible (harm or) misfortune. If, on the other hand, it occurs just after he dies, he suffers no (harm or) misfortune at all. If we find this hard to believe, then we may be forced to reject the Existence Requirement (this presupposition).<sup>160</sup>

Li concludes that: "Accordingly, this (existence) presupposition should be rejected. As Epicureans grant, the Epicurean argument presupposes that 'P exists when a state of affairs (or event) occurs' is a necessary condition for the state of affairs (or event) being a harm (or bad thing) for P. Since this (existence) presupposition is incorrect, the Epicurean argument is incorrect as well."

The example is based on intuition, or as McMahan says: "it seems hard to believe" (that it makes a difference to the (harm or) misfortune he suffers whether the collapse of his life's work occurs shortly before he is killed or shortly afterward.). Li accepts unexperienced harm, and therefore holds that the subject being alive, although not aware of the harm to his life's work, is harmed. It seems that this argument takes as obvious that the person is harmed when the bad thing is happening before he dies, even if he does not know this, and therefore your intuition should tell you that he is also harmed after death. In the example the time after death is given as "short". What if the misfortune happened some years afterward or a hundred years afterward?<sup>161</sup>

Suits has made another example, following McMahan, where the person has gone into the forest on the island to live with a group of islanders. They are searching for him to tell him of the bad news and finds him 20 years later, dead.<sup>162</sup> It is not plausible to say that he suffered a misfortune for 20 years, especially since he felt no effect, and may even have adopted a new life-style where his former life did not matter to him, and thus neither the collapse of his life's work.

Be that as it may. Li's argument seems to me to be a misunderstanding of the Epicurean argument. Although it is correct that existence is a necessary condition for harm, it is not a

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<sup>160</sup> McMahan(1988), p. 38

<sup>161</sup> See to this Scarre's (2014), p. 174 for a discussion on how long after the destruction of Troy it would still be bad for Priam

<sup>162</sup> Suits (2012), p. 217

sufficient condition. This is in direct conflict with the Epicurean argument which says:” For all good and bad consists in sense-experience, and death is the privation of sense-experience.”<sup>163</sup> Thus sensing is also a necessary condition, and therefore the man on the island is not harmed, not when alive before the news arrives and not after he died.

I will leave Li’s case now and discuss the so-called Feinberg-Pitcher argument.

## **2. The Feinberg-Pitcher position**

Feinberg<sup>164</sup> and Pitcher<sup>165</sup> both hold the view that one can be harmed after death. The problem is, however, to pin point the time of the harm happening. Feinberg says:

The continuance of our lives for most of us, at most moments in our lives, is something manifestly in our interests, and that being so, the sudden extinction of life would, as a thwarting of that interest, be a harm. (The sceptical question, harm to whom? Must for the moment be put aside.)<sup>166</sup>

Feinberg further argues that one must accept that posthumous harms are possible if one is to accept that death is a harm, because both are post-personal. So, both are harms or none of them is a harm. Feinberg argues for the case that death, as thwarting our interests, must be seen as a harm. His problem, however, is to reconcile that with his view that death is also the extinction of the subject. He therefore argues that although the dead person, the bones and ashes, cannot be harmed, the ante-mortem person, the person while alive, can be harmed by events happening after his death. This seems counterintuitive and also seems to presuppose retroactive causation. Feinberg, leaning on Pitcher, argues that backward causation is not the case, when e.g. one’s life project is destroyed after one’s death then one is harmed, even if dead at the time. The ante-mortem person is harmed. Another example used by Feinberg (and Pitcher) is that if the world would be destroyed during the next presidency after Ronald Reagan, then he would be the penultimate president of the USA. And this would be true even during his presidency. And if your insurance company, where you have insured your family, collapses after your death, your family is harmed, and you are also harmed because your interest in your family’s welfare is harmed. And, Feinberg argues, you are harmed now, while alive.

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<sup>163</sup> Epicurus, p. 417

<sup>164</sup> Feinberg (1993)

<sup>165</sup> Pitcher (1993)

<sup>166</sup> Feinberg (1993), p. 173

How is this to be applied to death itself? Death, according to Feinberg, thwarts your interests. But how can it when you do not exist? According to Feinberg, it is the ante-mortem person that is harmed by his death, because his interests are thwarted, his projects left unfulfilled. He then discusses when, at what time, does death harm the subject. And his conclusion is that death harms the living when they acquire interests in life. And when old, he supposes, one has fewer interests and thus death is less harmful than if dying young. He summarizes this as follows:

Death can be a harm to the person who dies in virtue of the interests he had antemortem that are totally and irrevocably defeated by his death. The subject of the harm in death is the living person antemortem, whose interests are squelched. The fact of a person's death "makes it true" that his antemortem interests were going to be defeated and to that extent the antemortem person was harmed too, though his impending death was still unknown to him."<sup>167</sup>

Feinberg ends his chapter on this by saying that "Events after death do not retroactively produce effects at an earlier time, but their occurrence can lead us to revise our estimates of an earlier person's well-being, and correct the record before closing the book on his life."<sup>168</sup> Although I disagree with most of Feinberg's arguments, I agree to this last sentence, which is very much like my interpretation of Aristotle's view on this matter. Because here he is talking, not of the dead, but of us, the remaining living people and how we regard the life of the dead.

Pitcher argues, as Feinberg does, for the possibility that one may be harmed by events happening after one's death. He begins with arguing for the possibility of someone being wronged after death. He understands to wrong someone as being unjust to someone, maligning or slandering someone, betraying someone's trust, etc.<sup>169</sup> His examples to show that it is "abundantly clear that we think the dead can indeed be wronged"<sup>170</sup> include the son who, instead of fulfilling his father's wish of where to be buried, instead sells his corpse to a medical school for dissection; the Olympic gold medal winner that after his death is falsely charged of foul and loses his medal; the husband that wrecks his wife's reputation after her death. Pitcher, after asking how it is possible to wrong so much dust, introduces the concepts of ante-mortem person and post-mortem person, and declares that it is the ante-mortem person that is wronged. If someone after death is falsely accused of being anti-Semitic, it is the ante-

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<sup>167</sup> Feinberg (1993), pp. 187-188

<sup>168</sup> *Ibid.*, p. 188

<sup>169</sup> Pitcher (1993), p. 160

<sup>170</sup> *Ibid.*

mortem person that is wronged. As he says: “All wrongs committed against the dead are committed against their ante-mortem selves.”<sup>171</sup>

Pitcher then discusses harm and thinks that no one seriously would claim that a post-mortem person can be harmed, as “Dust can neither be wronged nor harmed.”<sup>172</sup> But he then argues that dead persons can be harmed in their ante-mortem state. He defines harm as “an event or state of affairs is a misfortune for someone (or harms someone) when it is contrary to one or more of his more important desires or interests.”<sup>173</sup> He gives an example of a woman, Mrs. White, who is very proud of the business she has established, but that collapses soon after her death. Pitcher thinks this to be a harm to Mrs. White, the living (ante-mortem) Mrs. White even though it occurs when she is dead.

Pitcher then argues for his position that a dead person can be harmed in the following way:

- He has already shown that ante-mortem persons can be wronged after death (see examples above)
- The wronging is something new happening to the dead person
- But being wronged need not change the intrinsic condition of the person
- Thus, being harmed is different, as harming a person changes his condition for the worse
- Therefore, if an ante-mortem person is harmed by something happening after death, then this seems to be backward causation
- This, however, is based on the misleading picture of being harmed as a change in one’s metaphysical state
- To see that this picture is misleading, suppose that Mr. Black’s son Jack is killed in an air crash. This is a harm to Mr Black when his son dies, whether he knows it or not.
- And this is not depending on instantaneous causation at a distance, the plane crash sending out infinitely rapid waves of horror, diminishing Mr. Black’s metaphysical condition.
- If that idea is absurd, so is the idea that if the son’s death should occur after Mr. Black’s, and should thus harm the ante-mortem Black after his death, it must do so by a process of backward causation<sup>174</sup>

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<sup>171</sup> Pitcher (1993), p. 161

<sup>172</sup> *Ibid.*, p., 162

<sup>173</sup> *Ibid.*

<sup>174</sup> *Ibid.*, pp. 164-165

After this argument, Pitcher discusses the concept of harm, and thinks it is “just false that in order to be harmed the victim must be aware of the harm.”<sup>175</sup> It is, for example, argues Pitcher, a misfortune to be stricken with an incurable fatal disease, if one has the desire to go on living, even if one is unaware that one has it.

Thus, Pitcher uses the thought that there is unexperienced harm to support his claim that there can be harmful events happening after a person’s death, harmful to the ante-mortem person. He finds that this idea “emerges with great plausibility and power.”

Pitcher ends his article with an explanation that events happening after death do not for the first time harm the ante-mortem person. It is not his position that a person goes unharmed to his death, and then, when the bad thing is happening, is harmed as an ante-mortem person. Pitcher’s position is that “the occurrence of the event makes it true that during the time before the person’s death, he was harmed – harmed in that the unfortunate event was going to happen.”<sup>176</sup> And if the bad thing did not happen, he would not have been harmed. Therefore, the bad event made it true and was responsible for the harm, in the same way as if the world was destroyed during the next presidency after Ronald Reagan’s, this would make it true, be responsible for the fact that he would be the penultimate president of the United States, even during his presidency.

Before discussing the arguments put forward by Feinberg and Pitcher, I will also present arguments by Scarre, supporting the Feinberg-Pitcher position.<sup>177</sup>

### **3. Scarre’s position**

Scarre supports the Feinberg-Pitcher position by introducing a difference between subjective and objective components of a person’s well-being. The distinction is “between subjective and objective components of well-being, where the former have to do with how his life feels to a subject, and the latter with the quality of the contents of his life as measured by some independent standard of value.”<sup>178</sup> Scarre thinks that those supportive of the Feinberg-Pitcher position will lean toward the more objective understanding of well-being, and those opposing it will think of well-being more like a subjective experience. If the personal, subjective

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<sup>175</sup> Pitcher (1993), p. 165

<sup>176</sup> *Ibid.*, p. 168

<sup>177</sup> Scarre (2014)

<sup>178</sup> *Ibid.*, p. 176

experience of the ante-mortem person is not of importance, the thought of an event affecting this person can better be accommodated.

Scarre finds support in Aristotle’s *Nicomachean ethics*, discussed above in chapter 3, and in Kant’s *The Metaphysics of Morals*, where he cites him saying: “Someone who, a hundred years from now, falsely repeats something evil about me injures me *right now*; for in a relation purely of rights, which is entirely intellectual, abstraction is made from any physical conditions of time.”<sup>179</sup>

The situation can be illustrated as follows:

		STATES	
		<i>Ante-mortem</i>	<i>Post-mortem</i>
EVENTS	<i>Ante-mortem</i>	Yes, normal harms	No
	<i>Post-mortem</i>	Yes/No?	No

As the arguments go one can be harmed when alive (ante-mortem) by events happening when one is alive. One cannot be harmed post-mortem by events happening ante-mortem or post-mortem. Thus, the interesting case is whether events happening post-mortem can harm one ante-mortem. Here the views differ. The Feinberg-Pitcher account argues for this, as outlined above, whereas Scarre’s position seems to be that one is not harmed ante-mortem, but one’s life-project is harmed, which is a more objective definition of harm, in line with Aristotle’s view.

Before discussing Silverstein’s position, I will give my reasons for finding both the Feinberg-Pitcher position and Scarre’s defence of it flawed.

First, neither of them argues that it is the dead person that is harmed by death or by events occurring after death. It is the ante-mortem person, the living person that is harmed.

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<sup>179</sup> Scarre (2014), p, 184, reference to: Immanuel Kant, *The Metaphysics of Morals*, trans, Mary Gregor (Cambridge, UK: Cambridge University Press, 1991), 112*n**beleidigtschon jetzt*

Second, they argue that the events causing harm takes place after the death of the person.

Third, they argue that they do not think this is backward causation.

Fourth, from this, because the event causing the harm takes place after the harm manifests itself, they seem to meet a contradiction. They try to avoid this by arguing that the harm was there all the time, or at least from the time the person had the interest, the interest that has been thwarted by the after-death event. But they argue both that the harming of the interest has been there as long as the interest, but also that the harm would not have occurred had not the harming event occurred.

Fifth, the more convincing examples used in their arguments are of events destroying the life projects of the dead person. And this is in line with my interpretation of Aristotle in chapter 3. But there is an important difference between arguing that after-death events can affect the *life project* of a dead person, seen and evaluated by the now living audience to this, and arguing that the *living person* is affected now, by something happening after death. However, if by objective well-being we mean a person's life project, evaluated by someone else, then that is in line with the view that someone's life project can be influenced by events after the person's death.

The arguments seem to conflate those two, very different cases, as the following examples show:

- a. "Were Brown's offspring to abandon their religion as soon as their father was cold in the ground, then it would be clear that his project had been a fruitless one."<sup>180</sup>

Here it seems clear that Scarre is talking about a project seen from the outside, not of the father's experience.

- b. "When posterity does come to appreciate them, this is genuinely good for the antemortem subject, fulfilling his major lifetime ambition. Were people never to value them, this would be bad for this Van Gogh, as it would render his painting in vain, a sad case of artistic misadventure."

(This example is of paintings and an imagined painter). Here it seems that the argument is a mixture of life project and a claim about what the antemortem person is experiencing. It is difficult to accept that it would make a difference to the antemortem

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<sup>180</sup> Scarre (2014), p. 172

Vin Gough, living a life of poverty, if a hundred years after his death, people came to like his art. Of course, if he knew that would happen, it would make a difference, but if not? But, the life project of Vin Gough, a very famous artist after his death, represented in all the major museums of the world, is of course a very successful one. But sadly, of no importance to the dead, or the living, artist.

- c. “Bill Brown promises his dying father that he will bury him in the family plot when he dies. Bill instead sells his father’s corpse to a medical school for dissection by students. Our intuition tells us that Mr. Brown has been badly betrayed by his son.”<sup>181</sup> It seems clear that Bill has broken a promise. But is this of any importance to the dead father? Or the living, antemortem father? Is the antemortem father’s life situation depending on Bill keeping his promise after his death – if he believes that he will keep his promise? It seems highly counterintuitive to argue that it does. However, generally keeping promises to be fulfilled after death, and acting according to wills, is of importance or else Bill’s father could not be sure that Bill would keep his promise either, and that could make a difference to his antemortem life situation.
- d. “Suppose that after my death, an enemy cleverly forges documents to “prove” very convincingly that I was a philanderer, an adulterer, and a plagiarist, and communicates this “information” to the general public that includes my widow, children, and former colleagues and friends. Can there be any doubt that I have been harmed by such libels?”<sup>182</sup> Yes, I doubt that very much, because you will not exist at the time, so there is no “you” to be harmed. This is not about you being harmed, but about what your family and friends will think of you, and thus about your life project, but not about you being harmed, alive, as an antemortem person, or after death. (and I think this example also shows the tendency to take the view of the living, experiencing subject, instead of the dead, none-existing person when making the examples).

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<sup>181</sup> Pitcher (1993), p. 160

<sup>182</sup> Feinberg (1993), pp. 180-181

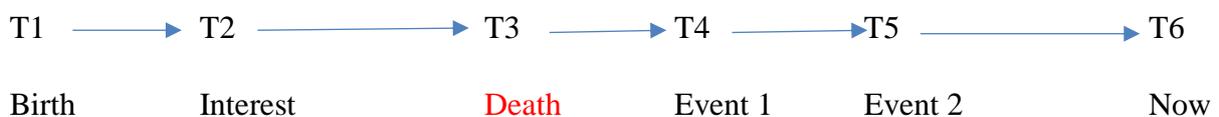
- e. “If the world should be blasted to smithereens during the next presidency after Ronald Reagan’s, this would make it true (be responsible for the fact) that even now, during Reagan’s term, he is the penultimate president of the United States.”<sup>183</sup>

This is a new kind of argument introduced at the very end of Pitcher’s article. And there is nothing controversial about it. But it has nothing to do with the claim that antemortem persons can be harmed by events after their death. Reagan is not harmed as a living, antemortem person by the fact of the world coming to an end (I suppose that this is unknown to him).

Another, similar point concerns what is called Cambridge changes. There are innumerable things happening in the world that can be in some relation to us, without directly affecting us in an intrinsic way. The standard example is the wife becoming a widow by the death of her husband. Her formal status is changed, although no intrinsic change has happened to her. These “Cambridge” changes are of a different character than the arguments given for the harm of the antemortem person. These are relational changes but are not events causing harm to an antemortem person now, before the event takes place, which could, or could not, be after his death.

The arguments for the possibility of harming living persons before death by events after death, are flawed. They are based upon examples of life projects being harmed, which is unproblematic, when seen from our, the living persons’, point of view, but which are thought to show that the person in question is harmed, which is quite another thing. Other examples given to show that the antemortem person is harmed by post-mortem events, are based on examples that are non-convincing and counterintuitive.

In the figure below, I have tried to illustrate some problems with the Feinberg-Pitcher position<sup>184</sup>



<sup>183</sup> Pitcher (1993), p. 168

<sup>184</sup> In doing this I am leaning on the arguments made by Waluchow (1986)

### Case 1

S's life is from T1 until T3 when he dies. At T2 he gets an interest in studying for a PhD, which he works on and devotes his full energy at achieving, and he does so until shortly before he dies at T3. At T4 some rumours about his work start to circulate and his doctorate is retracted by the university because there is evidence that S copied most of his work from another dissertation. However, later, at T5, it becomes evident that the rumours were false, and so was the 'evidence'. The university apologizes to his widow and returns the Diploma.

Was S harmed or wronged by Event 1? (Or both? The difference between harmed and wronged is not important for the point I want to make here) When? According to the Feinberg-Pitcher position S was harmed when he got interested in the PhD. But with Event 2, he is no longer harmed (or wronged). But the Feinberg-Pitcher position also states that the harm does not suddenly appear when Event 1 happens, but it has been there all the time – at least since T2. Event 1 only *made it true* that S was harmed from T2. But with Event 2, S is no longer harmed. From when? Remember that S is now dead and has been for a while before both Event 1 and Event 2 happens. It seems that he, as a living, antemortem person is both harmed and not harmed before his death. This is contradictory but seems to follow from the Feinberg-Pitcher position.

### Case 2

And what about events before death? What if I will be harmed in some way next year? Am I already now harmed? If I break my leg next January, does it make any sense to say that I am harmed *now* by this? Does the Feinberg-Pitcher position about future events that relate to antemortem persons only apply to after death events? If so, why is it possible to harm someone retroactively (or make it true that they are harmed before the event takes place) by harmful events after death, but not before death?

### Case 3

I break my promise to take S's ashes to his favourite mountaintop. I made the promise at T2. I break my promise to S at T5. There are the following problems:

- a. Did S's interest in being strewn in the wind from the top of the mountain survive his death?
- b. If the interest survived his death, why not also his capacity for being harmed?

- c. And if the interest survived his death, whose interest is it? S does not exist so it cannot be his interest. If we do not accept “free-floating” interests, belonging to no one, it seems we are back to the missing-subject problem.
- d. Feinberg argues that the interest is S’s interest. “..and a person’s surviving interests are simply the ones that we identify by naming *him*, the person whose interests they were. He is of course at this moment dead, but that does not prevent us from referring now, in the present tense, to his interests, if they are still capable of being blocked or fulfilled, just as we refer to his outstanding debts or claims, if they are still capable of being paid.”<sup>185</sup> This argument seems to be flawed. First, there is a difference between S’s debts and claims and S’s interests. The first are not depending on S as a person but can survive S by being formal parts of his estate after his death. His interests, however, are very personal. Second, we meet here again the missing-subject problem. Although we can refer to S’s interests, as Feinberg argues, that does not mean that we plausibly can say that the non-existing S *has* any interests. And then it seems we must conclude that now, at T6, there are no interests that can be set back.
- e. Does it follow that the promise I made at T2 no longer exists? I think not. The promise I made to S, is for me still an existing obligation – although to no-one other than myself. I feel obliged to fulfil the promise, even though I know it does not matter to the non-existent S, it matters to me. In this one case it is maybe irrational but seen from the point of view of the society, it makes sense that one can depend on promises, wills etc being fulfilled even after one is dead.

Feinberg is in the position that he must argue that S was harmed from T2 by my breaking the promise at T5. This he can do by

- a. Arguing that interests survive death, but then he meets the missing-subject problem and the need to distinguish between interests that can survive and harm – or setting back of interests - that does not, and he therefore needs the antemortem person as subject of harm.
- b. Arguing that interests do not survive death which means that me braking the promise at T5, is to harm S at T2, although he is long dead when I break the promise.

My conclusion is that the Feinberg-Pitcher position is counter-intuitive, and I consider it flawed.

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<sup>185</sup> Feinberg (1984), p. 83

Rabbås<sup>186</sup> has pointed out to me that one might argue that there is a case where one can say that something happening at  $T_5$  can influence an event at  $T_2$ . If I work on my Master Thesis for a year, but then have to stop, and give up the work, then my stopping this work makes all the work I did before, and the time  $T_2$  at which I started the work, to failures. The failed result made the project of doing the Master a failure. In this sense a later event can harm a project. Does this apply even after death? If I died before finishing, would my death retroactively make my work on the thesis a failure? I find this to be intelligible and I agree to this in the sense that my project of doing a Master Thesis failed, but I, personally, was not harmed by this. In the case of me being alive, but having to give up the work, yes, of course I was harmed, if I was still interested in completing, but could not do so. However, if death made me stop, this is another thing. When I died all my interests died with me, also my interest in completing the thesis. Claiming that I, as an antemortem person was harmed, is not plausible, as I have discussed above.

There is another position, argued by Harry S. Silverstein, for finding a solution to the time of the harm of death,<sup>187</sup> and thereby also the missing subject problem.

#### 4. Silverstein's position

I give, as an introduction to Silverstein, first a short summary of Nagel's position because Nagel gives an argument relevant to Silverstein's discussion (and was maybe the inspiration for Silverstein's first article on the subject).<sup>188</sup>

Nagel<sup>189</sup> discusses examples that are widely cited as arguments for unexperienced harm (contrary to the principle – what you don't know can't hurt you):

1. A man betrayed by his friends, ridiculed behind his back and despised by people who treat him politely to his face.
2. His wishes are ignored by the executor of his will.

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<sup>186</sup> Øyvind Rabbås in private conversation

<sup>187</sup> This may be a more general problem. Johansson (2005), p. 87: "Suppose  $a$  is the cause of  $b$ . Is  $a$  atemporally  $b$ 's cause, or is  $a$  the cause of  $b$  when  $a$  occurs, or when  $b$  occurs, or at some other time, or at all times?" If A shoots B on Sunday, A dies on Monday, and B dies because of the shooting on Tuesday. Did A kill B? if yes, when? This example is from Grover (1989), pp. 336-337

<sup>188</sup> Silverstein's position, although controversial, and mostly rejected, is referred to in much of the literature.

<sup>189</sup> Nagel (1997)

3. After his death, the false belief become current that all his literary works on which his fame rests, was really written by his brother who died in Mexico at the age of 28.

Nagel argues that all these questions have something to do with time. Is it, maybe, the case that “most good and ill fortune has as its subject a person identified by his history and his possibilities, rather than merely by his categorical state of the moment – and that while this subject can be exactly located in a sequence of places and times, the same is not necessarily true of the goods and ills that befall him”?<sup>190</sup> The examples he uses to reach this statement are of a man wasting his life in the cheerful pursuit of a method of communicating with asparagus plants, that “the natural view” that it is bad to be betrayed, and not because we discover the betrayal and the example of the person receiving a brain injury, reducing him to the mental condition of a contended infant. The last example, Nagel says, would be widely regarded as a severe misfortune, for friends and relations, but also, and primarily, for the person himself. However, Nagel then says that “he does not mind his condition” and finds this to correspond to the objections used for arguing that death is not an evil. Nagel then says that if these objections are invalid it must be because they rest on a mistaken assumption “about the temporal relation between the subject of a misfortune and the circumstances which constitute it.” We should instead, Nagel argues, consider the person he was and the person he could be now, and would then see that his injury is a “perfectly intelligible catastrophe”<sup>191</sup>. According to Nagel we should now be convinced that it is arbitrary to restrict the goods and evils that can befall a man to nonrelational properties ascribable to him at particular times, because that would exclude his examples of gross degeneration, and other features of life that have the character of processes. There are relational goods and evils and there are “circumstances which may not coincide with him either in space or in time.....and what happens to him can include much that does not take place within the boundaries of his life.”<sup>192</sup> Examples are deception, betrayal, breaking a deathbed promise etc. Nagel then says: “For certain purposes it is possible to regard time as just another type of distance”.<sup>193</sup>

Silverstein has followed up on this. First, after having evaluated arguments against the Epicurean view, he concludes that “Thus, we seem to have reached an impasse. Acceptance of the Epicurean view now seems clearly to be an unhappy last resort, if not flatly intolerable; but since we cannot refute it by thinking of death as an ordinary evil of deprivation, we seem

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<sup>190</sup> Nagel (1997), p. 5

<sup>191</sup> Ibid., p. 6

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

to have no acceptable argument against it. Hence, the Epicurean dilemma constitutes a serious problem.”<sup>194</sup>

Silverstein thinks the problem can be solved by introducing a four-dimensional concept. And with a combination of this concept with the claim that an event can be the object of one’s feeling rather than the cause of the feeling, he claims to have found the solution to the Epicurean dilemma.

The problem to be solved is the missing subject problem, the problem that after death there is no subject that can experience any harm. For death to be a harm, the temporality condition, the necessary condition that for death to be a harm to someone, the harm must coexist or totally or partially be prior to A’s death.

“An A-relative value must have a temporal location or extent at least part of which is prior to A’s death.”<sup>195</sup> But having defined death as total annihilation, and not discussing the process of dying, but only death itself, it seems contradictory to say that A can be harmed by death since A and death do not coexist. And the harm of death is not prior to A’s death. And here Silverstein, leaning on Quine, argues that the four-dimensional framework is the key to the resolution of the Epicurean dilemma.<sup>196</sup>

Silverstein argues that “the problem of existence constitutes the sole obstacle to the claim that posthumous events, like spatially distant events, can be objects of appropriate feelings and experiences in the sense required by a reasonable version of VCF.”<sup>197</sup> (VCF= Values Connect with Feelings). He then argues that one can and should think of time in the same way as one thinks of space. Objects can be distant in space but still exist, and so also with time. Events can be distant in time, but still exist. Objects and events coexists “in an eternal or timeless sense of the word.”<sup>198</sup> This may seem odd, and to make the thought more acceptable, he refers to Quine with examples like

- How can a woman be the widow of someone that does not exist, and has not existed either as long as she was the widow?

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<sup>194</sup> Silverstein (1993), pp. 105-106

<sup>195</sup> Silverstein (1993), p. 106

<sup>196</sup> There are different time-related arguments to show that the Epicurean argument can be disproved: atemporalism – death is bad, but not at any time; eternalism – death is bad at all times; priorism – death is bad before death; concurrentism – death is bad at the time of death; subsequentism – death is bad after death. See Johansson (2013c), p. 256

<sup>197</sup> Silverstein (1993), p. 111

<sup>198</sup> Ibid.

- We can say that there have been fifty-five kings of England, but there has never been more than three people who had been or ever would be kings of England.<sup>199</sup>

The way Quine proposes to put “this mess in order”<sup>200</sup> is to adopt the view that people and other physical objects are deployed in a four-dimensional space-time “as coexisting in an eternal or timeless sense of the word.”<sup>201</sup> By adopting that

1. Posthumous events exist
2. Posthumous events can therefore be objects of appropriate feelings in the sense required by VCF
3. VCF does not require the temporality assumption
4. The temporality assumption can therefore justifiably be rejected

and the Epicurean view can justifiably be rejected.<sup>202</sup>

Silverstein then remarks, maybe tongue in cheek, that the only problem after this is whether this solution to the problem is as incompatible with common sense as is the Epicurean view. But he then argues that the four-dimensional view is common sense. It is implicit in much of our everyday conceptual practice. When we say that Mary is the widow of John, although John does not exist, nobody finds this problematic, because we use the four-dimensional view. When A is eulogized at his funeral, although A does not exist, this is also because we think in four-dimensions. Or when talking about temporal duration, e.g. B must serve 20 years in prison, there is no time at which B serves 20 years in prison. Imagining B in prison for 20 years simply requires that we adopt a four-dimensional view.

To make this clearer Silverstein has further developed his theory in articles and replies to critics.<sup>203</sup> He introduces the concepts:

**exist<sub>4</sub>**, where both time and space are neutral; in my words it means that A exists *sometime, somewhere*. And if it is true somewhere and sometime, it is true everywhere always. This is the four-dimensional concept.

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<sup>199</sup> Silverstein (1993), p. 111

<sup>200</sup> Ibid.

<sup>201</sup> Ibid. Silverstein’s citations are from W.V. Quine, Physical Objects, typescript (read, among other places, at the Western Washington University Philosophy Colloquium, March 1978), pp. 7-9

<sup>202</sup> Ibid., p., 112

<sup>203</sup> Silverstein (2000); (2008); (2014)

**exist<sub>3</sub>**, where only space is neutral, which in my words means that A exists *now somewhere*. And if this is true somewhere, it is true everywhere. This is the three-dimensional concept.

**exist<sub>0</sub>**, where neither space nor time are neutral, which in my words means that A exists *here and now*. And if it is true here and now, it is true just now and here. This is a zero-dimensional concept.

Silverstein argues that the four-dimensional framework is as unproblematic concerning time as the three-dimensional framework is concerning space.

To illustrate his point he has an example, based on the assumption that the zero-dimensional framework is the framework in some civilization where there is a couple, John and Ann.<sup>204</sup> Ann has an affair in another city which John never visits. Philosophers in this society discuss whether John is harmed by this as it takes place where he never is. So how can something harm him that does not exist? From John's perspective in his city, the affair does not exist<sub>0</sub>, and that means that 'Ann is<sub>0</sub> having an affair' is false. And John cannot be harmed by a non-existent affair. To solve this problem a brilliant philosopher named Silverzero "suggests that the solution lies in switching to a three-dimensional framework, a framework that does not have 'here' built into its foundations and thus allows us to ascribe existence to objects and events *wherever* they may be."<sup>205</sup> And then, Silverzero claims that since 'Ann is<sub>3</sub> having an affair' is true somewhere, it is true everywhere also where John is, and therefore can be said to be an evil for him.

Silverstein has developed this example to make us think of the difference between the three- and four-dimensional frameworks. To make the understanding of the four-dimensional framework easier, he mentions timeline charts, as they are used e.g. in encyclopedias. The time chart shows events and persons placed on a line, with a beginning and an end. Silverstein exemplifies with Henry VIII placed on the line with the beginning 1491 and end at 1547. And although Henry VIII lived 56 years, starting 1491, the time line is always correct, not only in the years between 1491 and 1547. And in this sense it is always correct that he lived in those years, and in the places that he where, but it is also, of course correct that he only lived 56 years and then died. And this is the meaning of Henry VIII exists<sub>4</sub>, which is true always, and everywhere.

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<sup>204</sup> Silverstein (2000), pp. 129-130

<sup>205</sup> Ibid., p. 130

Against the background of this, seemingly uncontroversial understanding of Silverstein's four-dimensional framework, does it do the work? Does it explain how death can be an evil to the one who is dead? Silverstein argues that it can by reference to the zero-dimension example of his. But he is criticized. Burley finds five problems with Silverstein's arguments.<sup>206</sup> I will here just present the one I find to be most relevant to my discussion.

Burley does not accept that Silverstein's four-dimension framework provides a relevant sense of coexistence for temporally non-overlapping items. Although it is true that both *S* and *S*'s being dead coexist in the four-dimensional sense, i.e. *S* exists<sub>4</sub> and *S* is<sub>4</sub> dead is true. But this means that it is always true that *S* exists sometime and somewhere and so does the dead *S*. It does not mean that those periods overlap. Burley therefore thinks that Silverstein has not overcome the relevant missing-subject problem.<sup>207</sup>

Silverstein's answer to this is that Burley is begging the question. In Silverstein's opinion, Burley is begging the question because it is exactly whether temporal overlap is necessary to avoid the missing-subject problem, that is the question. And Silverstein's position is that "...the sense in which, and the ground on which, 'exists<sub>4</sub>' allows us to say that items coexist even if they do not exist at the same time exactly parallel the sense in which, and the ground on which, 'exists<sub>3</sub>' (and of course 'exists<sub>4</sub>' also) allows us to say that items coexist even if they do not exist at the same place."<sup>208</sup> Silverstein's arguments are based on his premise that one can see time and space in the same way. Objects or events can be spatially apart and exist at the same time, although they have spatial boundaries. The same with objects and events that are temporally apart. They exist, in the sense of 'exist<sub>4</sub>' at the same time, because they, in this sense, exist always, although they do not temporally overlap. In Silverstein's view, this is enough to overcome the missing subject problem.

My conclusion to the Silverstein-Burley discussion is that I do not find Silverstein's arguments concerning how his four-dimensional framework helps solve the missing-subject problem convincing, for the following reasons:

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<sup>206</sup> Burley (2008).

<sup>207</sup> Burley (2008), pp. 563-565

<sup>208</sup> Silverstein (2008), p. 576

1. Silverstein holds as a main point that  $exist_4$  and  $exist_3$  can be seen as parallels. He argues that examples involving time and space can be compared. Objects/events distant in space can be compared to objects/events distant in time.
2. His arguments, however, are not based on this observation, but, it seems, on the claim that these objects/events, whether in three- or four-dimensional-framework, in some sense exist at the same time.
3. His arguments, however, do not support his claim. First, he accepts that a person does not exist after death. Second, his example of the time-chart, to show that it is always and everywhere the case that Henry VIII did exist, and that this is a truth now and forever, does nothing to show that  $exist_4$  can give a plausible way around the missing-subject problem of the harm of death. It shows that Henry VIII did exist sometime and somewhere, and that will always be true, but not that Henry VIII and the state of Henry VIII's being dead, in a plausible sense, can be correlated so as to overcome the problem in question.
4. It may be that Silverstein's four-dimensional framework in some sense gives us a tool to think differently about time and space. It does not, however, give us in a convincing way, a different reality that could solve our problem. It may give a semantic solution, but not a real solution. In spite of Silverstein's claims, it is difficult to see how a non-existing S can be harmed, even if S did exist sometime, although not now, after having died.
5. To claim that e.g. Henry VIII can now be harmed because it is true that he  $exists_4$ , is not convincing and will need more argumentation than Silverstein has provided.

## Chapter Six

### The Desire Thwarting Theory

This theory can be explained as follows: Something is a misfortune for us if it thwarts our desires. Whatever prevents us from getting what we want, is a misfortune. Therefore, as death prevents us from getting what we want, or rather, removes our desires altogether, it is an evil for us. For removing our desires is, in a liberal understanding of thwarting our desires also frustrating our attempts to fulfil them, and thus an evil.<sup>209</sup>

Williams, Luper-Foy, Fischer, Rosenbaum and Li are some of the many philosophers engaged in the philosophy of death who have commented on this theory.<sup>210</sup>

The argument, as explained above, can be put like this:

1. Something is a harm or misfortune for us if it thwarts our desires
2. Death thwarts our desires
3. Therefore, death is a harm or misfortune for us

Li finds the argument unpersuasive because he cannot accept no. 1 in the argument, that something is a harm or misfortune for us if it thwarts any of our desires. He argues that we may have desires that we do not normally consider so important that we would say that we are harmed if they remain unfulfilled. Examples could be me not being able to go to the movie, because writing on a thesis, or not having my cup of coffee because I have run out of coffee. Desires Li mentions are anti-logical desires, e.g. the desire that the square root of two is a rational number; anti-physical desires, e.g. that I can fly like a bird; highly improbable desires, e.g. that I be the next prime minister in Norway; harmful desires, e.g. the desire not to be vaccinated.

Li, because his understanding of the argument presupposes that any thwarting of a desire must be considered to be a harm, therefore concludes that the desire-thwarting theory is unsound.<sup>211</sup>

I think, however, that the theory, or a revised theory, could easily avoid his counterexamples by a modification. It would be enough to find just one desire thwarted by our death, to argue

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<sup>209</sup> Luper-Foy (1993), pp. 270-271

<sup>210</sup> Williams, B. (1993), pp. 73-92; Luper-Foy (1993), pp. 269-290; Fischer (1993), pp. 3-30; Rosenbaum (1993), pp. 293-304, Li (2002), pp. 33-42

<sup>211</sup> Li(2002), pp. 40-42

that the (revised) theory avoids Li's counter-argument. Therefore, if one instead of the 'desire-thwarting argument' introduces the following argument,

1. Something is a harm or misfortune for us if it thwarts *at least one, or some, certain kinds*, of our desires
2. Death thwarts certain kind(s) of our desires
3. Therefore, death is a harm or misfortune for us

With this modification it seems to me that the theory avoids the problems Li has discussed.

There is, however, a more fundamental reason for the argument to be flawed, and that was the topic of the previous chapter, the missing subject problem.

The argumentation is flawed because there is no explanation of how there can be harm, misfortune or thwarting of desires if there is no subject experiencing the thwarting of desires. Thus, it is no. 2, not no. 1, as Li holds, that is problematic in the argument.

The arguments for the desire-thwarting theory rest on the possibility that one can be harmed, under certain conditions, if one has a desire that is not fulfilled. Williams argues that he would prefer a state where he gets the thing he desires from a state where he does not get it, and death is such a state. Therefore, he wants to avoid death, he regards it as an evil.<sup>212</sup>

I agree to his argument up to a point. It is unproblematic to say that one prefers a state where one gets what one wants to a state where one does not. The problem is, however, that when it comes to death, the state he is avoiding is no state he will be in. When dead, he is in no state at all, and thus there is no desire that is unfulfilled, because the desire he had before death, disappeared with him when he died. And, even if the desire, in some sense (see below) survived, he did not, and he can not be frustrated, or harmed, because he does not exist anymore.

Luper-Foy uses the same argument as Williams when he says that

It seems reasonable to say, then, that whatever prevents me from getting what I want is a misfortune for me. But if something that thwarts my desires is an evil for me, then dying is an evil for me (though perhaps the lesser of all the evils that are inevitable in my circumstances), since it thwarts my desires. Of course, to say that dying thwarts my desires is to understand

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<sup>212</sup> Williams, B. (1993), pp. 76-77

“thwarting my desires” liberally. An event can prevent me from fulfilling my desires not just by frustrating my attempts to fulfil them, but also by *removing* my desires.<sup>213</sup>

His last sentence is interesting because he admits that death removes his desires, although he argues that removing a desire is also preventing him from fulfilling it. To say, however, that this is a misfortune is not plausible. If you, for some reason no longer have a desire, e.g. because you swallowed a drug that removed them, as is his example, or because you changed your mind or your interests, it is not plausible to say that not fulfilling those desires that you no longer have, is a misfortune. On the contrary, one could say that, in some cases, getting something that you no longer desire could be a misfortune.

Rosenbaum supports my argumentation when he says that

The problem is that death’s thwarting our desires is so unlike common thwartings of our desires that even if it were true (which, I shall argue, it is not) that what prevents desire fulfilment is bad for the person whose desire become unfulfillable, it is questionable whether preventing the fulfilment of desire by something which also removes the desire is bad for one. Death is like this. Not only does it prevent the fulfilment of the desire, but also it removes the desire, by removing the person. The person no longer exists to *have* the desire, fulfillable or not.....

However, how can it be bad for us, since we then no longer exist to have those desires and to be frustrated in attempts to satisfy the desires?<sup>214</sup>

So, as I said above, it is not no. 1 in the argument that is flawed, but no. 2. Death cannot be the cause of desires being unfulfilled. A desire is connected to someone, it is a desire that someone has. There is no such thing as a ‘free-floating’ unconnected desire. The question then is whether there can be such a thing as a ‘free-floating’, unconnected *unfulfilled* desire. As stated before, death is non-existence. There is therefore no one that can have a desire – or an unfulfilled desire – after death, because then there is nobody there to have such things. The question of whether an antemortem person can be harmed by something happening after death, or by death itself, was discussed in the previous chapter with a negative answer. Thus, the desire-thwarting theory is flawed.

However, Feinberg, citing W.D. Ross makes a distinction between objective and subjective want-fulfilment, or

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<sup>213</sup> Luper-Foy (1993), p. 271

<sup>214</sup> Rosenbaum (1993), p. 298

1. Want-fulfilment: the coming into existence of that which is desired
2. Want-satisfaction: the pleasant experience of contentment or gratification that normally occurs in the mind of the desirer when he believes that his desire has been fulfilled.<sup>215</sup>

Feinberg argues that it is the actual coming into existence of the object of desire that is important, not the feeling of satisfaction when this happens. It would be difficult to see what the cause of the satisfaction could be if the last was true. This is relevant for our discussion where the subject having the desire disappears, because he dies. The first understanding, the want-fulfilment of a desire, is objective, in the way that the desire, in some objective sense, can be fulfilled even after the person holding the desire is dead. If I desire that something being the case, something not depending on me in any way, say, that Magnus Carlsen wins some competition, then that desire is fulfilled if he wins that competition, whether I am dead or alive. I will, however, not experience any want-satisfaction, as that depends on my subjective experience. This shows that there is, in a sense, a free-floating desire having been established by me, but then living, in a sense, its own life independent of me. I must, however, stress that this does not mean that I could be harmed by the non-fulfilment of my desire after my death. The desire then has no connection to me, other than in the heads of those that new of my desire, perhaps, and maybe also in an abstract kind of way. As this interesting issue does not directly affect my discussion of the harm of death, I must leave it here.

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<sup>215</sup> Feinberg (1993), P. 177. Feinberg refers to W.D.Ross, *Foundations of Ethics*, Oxford, 1939, p. 300

## Chapter Seven

### The Interest-Impairment Theory

The previous chapter focused on the non-fulfilment of desires as a harm. In this chapter I will discuss whether the impairment of interests can be a harm, and whether death can be such an impairment.

Interests and desires are, in some understanding of the words, alike. They are about something we experience, a feeling we have towards something else. It can, however, be argued that desire is more subjective than interest, especially if one defines interest as something being in my interest, instead of something I am interested in. Kleinig refers to legal writers that explicate interest as “anything which is the object of human desire.”<sup>216</sup> He, however, finds this unsatisfactory. One may desire more ice-cream, but it would be unusual to say that this is an interest of mine.

Feinberg<sup>217</sup> discusses the meaning of harm and distinguishes three senses:

1. Harming of objects, e.g. breaking windows, is dismissed and should be substituted by other words like damage or break etc. As he argues, the windows are not harmed, the owner of the windows is harmed.
2. Harm as thwarting, setting back or defeating of interests. Interests here meaning something like having a stake in something. You have something to gain or lose by the situation of the thing you have an interest in.
3. The third sense of harm, related to no 2, is when you are treated unjustly, or wronged.

It is harm, as defined as thwarting of interest, in all kinds of ways, that most resemble what we think of as harm in our normal use of the word. This definition covers both physical and mental cases. Welfare cases, what he defines as “basic requisites of a man’s well-being”<sup>218</sup> is part of his definition of interests. And in an earlier paper, “The Rights of Animals and Unborn Generations” (citation in Partridge), Feinberg says: “Without awareness, expectation, belief,

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<sup>216</sup> Kleinig (1978), p. 28

<sup>217</sup> Feinberg (1984), pp. 32

<sup>218</sup> Ibid., P. 37

desire, aim and purpose, a being can have no interests; without interests, he cannot be benefited”.<sup>219</sup> And, one can argue, cannot be harmed, either.

He continues with a discussion of what he calls “Puzzling Cases”<sup>220</sup> where he argues that since set back of interests is considered a harm, death must also be considered a harm. Death, he argues, is a harm “given the universal interest in not dying.”<sup>221</sup>

Interest can be understood in different ways, as Kleinig discusses. Li has two schemata, taken from Kleinig:

1. X is interested in Y
2. Y is in X’s interests.<sup>222</sup>

The first is a more subjective interest, more like desire, while the second is more objective. Examples of the first could be that X is interested in buying a new car, or x is interested in opera. Examples of the second kind could be that it is in X’s interest to be vaccinated, even if X is not interested in taking the vaccination. Or it is in X’s interest that he is healthy, so it is not in X’s interest that he smokes, although he may be interested in smoking.

The interest-impairment theory is about harm, and the understanding of interest in this connection is of the second kind. In Kleinig’s understanding these interests can be referred to as welfare interests. Welfare consisting “in the absence of defects and irregularities with respect to some conception of its normal functioning.”<sup>223</sup> This definition, however, includes beings other than human beings. When it comes to human beings, welfare includes “ulterior interests (interests as stakes).”<sup>224</sup> And Kleinig understand the impairment of such interests as “..to make it worse or cause it to deteriorate. Impairment is thus an interference which has substantial deleterious effects.”<sup>225</sup>

Li, based on Kleinig and Feinberg<sup>226</sup> explicates the notion of harm as ‘objective interest’ which he explains as follows: “‘Objective interests’ can be expressed as the form: ‘Y is in X’s interests’. ‘Y is in X’s interests’ means ‘X has a *justifiably claimed* stake in Y.’ That is to say, Y is in X’s interests when X has a *justifiably claimed* stake in Y. ‘X has a stake in Y’ is

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<sup>219</sup> Partridge (1981), p. 244

<sup>220</sup> Ibid., pp.65-105

<sup>221</sup> Ibid., p. 81

<sup>222</sup> Li (2002), p. 68

<sup>223</sup> Kleinig (1978), p. 31

<sup>224</sup> Ibid.

<sup>225</sup> Ibid., p. 32

<sup>226</sup> Feinberg (1977), pp. 285-286

understood as ‘X is likely to gain or lose from Y, because of some investment of energy or goods in Y or some project affected by Y, or because its outcome affects X advantageously or otherwise.’”<sup>227</sup>

Having established the notion of interest as a harm, Li argues that death can impair one’s interests and therefore death can be a harm. First he argues that the previous discussion of how the thwarting of desires can be a harm<sup>228</sup> is a discussion of a second order, or an indirect kind of harm because, as I understand him, the thwarting of a desire is an impairment of an interest, an interest in achieving what one desires. Li argues that a more direct and positive reason is needed, which he gives as follows:<sup>229</sup>

First, he argues that “the continuation of our lives *in the way we normally lived (before)* is in our interests.”<sup>230</sup> The arguments supporting this are

1. Life (or being alive) is a precondition of a variety of happiness (goods) and miseries (bads).
2. If our lives continue (in the way we normally lived), then the goods we will have will *generally* outweigh the bads we will have. That is, if our lives continue (in the way we normally lived), then we will *generally* have a good life.
3. Given 2., the continuation of our lives (in the way we normally lived) is *generally* in our interests.

From this Li argues that death, as an impairment of our interests, is generally a harm, based on the following derivation:

1. Suppose P died at time T. It is certain that P’s *death event* (or the event which brought about P’s death) from a relatively wider view of the cause of his death directly blocked the continuation of his life (in the way he normally lived).
2. *Generally*, the continuation of P’s life (in the way he normally lived) was in his interests (as shown above).
3. If the continuation of his life (in the way he normally lived) was *generally* in his interests, then P’s death event (or the event which brought about P’s death) from a relatively wider view of the cause of his death, which blocked the continuation of his life (in the way he normally lived), would *generally* have impaired P’s interest.

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<sup>227</sup> Li (2002), p. 68

<sup>228</sup> See chapter 6 in this thesis.

<sup>229</sup> Li (2002), pp. 75-77

<sup>230</sup> *Ibid.*, p. 75:

4. *Harm is the impairment of interest.*

5. Therefore, P's death event (or the event which brought about P's death) from a relatively wider view of the cause of his death, was *generally* a harm to him. Or at least, P's death event (or the event which brought about P's death) could be a harm to him.<sup>231</sup>

Li calls this the interest-impairment theory of the harm of the death event. The theory is, however, flawed for the same reason that the desire thwarting theory is flawed. First, one could argue that it is not correct that life normally contains more goods than bads. Of the about seven billion people in the world, for many life is a struggle containing more bads than goods. Second, one could argue, with Benatar,<sup>232</sup> that being alive is not better than being dead. But leave that as it may, because for the rest of us, life is generally good and we are inclined to prefer to go on living rather than die.<sup>233</sup> Therefore, our intuition tells us that the impairment of our interest in the continuation of our life, is a harm. The problem with this argument, however, is that interest-impairment, like desire-thwarting, requires *someone* whose interests, or desires, are impaired or thwarted. There are no free-floating interests out there when there is no subject whose interests they are. As Donnelly puts it:

Like some other philosophers who share a similar (materialistic) metaphysical perspective on death as the end of life (e.g., Joel Feinberg), Pitcher analyses *misfortunes or harms* as invasions of interests or desires and seems to believe that these interests or desires are so ontologically independent of the person whose interests or desires they are that they can exist independently of her even when she is dead. That is, *interests* have become so reified, so metaphysically displaced from the wants-based sentient person whose interests they are (or, more exactly, were), that the subject of harm (or benefit) becomes the deceased person's interests or the bare logical skeleton of the antemortem person after death. This notion of free-floating *surviving interests* (a Platonic reification of interests, desires, wants, goals, projects etc.), I believe, is incoherent, given Pitcher's metaphysical assumptions. That is, there seems to be an *intrinsic* connection between a person's *interests* (the thwarting of which can harm her) and her life, but only an *extrinsic* connection between that person's *reputation* and her life. As a result, the dead person's reputation can be harmed or benefited after her death, but her interests end with her death. Her interests necessarily die with her, but not necessarily her reputation.<sup>234</sup>

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<sup>231</sup> Li (2002), p. 77

<sup>232</sup> Benatar (2007)

<sup>233</sup> The reason for this may be an evolutionary trait.

<sup>234</sup> Donnelly (1994), pp. 154-155

As one can see, there are two problems with Li's argumentation. First, the problem with free-floating interests, as explained above. Second, the problem with the missing subject, the thought that there is a subject whose interests are impaired. This becomes clear when reading Li's argumentation:

He says: "Therefore, P's death event (or the event which brought about P's death) from a relatively wider view of the cause of his death, was *generally* a harm to him. Or at least, P's death event (or the event which brought about P's death) could be a harm to him.

In the sentences: "Was *generally* a harm to *him*/could be a harm to *him*", Li uses *him* to point to the dead person. This is not uncommon, but it is a way to confuse us, and may be a reason for our intuitions about the possibility of harming the dead. Of course, there is no *him* after death. There is a problem with the reference to a non-existent being. But we do this all the time, when we talk of imagined persons in literature, or fantasy figures and so on. That is mostly no problem, because we are aware of their non-existence, rationally and intuitively. However, when it comes to dead persons, although we rationally know they do not exist, intuitively we are led to think of them as some kind of existing entities. Or as Callahan says: "I want to suggest that our pretheoretic intuitions regarding harm and wrong to the dead are not genuine moral convictions at all but are, rather, judgements we are inclined to make simply because we think of the dead as the persons they were antemortem. They are sentiments which are to be accounted for psychologically."<sup>235</sup>

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<sup>235</sup> Callahan (1987), p. 347

## Chapter Eight

### The Deprivation Theory

This is the favourite theory against Epicurus, and for the harm of death.<sup>236</sup> It states that death is, or can be, a harm to us because it deprives us of life and/or the good things in life. Thus, it rests on two premises:

1. Death means deprivation. Death deprives us of life and/or the good things in life.
2. Life and/or the good things in life is something we want not to be deprived of.

In the following I will suppose that no. 2 is correct, that we normally do not want to be deprived of our life. Whether this is because of the good things in life, or irrespective of what life will bring, is not important for my discussion. Both cases rest on a premise that life brings some experience, whether good or bad. Nagel, who claims that “it is good simply to be alive, even if one is undergoing terrible experiences”<sup>237</sup> agrees to this, because he argues that it is the experience itself that is valuable, irrespective of its content. Whether it is rational to think something like “life is good, I do not want to die because I enjoy life so much”, or if it rather is an irrational, evolutionary trait, will be discussed. For the discussion of whether death means deprivation, it is enough to presuppose that most think of life as something one does not want to be deprived of.

I will, however, claim that no. 1 is not correct. Death cannot deprive us of experiences, because we again meet the problem of the missing subject. There simply is no one that is deprived of anything after death, or by death. As Mitsis puts it: “Rather they (the Epicureans) believe that a coherent account of deprivation requires that there be an existing subject who can suffer the deprivation.”<sup>238</sup> Lesses tries to meet this argument by claiming that it is possible, from a neutral viewpoint, to say that a longer life with more goods is better than a shorter life with fewer.<sup>239</sup> This is of course possible, and even plausible. However, used as a debunking argument in this connection, it reveals the confusion underlying the arguments for the deprivation theory, namely the wrong point of view. It does not matter for the dead person

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<sup>236</sup> See e.g. Feldman (1991) and (1992), Luper-Foy (1993), Bruckner & Fischer (1993), Kamm (1993), Nagel (1997)

<sup>237</sup> Nagel (1997), p. 2

<sup>238</sup> Mitsis (2011), p. 51

<sup>239</sup> Lesses (2011), p. 60

if somebody alive, from a neutral point of view thinks that a longer life for the dead person had been better.

I have earlier referred to Nagel's statement<sup>240</sup> that if death is a harm to us it must be because it deprives us of something, namely our life, or the good things in life that one would have had if being alive. In his interesting article Silverstein calls this the standard argument against the Epicurean view.<sup>241</sup> And, as he says, "By claiming that death is not a "positive" evil, but merely the lack of a positive good, the standard argument seems to avoid the mistake of confusing the permanent annihilation of consciousness – i.e., death – with the permanent consciousness of nothingness (permanent solitary confinement in total darkness, as it were); that is, it seems to recognize that death is not a peculiarly terrifying state that one somehow exists to suffer from, but is rather simply nonexistence."<sup>242</sup> And this focus, it is argued, makes one avoid the missing subject problem. To say that my life is good for me, makes perfect sense. And therefore, to lose it, must be an evil, the argument goes.

Williams seems to agree to this and makes a point as to the difference of dying early in life compared to later when he says that "But if the *praemia vitae* are valuable, even if we include as necessary to that value consciousness that one possesses them, then surely getting to that point, longer enjoyment of them is better than shorter, and more of them, other things being equal, is better than less of them". This shows, he thinks, that "longer consciousness of *praemia vitae* is better than shorter consciousness of fewer *praemia*"<sup>243</sup>.

Sumner makes the same point in a slightly different way when he first gives examples of losses that are positive, e.g. fear of flying, inches off one's waistline, and argues then that if a loss is an evil, it must be because what one loses is a good thing. Therefore, if life is considered good, its loss is an evil, "in terms of the value which it forecloses."<sup>244</sup>

Brueckner and Fischer also argues that even non-experienced things can be bad for a person, and thus, even if death is an experiential blank, it is still a bad thing because it is the deprivation of the good things in life.<sup>245</sup>

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<sup>240</sup> Nagel (1997)

<sup>241</sup> Silverstein (1993), p. 98

<sup>242</sup> Silverstein (1993), p. 98

<sup>243</sup> Williams, B. (1993), p. 76

<sup>244</sup> Sumner (1976), p. 158

<sup>245</sup> Brueckner and Fischer (1993), p. 222

An example from Nussbaum can be mentioned, where she uses the banquet example used by Lucretius to exemplify that life, like a meal, must come to an end when you have reached the dessert on the banquet table. Nussbaum thinks that this also shows us that death is a bad thing because it often, or “almost always” comes to soon.<sup>246</sup> If we die before we have reached the main dish, she argues, that is a bad thing because it makes fruitless the preparation of the appetite and the palate by eating the first courses. We would have eaten differently knowing that we would not reach the main course. And as long as we are enjoying the meal, death comes prematurely when it interrupts that meal.

The answer to this argument, as to the others of the same kind, is “who cares?” I am the guest at the banquet, enjoying my dinner, especially the first courses, but also looking forward to the fantastic main dish. I then abruptly dies of a heart attack with the caviar in my mouth. After that I would obviously not care about the main dish, or whether I should have eaten even more caviar.

The deprivation argument presupposes that there is something bad about death as the cause of the loss. Thus, there must be some connection between death and loss, and life or the good things in life, and the badness of losing.

It seems that the arguments mentioned are not covering this premise. What it means is that for a loss to be bad, there must be someone for whom the loss is bad. And this turns us back on two other problems - the problem of unexperienced harm, and the problem of the missing subject which I have already discussed. For death to be considered bad because of the loss of some future experience, it seems to me to be necessary to have somebody experiencing the loss.

If we think of a person suddenly dying, having a very good life, with many positive experiences planned for the next days, is death bad for this person because of the missing out on these planned experiences?

As I have already argued, I think not. There is no person for whom these experiences are missing. Nobody is experiencing a loss. I think that the mistake in these arguments is due again, to the false objective, instead of a subjective view of the matter. We, the observers, think that the dead has suffered a loss, the dead obviously does not.

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<sup>246</sup> Nussbaum (1994), p. 211

The question of whether life is good, may have different answers depending on your situation. Nagel, however, argues that life is worth living “even when the bad elements of experience are plentiful and the good ones too meagre to outweigh the bad ones on their own. The additional positive weight is supplied by experience itself, rather than by any of its contents.”<sup>247</sup> One can, however, argue that life is not worth living because it will always also have some bad and painful experiences, and as the alternative, not coming into existence is not bad (or good), it is simply nothing, then the logical conclusion should be that this is preferable to life.<sup>248</sup>

It is not necessary for me to go further into this discussion, as it is somewhat on the side of my point, and if Benatar is right, the points I make will be superfluous since my basic position is that life is good. If we take it that life is not good, it is not, to the same extent, necessary to argue that death is not bad. The argumentation would be easier if it were to evaluate death, as not a bad thing against life as a bad thing. And if the argument that death is not bad is successful, that would make Benatar’s case stronger.

Williams<sup>249</sup> argues against the deprivation theory, a theory he understands as the deprivation of “the good of the experience he would have had by not dying.”<sup>250</sup> This is a loss, “..and that loss consists in future possibilities.”<sup>251</sup>

First, he states the two necessary premises for future time un-lived, for someone already alive, to be a loss.

1. The future must be valuable
2. Death pre-empts this future.<sup>252</sup>

From this follows that death has a disvalue for the person. Williams finds both premises to be problematic. The first because there are problems with comparing the value of having a future, with the disvalue of not having a future. If death is considered as a foreclosure of valuable possibilities, the argument goes, then another, possible world without this death, makes death a loss.

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<sup>247</sup> Nagel (1997), p. 2

<sup>248</sup> Benatar (2007)

<sup>249</sup> Williams, C. (2007)

<sup>250</sup> *Ibid.*, p. 265

<sup>251</sup> *Ibid.* See also Furley (1988), p. 90 and Rorty (1983), p. 178

<sup>252</sup> *Ibid.*, p. 266

The problem of an alternative possible world where the person did not die at this time, does not, however, guarantee that life in the alternative world would contain the possibilities that are considered lost. Life is full of unactualized possibilities. And the notion of a valuable future is in itself problematic. To say that the future is valuable, one supposes that the future life both is of value and that the person in question does in fact live it. The loss, by death, of a future life is therefore a hypothetical loss. The future life can not be said to be valuable today, unless lived at a later time.

Secondly, Williams argue that for the same reason, death does not take away something the person already has. Like when a millionaire that does not give away a million, does not deprive anybody of anything although a hypothetical recipient did not get the million.<sup>253</sup> Death does not take the future away, but “the person is taken away....If death is a deprivation, it is not so much a loss *for* us as *of* us. The deprivation argument contrives, however, to separate the subject from the loss, but it is not really feasible to effect such a separation, even notionally.”<sup>254</sup>

Silverstein also argues against the deprivation theory. As mentioned above, he says that the proponents of the standard argument finds that it avoids the missing-subject problem by focusing on deprivation of life rather than the evil of being dead. It seems that this focus is on the living, and not the dead. This, however, is a confusion. There is no living person being deprived of life by death. When the proponents argue that a longer life is better than a shorter life, or that a life full of good experiences is better than a life without those experiences, this is intelligible and not in conflict with Epicurus. If they argue that a life of good experiences is better than no life, or that a shorter life is worse than a longer life, they are confused. They are confused because they compare a life of some sort with no life. This is not logically possible. One cannot compare something with nothing. While living one can say that I am happy that I have lived this long. When dead, one cannot say that I am sorry that I did not live longer, or that I did not have those good experiences. Or as Silverstein puts it: “ Perhaps the best way to explain the motivation for the standard argument is to say that its supporters are guilty of conflating the life-death comparative and life-life comparative interpretations of S<sub>3</sub>.”<sup>255</sup>

This point means the following:

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<sup>253</sup> Williams, C. (2007), p.267

<sup>254</sup> Ibid., p. 269

<sup>255</sup> Silverstein (1993), p. 99 S<sub>3</sub> is «A's life is (or is a) good for A”

1. When evaluating whether A's life is good for A, one can compare it with a different life of A, e.g. a life with more happiness etc. This is the life-life comparison, which is obviously possible and not in conflict with Epicurus.
2. When comparing A's life with A's situation when dead, one compares something that is not comparable. A's situation when dead, is no situation of A. It is a semantical and logical confusion. This life-death comparison is not possible.
3. To avoid this impossible comparison, one compares instead the life of A with another life, in another possible world, where A, although actually now dead, is not dead. This comparison then may give the result that A is better off in this other world. And thus, one concludes that A's death was bad for A.

This point can be seen when Belshaw writes about deprivation. First he states that "death is bad when it deprives us of a good life."<sup>256</sup> He then exemplifies this by introducing numerical values and argues that if dying in an air-crash could deprive you of points, such that "It appears that death has deprived you of a good deal. It has cost you 500 points. It was bad for you to die."<sup>257</sup>

To say that death has deprived *you*, has cost *you*, was bad for *you* is clearly showing the confused life-death comparison, as there of course is no you in these cases. He argues that this amounts to a life-life comparison. Why he can claim this, is because he compares two lives, the actual life and a counterfactual life. But to claim that a comparison with a counterfactual life, where you are not dead can save you from the missing subject problem, when you in fact are dead, is not plausible. A life-life comparison is uncontroversial and unproblematic if you compare one life with another life. We do this all the time. When we plan our holiday, we think of our life next month on holiday in Rome, or in Paris. We can compare those two. We cannot, however, compare our holiday in Rome with our non-existence after having crashed on our way there. That is a life-death comparison that makes no sense. To try to make this comparison is to make a life-life comparison, masked as a life-death comparison.

Feldman makes the same mistake, when he says:

In effect, then, my proposal is based on what has been called a 'life-life comparison'. So, for example, consider the example concerning my imagined death en route to Europe. My proposal requires us to compare the value for me of two lives – the life I would lead if I were

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<sup>256</sup> Belshaw (2014), pp. 94-95

<sup>257</sup> Ibid., p. 95

to die on the plane trip and the life I would lead if I were not to die on the plane trip. Since (according to our assumptions) the shorter life is less good for me, my death on that trip would be correspondingly bad for me.<sup>258</sup>

As we can see, this is not an unproblematic life-life comparison. If we suppose that he died on the plane trip, we are not comparing two versions of Feldman's life, because he has no life after the plane crashed.<sup>259</sup> We are instead comparing Feldman's counterfactual life, i.e., some thoughts on what Feldman's life could have been had he not died so soon, with his actual life. The introduction of alternative worlds does nothing to change that. When we are discussing his death, perhaps in his funeral, agreeing that it was sad that he died, this has no impact on Feldman's well-being. He is not in a harmed state and does not experience any regret for his missed life. The shorter life is not less good for him and death not bad for him. Feldman does not exist anymore. Any speculation on how his life could have been had he not died therefore has no impact on him.

Suits discusses some of the examples used for claiming that unexperienced harm is possible.<sup>260</sup> He comes to a conclusion that is also relevant for the discussion of the deprivation theory. He distinguishes between two kinds of extrinsic value

1. Something that not in itself is pleasurable or painful, but can bring about experiences that are
2. Or the badness of being deprived of good things (or the goodness of being deprived of bad things).<sup>261</sup>

And he argues that there are two sorts of pains associated with deprivation

- a) The badness of being deprived of something which would have been useful in preventing pain, say an analgesic when in pain.
- b) Being deprived of pleasurable things that result in frustration or regret, when aware of the deprivation.<sup>262</sup>

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<sup>258</sup> Feldman (1992), p. 153

<sup>259</sup> A life-life comparison would be to compare his flight in tourist class with a flight in business class. Or his stay in Rome when the weather was good, with a stay when it rained all day. Such comparisons are unproblematic, whether experienced or just imagined. We all do this all the time.

<sup>260</sup> Suits (2012)

<sup>261</sup> *Ibid.*, p. 229

<sup>262</sup> *Ibid.*, p. 230

He argues that one must either experience the pain or there must at least be a possible pain. When applied to the deprivation theory, he gives his ‘Principle of Nothing’, which he takes to be a fair epitome of Epicurus’ argument that death is nothing to us:

If there is a state of the world such that a person is not in pain and there is no possible future of that state wherein the person could conceivably be in pain or conceivably regret not being in some better situation, then any claim that that state, or the cause of that state, is bad, evil, or unfortunate for the person, is idle, or misleading.<sup>263</sup>

There are only two such states, he claims, and those are Apotheosis and Death.

Soll discusses whether a failure to respect the distinction between change and destruction can explain much of the confused thinking of the significance of death. Change means that something still exists after the change has taken place. If we see death as destruction, nothing exists afterwards. When we discuss the consequences of death, it seems that the arguments often are based on some understanding of death as change, because one thinks there is something left to be considered and evaluated after death, instead of seeing death as total annihilation leaving nothing. As Soll puts it: “How can someone undergo an event, when at its close there is no one who has undergone it? How can someone endure a calamity that no one endures?”<sup>264</sup> As Soll observes, this goes for all cases of annihilation. How can anything be destroyed if there is nothing afterwards that was destroyed?<sup>265</sup> He says to this that

*When a person dies, some things change, but, somewhat surprisingly, not the person who dies. Death, like other sorts of annihilation, should not be thought of as a kind of change, a particularly radical change in the person who dies.....*

We thus tend to confuse our legitimate concern about dying with a spurious concern about ‘the posthumous state’ of ‘being dead’, which is the condition of ‘the dead person’, notions whose ultimate coherence is suspect.<sup>266</sup>

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<sup>263</sup> Suits (2012), p. 230

<sup>264</sup> Soll (1998), p. 37

<sup>265</sup> If a person is tortured and survives, this is a terrible thing. If a person is tortured until death, this is also a terrible thing, but afterwards there is no one that has been tortured.

<sup>266</sup> Soll (1998), pp. 37-38

## Chapter Nine

### Conclusion

#### **a) The unsoundness of the anti-Epicurean arguments**

Epicurus' argument against the badness of death is a therapeutic argument. At his time thoughts about an evil afterlife was something that could scare people and make them fear death as a state of affairs that could involve painful experiences. Contemporary philosophy of death is focused on other reasons for fearing death, the most popular being deprivation of all the good things in life, or life itself.

In this dissertation I have presented Epicurus' position that the fact that we are going to die, and the knowledge of this, will not make our life worse if we learn to think correctly about this fact. I have ruled out the possibility that there is a harmful afterlife and have discussed other arguments against Epicurus. Having examined relevant texts in the discussion about death, I think that much of what is going on in the philosophy of death is not on solid ground. There are, it seems, rather desperate attempts to find reasons for Epicurus to be wrong. Some of the philosophical work seems to be motivated by the counter-intuitivity of the Epicurean position, or, alternatively, by the thought that a conclusion supporting Epicurus would have unacceptable consequences and therefore *must* be proved wrong. Thus, one could say with Soll: "In general, one wonders whether these writers have not indulged in hyperbole concerning the catastrophic significance of our mortality, whether they have not made too much ado about the impending nothing."<sup>267</sup> Or, with Hersenov:

It could also be that Epicureanism's apparent break with common-sense values and prudential norms is what often tilts the scales against the approach and motivates the search for a metaphysics compatible with the view that death is a harm to the deceased. One might suspect that such worries are, at least in part, what drives some of those pondering the issue to find more attractive than they otherwise would positions such as the four-dimensionalist account of the badness of death in which the living timelessly coexist with their dead state (Silverstein 1980), the Meinongian account in which the dead are real though deprived of existence (Yourgrau 1987), and the position that death is bad for people but there is no specific time at which it is bad for them (Nagel 1970). Such concerns may also be somewhat responsible for why people fail to recognize that the standard response to Epicurus – that death is bad for a

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<sup>267</sup> Soll (1998), p. 23

person in virtue of bringing about a life shorter than that in the relevant nearby possible world – has actually not refuted Epicurus but rather changed the subject.<sup>268</sup>

Hershenov points to some of the arguments used against Epicurus' position and which he obviously finds less than convincing. However, the renowned academics having used them, have found them more convincing than the opposite, that death means no harm to the person that has died. Death as a harm is a thought so intuitively accepted that it is rarely even questioned in practical life, and in practical ethics. To argue otherwise, to argue that the comparison between the value of life contra the harm of death does not necessarily have to come out as one normally thinks, and that several practical implications, as indicated in the introduction, could be thought of differently than one is inclined to think, is not readily accepted. I hope, however, to have given arguments to this effect.

## **b) The relevance of evolution**

If the arguments against Epicurus are unsound and Epicurus has been right all this time, why are we still thinking the way we do about death? Why are we afraid of it, thinking it is a bad thing? I have on several occasions pointed to the possibility that evolution may be the reason for us thinking this way. Guy Kahane, discussing evolutionary debunking arguments, puts it this way: "Natural selection must have had such an influence given that different evaluative tendencies can have extremely different effects on a creature's chances of survival and reproduction: judging life to be valuable tends to increase reproductive success, cherishing death doesn't."<sup>269</sup> And Sharon Street says:

My claim is simply that one enormous factor in shaping the content of human values has been the forces of natural selection, such that our system of evaluative judgements is thoroughly saturated with evolutionary influence...

In particular, we can expect there to have been overwhelming pressure in the direction of making those evaluative judgments which tended to promote reproductive success (such as the judgment that one's life is valuable)...<sup>270</sup>

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<sup>268</sup> Hershenov (2007), p. 172. References to Silverstein (1980) and Nagel (1970) are in my bibliography Silverstein (1993) and Nagel (1997).

<sup>269</sup> Kahane (2011), p. 114

<sup>270</sup> Street (2006), p. 114

First, the avoidance of pain, and the fear of death, which seem to be common among most animals, is of great importance for the reproductive success and thus the preservation of the species. Second, the almost unthinkable opposite inclination would be detrimental to this. This leads one to think that evolution plays a role here.

However, that there may be an evolutionary explanation for our thinking of death as a harm, does not by itself justify this evaluation. Evolution may be an explanation, also explaining why this way of thinking is so widespread. This last fact, that it is common that it is perhaps a general intuition to think of death as a harm, is therefore also not a justification. Parfit puts it this way (when discussing our attitudes towards past and future events):

When some belief or attitude has an evolutionary explanation, this, in itself, has neutral implications. It cannot by itself show that this belief or attitude either is or is not justified. But suppose that we have other grounds for challenging some attitude. Its defenders may then say: "The fact that we all have this attitude is a ground for thinking it justified. Why has it been so widely held, if it is not justified?" In answering this question an evolutionary explanation may cast doubt on what it explains. It undermines the rival explanation that we have the belief or attitude because it is justified.<sup>271</sup>

Given this and accepting the reason for us thinking the way we do about this, should open up for the Epicurean argument, although contrary to the common intuition. The literature on the philosophy of death, as I argued in the beginning of this chapter, generally does not accept this position. I hope, however, to have shown that the various attempts to give a justification for the badness of death, are flawed.

However, if I am correct that our way of thinking about death has an evolutionary explanation, this may open another way of arguing that the fear of death is justified, not because of its evolutionary origin, but because the reproductive implications is of importance for us. I do not say that Epicurus was wrong. But our fear of death, although unjustified when death is thought of as something that is bad for *the individual*, has positive consequences for the *human species*. Epicurus could answer that self-preservation is good only if death is a bad thing, which he denies. However, that death is not bad, is not the same as to say that the preservation of homo sapiens sapiens is of no importance.<sup>272</sup>

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<sup>271</sup> Parfit (1984), p. 186

<sup>272</sup> Nussbaum also comments on this, (Nussbaum, 1994, p. 235). We have the paradoxical situation that the thought that death is bad (for the individual) is not justified. It is, however, important for the human species that we think it is justified to fear death. It is justified to say that to fear death is important for the survival of

### c) Therapeutic arguments: Epicurus and Aristotle<sup>273</sup>

As I have discussed before, Epicurus thought that philosophy, his philosophy, could cure people. They could be cured of the mental sickness of being afraid of death. Although he knew of Aristotle and his philosophy, and may even have been inspired by it,<sup>274</sup> he was critical. Aristotle and Epicurus were both engaged in helping people to live a good, i.e. successful life: eudaimonia. For Aristotle, as put by D.S. Hutchinson: “Success in life, the best possible good for man, is therefore living one’s whole life in a rational way, under the guidance of the best virtues of the rational soul.”<sup>275</sup> And for Epicurus, as we know, the best life is a life of ataraxia.

But Epicurus criticized Aristotle. Epicurus claimed that: “‘Empty is that philosopher’s argument, by which no passion of a human being is therapeutically treated. For just as there is no use in a medical art that does not cast out the sicknesses of bodies, so there is no use in philosophy, if it does not throw out passion from the soul’ (Us. 221= Porph. Ad Marc. 31 p. 209, 23 N)”. And further that “...What produces unsurpassed jubilation is the contrast of the great evil escaped. And this is the nature of good, if one applies one’s mind correctly and then stands firm and does not go walking about (*peripatei*) chattering about the good in an empty fashion’ (Us. 423 = Plut. Non Posse 1091b)”<sup>276</sup>

This last remark is obviously directed against Aristotle and points to a difference in their thinking of philosophy. One could perhaps compare Epicurus’s method of therapy to the authoritative doctor of earlier times, who told you what was wrong and what to do about it. No discussion! Listening to the patient is a distraction! Aristotle may have been more like the doctor today whose job is a lot more demanding. Meeting the patients that are well prepared, having read all about their problem on the internet. In this situation the doctor must be open for discussion, perhaps using gentle guidance based on his expertise and experience. This doctor enjoys the discussion and even finds it to be of value, in itself and for the health of the patient.

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the human species. Is it then the case that because of *this* justification, it is justified to fear death? Rorty (1983), p. 188, says: «Is it then a matter of evaluating the arguments that death is not to be feared, against the arguments that the fear of death is functional, and in any case ineradicable by creatures constituted as we are, with our sorts of bodies and our sorts of rational capacities and structures?» (her answer is “surely not.”)

<sup>273</sup> I take his heading from Nussbaum (1988), p. 31

<sup>274</sup> See Nussbaum’s arguments (1988), pp., 65-66

<sup>275</sup> Hutchinson (1995), p. 202

<sup>276</sup> Nussbaum (1988), p. 31

These last remarks of mine may be a bit farfetched, but what we do know, is that Epicurus was a philosopher with a clear opinion on how to think and live. He expected his students to listen, and remember, and did not encourage discussions of his philosophy, questioning his positions, comparing with other views of the matter in question. In comparison with the Aristotelian way, where you should be willing to evaluate your position critically, the Epicurean way may have been less demanding.

A final comment: If a successful argument against the Epicurean position is to be provided, one may have to reject certain assumptions he makes, and that seem never really addressed in the scholarly literature on the Epicurean position. These are his atomistic physics and hedonistic ethics.<sup>277</sup> These are responsible for his basic view of action and of life. And the place to go for an alternative view is precisely Aristotle.<sup>278</sup>

First, this whole discussion about the badness of death is caused by Epicurus' claim that 'death is nothing to us', a claim he makes to make people accept that death means no harm, and therefore is not to be feared. And not to fear death is important, because Epicurus' notion of a happy life is a life without fears, i.e. a mentally and bodily healthy state without any pains – *ataraxia*.

Second, Epicurus holds a materialistic world view, where everything can be explained by the swerving atoms and the void, even the soul. And when the body dies, the soul's atoms can no longer be kept together and one's capacity for sensation is lost. Therefore, he can argue that death is nothing to us, as I have discussed earlier in this dissertation.

Third, when one achieves the state of *ataraxia*, nothing more is necessary, and there cannot be a better *ataraxia* reached by living longer or by having more pleasurable experiences.

For Aristotle, on the other hand, mental states such as experiences are not the thing to worry about. His conception of a happy life is concentrated on living a successful life, not on the experience of this life or the experiences had within this life, which can be both good and less

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<sup>277</sup> Glannon (1993), p.223, after having discussed Epicurus Letter to Menoeceus: "Let us reconstruct the Epicurean argument for the claim that death should not concern us. Its validity hinges crucially on two features: hedonism, which is explicitly stated in the first premise; and an implicitly assumed atomistic or materialistic conception of persons which informs all of the premises". Glannon supports Epicurus against the deprivation theory.

<sup>278</sup> I thank Øyvind Rabbås for recommending these finishing remarks on a comparison between Epicurus and Aristotle. My comments are based on his 'Etterord' in *Den nikomakiske etikk*, Rabbås (2013), and 'Eudaimonia, Human Nature, and Normativity', Rabbås (2015)

so. What matters is that one succeeds in living a life that is truly human. All actions are directed at this ultimate goal and, thus, his ethical view is a teleological one. To reach eudaimonia one should live a life of virtuous action, and according to reason. Reason is the one thing that is special for us humans, and for Aristotle one is successful when living according to one's nature, i.e. in accord with reason.

Take an example: A philosopher has written a book about the philosophy of mind, where he finally solves the 'hard problem', a problem which he had devoted his life to. But then he dies before it is published. It would have been a global sensation, but the manuscript is not recognized as anything important and is destroyed. According to Epicurus this is not a bad thing for the dead philosopher who no longer exists. He has no experience of any loss and is therefore not harmed. According to Aristotle this is ethically bad for the philosopher. But it is not the philosopher as a psychological individual that is affected (harmed), as I discussed earlier in this dissertation; rather, his *life project* in this way becomes unsuccessful, and that is what matters. To live a life is to engage in a project consisting in a process through stages towards a goal, and if this process is interrupted before the goal is reached, then it has failed, and that is bad – for the project and for the person whose project it is.

If intuition is given any importance in this case, I would think Aristotle's position is more acceptable than Epicurus'. However, the importance of intuition in philosophy deserves its own dissertation.

And a discussion of which of the two ways to conceive of life, and of which life one should strive for, as well as which of the two therapeutic methods as discussed above one should use when guiding young people on the best way to live, must also be the topic of another dissertation.

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