

Does Death Restriction-Harm Us?

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1 Introduction

Many people hold to the view that death is bad or harmful, at least for the individual that dies. Let ‘Epicureanism’ be the view that denies this claim. Rejection of Epicureanism is often accompanied by providing a plausible account of the harm of death or by directly showing that Epicureanism is false (without offering an account of death’s harm).¹ Regarding the former strategy, an adequate account should provide both the nature of death’s harm and the time in which death harms the individual.

Recently, Stephan Blatti (2012) has argued that a deprivationist view (DV) of death’s harm is incomplete, and he presents a view such that the kind of distinctive harm that death brings to an individual involves the restriction of that individual’s autonomy. Not only does death deprivation-harm us, but it also restriction-harms us. Let us label such an account—one that includes both deprivation and restriction as comprising death’s harm—as a ‘deprivationist-restrictionist view’ (or ‘DRV’). Blatti favors DRV because it avoids several worries that beset DV. In this paper, I present several objections to DRV; in particular, I raise some problems for the claim that death restriction-harms us and show that even DRV does not avoid the worries of DV—so there is no reason to prefer DRV over DV.

2 The Harm of Death

¹ For the latter approach, see Olson (2013).

The timing of death's harm is quite contentious, but I will not be concerned with competing views on this issue.² Blatti claims that death at least harms us prior to death—a view we can label as 'priorism'. Such a view might seem implausible if it requires acceptance of backward causation, but priorism only requires that death harms the pre-mortem subject by "affecting the truth conditions of propositions concerning the living subject's interests and projects" (Blatti 2012, 318). Perhaps some individual wants to get married the next year or is close to saving up for a costly vacation. The aims or desires of an individual will not be satisfied if that individual dies beforehand. The future occurrence of death, then, serves as the truth-making condition for certain propositions involving the pre-mortem subject. Priorism will not be contested here but will be granted as an assumption.³

Now consider a theory that adopts both priorism and DV, which claims that the harm of death consists of the deprivation of certain intrinsic goods that an individual would have acquired had that individual's actual death not occurred. Adopting some version of DV appears to be the standard approach to analyzing the nature of death's harm.⁴ However, Blatti presents a couple of problems for the view that conjoins priorism and DV (henceforth let 'DV' stand for such a

² Some of the typical views on the timing question are that death harms us prior to death (Luper 2007), at the moment of death (Lamont 1998), after death (Bradley 2009), at all times (Feldman 1992), or at some indefinite time (Silverstein 2000).

³ This is not to claim my endorsement of priorism, but only that I will grant it for the sake of argument. For some notable objections to priorism, see Bradley (2009), 87-88 and Johansson (2012).

⁴ For a few examples of prominent defenders of the deprivationist view, see Fischer and Brueckner (2013), (1986), Bradley (2009), Luper (2007), and McMahan (2002).

conjunction). The first worry is that death would then only bring about a mere Cambridge change to the individual; no real change takes place.⁵ A real change is one that involves a change in intrinsic properties (such as an object's alteration from being-bent to being-straight), whereas a mere Cambridge change would be a relational change without any change in intrinsic properties (such as going from a non-widow to a widow, which occurred to Xanthippe when Socrates died). Given such a distinction, death affects the pre-mortem individual by making true that certain aims or desires of that individual are frustrated, thereby depriving that individual of possessing certain goods that she would have acquired had she not died. Death would then only bring about a relational change to the pre-mortem individual. But a relational change does not seem to be a robust enough harm that befalls the victim of death; at least it does not seem to accommodate "the more familiar notion originally in play" when discussing the harm of death (Blatti 2012, 320).

Secondly, DV would make the harm of death subjectively inaccessible to us. Here is how Blatti states the worry: "it is surprising that so profound a harm could affect the living subject and yet be utterly inaccessible epistemically or phenomenologically: neither known to, nor felt by, its antemortem victim" (ibid.). There are some who argue that harm is possible without the victim's conscious awareness or experience of the harm, such as a man being egregiously betrayed but never discovering the betrayal.⁶ However, the worry here is that the subjectively inaccessible harm of death does nothing to aid the construction of a plausible

⁵ Of course all real changes are Cambridge changes, but not all Cambridge changes are real changes. See Geach (1969).

⁶ Cf. Nagel (1979) and Fischer (2009).

account of death's harm, especially one that "respects the full force and spirit of [the Epicurean] challenge" (Blatti 2012, 320).

Blatti concludes that DV fails to capture all of death's harms that are incurred by the victim. What is missing in the account is the harm of the restriction of the individual's autonomy, where "every exercise of a subject's autonomy is possibly thwarted by her death" (ibid. 323). This is supposed to be regarded as a distinct kind of harm than deprivation. For if one's autonomy is *actually* thwarted by death, then such an individual has been deprivation-harmed. However, restriction-harm involves only the *possible* thwarting of an individual's autonomy. As Blatti notes, "lurking at the edge of every exercise of one's autonomy is the knowledge that 'I could cease to exist at any moment, and this might be that moment'—the knowledge that we are limited in our agency by an end that is certain to come" (ibid., 324). So death's harm lies in the fact that "no exercise of [an individual's] autonomy fails to be possibly limited, and this limitation is intrinsically harmful" (ibid.). As such, every pre-mortem individual that has some measure of autonomy is harmed by death, whereas anyone who has lost autonomy cannot be so harmed by death. Incorporating restriction-harm into DV as an overall account of death's harm seems to fit well with a priorist answer to the timing question. DRV, then, appears to capture the various kinds of harm that death inflicts on us.

Furthermore, Blatti argues that DRV is to be preferred over DV given the ways in which the former can resolve some of the objections to DV that were stated earlier. Here is Blatti's response to the first worry:

On [DRV], part of what it is to be a mortal, autonomous subject is to be encumbered with the harm inflicted by one's future death. Death's restriction harm is a function of a living

being's status as autonomous and so is no mere Cambridge change, but a real change to—or better, a real state of—this subject (ibid., 325).

Unlike DV, DRV allegedly provides a robust enough harm to capture the intuition that death greatly harms the one who dies. In response to the second worry, Blatti claims that “living subjects may be, and often are, fully aware of death’s restriction harm...any self-conscious, autonomous subject may be cognizant of her constrained autonomy at any moment of her life” (ibid.). If he is right, the restriction harm is subjectively accessible given the awareness of the restriction of one’s autonomy that comes with the possibility of being thwarted at any moment. Because of DRV’s ability to capture all (or more) of death’s harms than DV as well as avoiding its two worries, Blatti commends DRV as the best account of the nature of death’s harms.

3 Problems for DRV

It is evident that Blatti’s account assumes the intrinsic value of autonomy, which we can grant for the sake of argument. Now the kind of harm that death inflicts is apparently in the possible limitation or constraint on our autonomy, and Blatti claims that “this limitation is intrinsically harmful” (ibid., 324). But he offers no reason why we should accept this claim. To justify such an assertion, it seems that Blatti accepts the following principle:

[L] If x is intrinsically valuable, then any possible limitation of x is intrinsically harmful.

Given the assumption that autonomy has intrinsic value, any possible limitation of autonomy is intrinsically harmful. To motivate this claim, Blatti considers the case of enslavement, where one might be led to believe that it involves only deprivation harm. However, Blatti states that

deprivation harm is only a contingent feature of the concept of slavery; a form of slavery in which individuals are enslaved but capable of partaking in all of the goods enjoyed by free individuals is not inconceivable. About this atypical form of slavery, the deprivation theorist would have to say that the nondeprived slave suffers no harm. And yet the very idea of an unharmed slave will strike many of us as a misnomer; slaves are harmed even if they are not deprived (2012, 322).

Since enslavement possibly limits intrinsically valuable goods (such as autonomy, freedom, dignity), we might conclude that slavery is intrinsically harmful.

However, there are counterexamples to [L]. Many regard pleasure as intrinsically valuable because it is not merely sought instrumentally but seems to be valued for its own sake. But it does not follow that the possible limitation of experiencing pleasure is intrinsically harmful. A chef might add less butter or sugar to some meal (thereby possibly making it less delicious and so less pleasurable) without thereby harming her customers.⁷ So we have reason to reject [L].⁸ But if [L] is the only reason to accept why death inflicts restriction-harm on those

⁷ An anonymous reviewer correctly notes that certain accounts of harm (such as those found in Bradley 2009 and Timmerman 2016) would construe the chef's actions as a harm, whereas other accounts (such as Gardner 2017) would not. I thank the reviewer for this point.

⁸ An anonymous reviewer suggests that Blatti might instead appeal to the following principle:

[L*] If x is intrinsically valuable *and typically consistently present throughout one's life*, then any

possible limitation of x is intrinsically harmful.

Although [L*] avoids the objection to [L], there might be similar counterexamples raised against [L*]. That said, I do not want to foist [L] (or [L*]) as a key assumption in Blatti's case, only that

who die, then DRV is in trouble. Or at least this should be construed as a challenge to the proponent of DRV to offer another explanation as to why restrictions of intrinsically valuable goods such as autonomy would be intrinsically harmful.

But there is a more serious problem with DRV: it is unclear how the loss of autonomy at some future time possibly restricts or limits our current possession of autonomy (or how it does so independent of the deprivation harm that can be incurred when one's autonomy is actually thwarted by death). As I see it, there are two ways of interpreting Blatti's notion of the restriction-harm of death. An ontological interpretation of restriction-harm involves the claim that the very event of death at some future time is what harms the individual, for that future event possibly limits or restricts our autonomy. An epistemic interpretation of restriction harm instead maintains that our knowledge of a future death, which is tantamount to our knowledge of the possible restriction of our autonomy, is what harms us. An ontological interpretation seems to be what Blatti has in mind when he states that "every exercise of a subject's autonomy is possibly thwarted by her death" (*ibid.*, 323) and that "the future death of every living, autonomous subject ensures that every exercise of that autonomy is possibly limited" (*ibid.*, 324). However, Blatti also seems to uphold the epistemic interpretation in his claim that "lurking at the edge of every exercise of one's autonomy is the knowledge that 'I could cease to exist at any moment, and this might be that moment'—the knowledge that we are limited in our agency by an end that is certain to come" (*ibid.*). These interpretations involve distinct ways in which we are harmed, so there appears to be a conflation of these two distinct kinds of restriction-harm. But on either reading, there are problems.

he has not done enough to explain why possible limitations should be regarded as intrinsically harmful.

Consider the ontological interpretation. The harm done to us is in the possible restriction of our autonomy (not the actual restriction, which would be a form of deprivation-harm). But there are many events that we might undergo that would possibly limit our autonomy, such as imprisonment, enslavement, dementia, etc. If the harm done to us is merely the possible restriction of autonomy, then the harm of death for some individual is no worse than the harm from the future occurrence of any of these events on that individual. Blatti anticipates this worry by suggesting that the difference with death is that “only death imposes this restriction necessarily, solely as a function of the subject’s mortality and autonomy” (ibid., 325). This, however, fails to address the problem. To make this more perspicuous, suppose that animalism (the view that human persons are identical to human animals) is true (which Blatti does endorse). Under such a view, a human being can survive in a persistent vegetative state (PVS), and hence could survive with a total loss of autonomy. Now suppose that there is an omnipotent but vindictive being that decides to create a world in which no one dies but all of its rational creatures will eventually enter into a PVS (and remain in that state permanently). Regarding possible restriction, there is no difference between the harm of death (in the actual world) and the permanent entrance into a PVS (in the fantastical world) since they impose the restriction as a matter of conditional necessity. If this is correct, then pace Blatti, there is nothing distinctive about the harm of death. So the ontological interpretation does not adequately account for death’s harm on us.⁹

⁹ An anonymous reviewer proposes a case in which someone is contingently immortal (but eventually dies). Under the ontological interpretation, death would not restriction-harm them (since it is not a matter of necessity). Moreover, the death of a regular mortal would not be worse than the death of a contingently immortal person (even though the latter is not being

The epistemic interpretation of restriction-harm fares no better. If it is merely the knowledge of possible limitation that harms us, then the harm of death does no more harm for someone who dies very young than someone who dies very old.¹⁰ But this is clearly problematic for anyone who holds to the thesis that death can harm us. The Epicurean view (which claims that death cannot harm us) entails the view that it is no better to have a longer life than a shorter one, and hence an anti-Epicurean should provide an account for why it can be better for us to live longer.¹¹ Now suppose S1 dies at age twenty and S2 dies at age ninety. The anti-Epicurean should maintain that S2's life can be better than S1's life. Now we know that we will die but we do not know when we will die. So under the epistemic interpretation of restriction harm, the harm that comes from S1 and S2's knowledge of their eventual death harms them equally. At any moment (as far as they know), it is possible that their autonomy is thwarted—whether one lives for twenty years or for ninety. Hence, the harm of death cannot be worse for S1 than it is

restriction harmed), which seems to be the wrong result. Hence, we have additional reason to reject the ontological interpretation. I thank the reviewer for this point.

¹⁰ An anonymous reviewer notes that Blatti could maintain that a young person's death is worse than the death of an old person since Blatti's view includes both deprivation harm and restriction harm, and hence it is worse in virtue of the deprivation harm. But the more Blatti relies on the deprivation harm, the more he weakens his case that DRV is to be preferred over DV. Moreover, given the first point stated in footnote 12, there is a strange mix of deprivation and restriction harms—dying early would increase deprivation harm but decrease restriction harm whereas dying very late would decrease deprivation harm but increase restriction harm.

¹¹ Olson (2013, 69) argues for such an entailment.

for S2. But anti-Epicureanism should allow for S2's life as possibly being better given its longer duration, and hence DRV does not provide an adequate account of death's harm.¹²

Finally, DRV is subject to the same problems that beset DV. Let us first consider the worry of the subjective inaccessibility of deprivation-harm. Keeping in mind the ontological or epistemic interpretations of restriction-harm, the same problem plagues DRV. Under the ontological interpretation, one is harmed at the very moment of one's existence. If the harm is merely the fact of the future occurrence of death (and not the knowledge of one's death), then it is unclear exactly how such harm could be subjectively accessible. Suppose S3 will live until eighty years and S4 is immortal (and is unaware that she is immortal), and suppose that the first eighty years of S4's life is qualitatively indistinguishable from S3's life. From their perspective, there would be no subjectively accessible difference between them, and hence a restricted harm (ontologically interpreted) is subjectively inaccessible.

The epistemic interpretation seems to be able to handle this worry, since it is one's knowledge of their eventual death that harms them—and such a knowledge would be subjectively accessible by someone who will die. This might be one reason why Blatti conflates the two kinds of harm. But as before, the epistemic interpretation cannot account for why a much shorter life is worse than a much longer life. Moreover, the epistemic interpretation maintains that it is our *knowledge* of being possibly limited that restriction-harms us, but the

¹² Additionally, under DRV, it might even be worse to live longer since there is more time for one's autonomy to be possibly limited and hence more time to accrue additional harm. I thank Neal Tognazzini for this point. Furthermore, if one merely believes they will not die, then under the epistemological interpretation, one can prevent from being restriction harmed, which seems implausible. I thank an anonymous reviewer for this point.

epistemic interpretation of restriction-harm does not need to be that strong. We might instead reasonably or justifiably believe that our autonomy can be thwarted and thereby be harmed by such a belief. From this weaker reading, it seems that we can be harmed without death, for we might justifiably believe that we will die because we see that every one else has died though it is possible that we are immortal (perhaps someone slipped us an immortality elixir without our knowledge). We would justifiably believe our autonomy is limited by an eventual death, and so be harmed even without ever dying. So the epistemic interpretation (under the weak reading) would fail to address the problem since it is not death that harms us but the belief that we will die that does so. Of course Blatti can insist that the only plausible reading of the epistemic interpretation is the strong one; but he has provided no reason for insisting on that (or any reason for preferring the epistemic interpretation over the ontological interpretation).

Concerning the second worry, restriction-harm appears only to involve a mere Cambridge change and not an intrinsic change, thereby failing to adequately address the Epicurean challenge (a failure that Blatti notes for DV). Under the ontological interpretation, the only change between S3 and the first eighty years of S4's life is a relational one—intrinsically the two lives are qualitatively the same up into age eighty. Again, the epistemic interpretation would handle the problem, provided that we take a strong reading that requires knowledge of one's eventual death (as opposed to mere justified belief), but we have no reason to suppose that a strong reading is required. As I have suggested, the ontological interpretation seems to be the one that Blatti favors, but only the (strong reading of the) epistemological interpretation of restricted

harm can handle the two worries for DV. Even so, such an interpretation still runs into the sort of problems previously noted.¹³

I have argued that DRV is problematic given that it rests on a dubious assumption such as [L] and conflates two different interpretations of restriction harms, both of which are problematic. Moreover, I have shown that DRV is no better than DV given that the worries for the latter are not resolved by the former, at least not without equivocation. If DV is an incomplete account of death's harm, then we need to look for what is missing elsewhere.¹⁴

¹³ It might be suggested that Blatti is not conflating these two interpretations but is perhaps proposing that both types of harm are included in the harm of death. This suggestion doesn't fit well with the way Blatti presents it. But even if it is what he intended, such a view remains problematic since, as I argued earlier, both interpretations have their own problems (and hence this combination view incurs both set of problems).

¹⁴ Many thanks to John Martin Fischer, Andrew Bailey, Taylor Cyr, Jason Gray, Benjamin Mithcell-Yellin, Duncan Purves, Alex Rajczi, Travis Timmerman, Neal Tognazzini, an anonymous reviewer, and those who attended my presentations of an earlier draft at the 2016 Pacific Meeting of the APA and the 2015 SoCal Philosophy Conference at San Diego State University. This paper was completed through the financial and philosophical support of the Immortality Project's Younger Scholars Workshop at UC Riverside.

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