

POSTHUMOUS REPUGNANCY

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WHAT DOES a life not worth living look like? A life spent in a state of constant and overwhelming physical suffering would not be worth living. A life in which every conscious experience was that of intense emotional anguish would not be a life worth living. But what about a life that was exceptionally good, day in and day out, right up until the moment of death? Could that life wind up being not worth living, not because of any terrible tragedy, but merely because of a great many minor harms? If it is possible to be harmed after death, then yes, that life could wind up being one not worth living. The possibility of posthumous harm entails that one could have an exceptionally good life (by any standard) while one was alive but incur so many small posthumous harms that one actually had a life not worth living. But we should not accept that. Instead, the possibility of posthumous harm should be rejected.¹

My argument centers on a kind of repugnancy case involving posthumous harm.² Supposing the existence of posthumous harm, a person whose well-being was *extremely high* while she was alive could incur small posthumous harms over a long enough period such that it is true of that person that she had a life not worth living.

The overall argument will be that the possibility of Posthumous Repugnancy

- 1 I am assuming a few other claims about well-being and harm that I take to be uncontroversial—namely: (1) *S* is harmed by *x* only if *x* negatively affects *S*'s well-being in some way, whatever way that is; (2) harm is additive; and (3) if *S*'s well-being is net negative enough, then *S* had a life not worth living. I take assumption 1 to be analytically true and 2 and 3 to be putatively true. Evaluating possible variations on 2 will occupy most of section 6.
- 2 My case will be structurally similar to that of Derek Parfit's "Repugnant Conclusion." The Repugnant Conclusion is the thesis that compared with the existence of very many people—say, ten billion—all of whom have a very high quality of life, there must be some much larger number of people whose existence, if other things are equal, would be better, even though these people would have lives that are barely worth living. In "Overpopulation and Quality of Life," Parfit imagines a different person-level analogue of the repugnant conclusion. His involves a choice between living a Century of Ecstasy versus a Drab Eternity. I will return to this case specifically in section 5.

cy ought to be rejected, and since the possibility of posthumous harm entails the possibility of Posthumous Repugnancy, we ought to reject the possibility of posthumous harm. After defending the premises from a variety of objections, I conclude that rejecting the possibility of posthumous harm in the face of Posthumous Repugnancy is preferable to all other alternatives. While I may not sway the dug-in, die-hard, posthumous harm proponent, I will have left an acute problem for them to face.

1. THE POSSIBILITY OF POSTHUMOUS HARM

Philosophers of many stripes have found compelling the idea that a subject can be harmed after their death. Endorsements of, or arguments for, the possibility of posthumous harm can be found in Nagel, Feinberg, Levenbook, Pitcher, Parfit, Grover, Sefrani, Luper, Belliotti, Boonin, and even as far back as Aristotle.³

The case for the possibility of posthumous harm rests crucially on a particular intuition about desire satisfaction and harm. Nearly all discussions of posthumous harm center on hypothetical cases in which some agent's desires are being frustrated while that agent is completely unaware of the frustration. Intuitively, the agent is being harmed by those frustrations. An oft-cited example comes from Feinberg:

If someone spreads a libelous description of me among a group whose good opinion I covet and cherish, altogether without my knowledge, I have been injured in virtue of the harm done my interest in a good reputation, even though I never learn what has happened. That is because I have an interest, so I believe, in having a good reputation as such, in addition to my interest in avoiding hurt feelings, embarrassment, and economic injury. And that interest can be seriously harmed without my ever learning of it.⁴

3 Nagel, "Death"; Feinberg, *The Moral Limits of the Criminal Law*; Levenbook, "Harming Someone after His Death"; Pitcher, "The Misfortunes of the Dead"; Parfit, *Reasons and Persons*; Grover, "Posthumous Harm"; Sefrani, "Callahan on Harming the Dead"; Luper, "Posthumous Harm" and "Mortal Harm"; Belliotti, *Posthumous Harm*; Boonin, *Dead Wrong*; and Aristotle, *Nicomachean Ethics*, 1100a15–25. David Boonin's *Dead Wrong* is an excellent resource and a forcefully argued defense of the posthumous harm thesis. I will not discuss Boonin's book at any length because the problem I raise is not one he discusses. Nor is the problem I raise one that can be effectively dealt with by utilizing his various other defenses of the posthumous harm thesis. Where Boonin's discussion and mine most explicitly overlap is their discussion of the problem of non-arbitrarily prioritizing felt harms over unfelt harms. This is addressed in section 6 of this paper, where I will make a brief note regarding the relevance of Boonin's views.

4 Feinberg, *The Moral Limits of the Criminal Law*, 87.

Many authors have taken this passage from Feinberg as a natural starting point in their discussions of posthumous harm. But it is important to note that the case Feinberg gives is not enough on its own to establish the possibility of posthumous harm. Feinberg is describing a case in which someone is harmed but completely unaware of the events that are harming them. This leaves open the possibility that it is the felt effects of the unknown events that are responsible for those events being harmful and not the unknown frustration of their desires. On that interpretation of the case, it is clearly not analogous to being harmed after death. Establishing that unknown events can harm is not sufficient to establish that posthumous events can harm. To establish the possibility of posthumous harm it must be that one can be harmed but be *completely unaffected* by the harm at any time in the future, and not just unaware of it. To stave off a challenge to Feinberg on these grounds, it is useful to supplement his case with some comments from Nagel's "Death." In that paper Nagel rejects an objection to his position on the grounds that it would also rule out posthumous and unfelt harms:

[This] type of objection is expressed in general form by the common remark that what you don't know can't hurt you. It means that even if a man is betrayed by his friends, ridiculed behind his back, and despised by people who treat him politely to his face, none of it can be counted as a misfortune for him *so long as he does not suffer as a result*. It means that a man is not injured if his wishes are ignored by the executor of his will, or if, after his death, the belief becomes current that all the literary works on which his fame rests were really written by his brother, who died in Mexico at the age of twenty-eight. It seems to me worth asking what assumptions about good and evil lead to these drastic restrictions.⁵

I will refer to these sorts of cases—cases of unknown desire frustration that in no way affects the one whose desires are being frustrated—as "Nagel-Feinberg cases." I will refer to the intuition that the agent *is harmed* in such cases as the "Nagel-Feinberg intuition."

The Posthumous Harm View is not complicated. It takes our Nagel-Feinberg intuitions about posthumous Nagel-Feinberg cases to be correct. Thus, one can be harmed by the frustration of their desires—the frustration of which has no effect on their experiences. Because a person can desire that certain things happen after their death, they can be posthumously harmed by those things not happening.⁶

⁵ Nagel, "Death," 76, emphasis added.

⁶ I realize that my characterization here makes it sound as if it is only via a desire-satisfaction principle that one could argue for the possibility of posthumous harm. That is certainly

For my purposes, I will bracket concerns as to whether the dead have desires, whether posthumous harm requires an untenable backward causation, and whether the sort of desire-satisfaction principle that undergirds the possibility of posthumous harm is defensible in the first place.⁷ My task specifically is to bring attention to a previously unidentified and highly implausible result of the possibility of posthumous harm.

I also want to make a note about methodology before going further. Throughout this paper, I follow proponents of the possibility of posthumous harm and take as legitimate a philosophical methodology that relies heavily on hypothetical cases, intuitions, and the weighing of intuitions against one another. I will, like Nagel, Feinberg, and especially Parfit, appeal to considerations of comparative intuitiveness and plausibility. One might very reasonably take issue with such an approach to moral philosophy, but I will not do so here. I am confronting the proponents of posthumous harm on their own methodological turf.

2. POSTHUMOUS REPUGNANCY

Suppose one is posthumously harmed when one's desires are posthumously frustrated. Now, imagine a person named Rosa with what looks like a great life. During her life Rosa saw all her goals realized and all her projects completed to her deep satisfaction. She died peacefully, perfectly contented with how her life had gone at the age of one hundred. Few are as lucky as Rosa. But Rosa had one desire left to be satisfied—she desired that it would always be the case that whenever she was spoken of after her death, only positive things were said of her. It was not a very strong desire of hers, but she desired it nonetheless, and it was the one desire left unfulfilled when Rosa died. In fact, it was the only desire she ever had concerning what would happen after her death.

not the case. What is true, however, is that the possibility of posthumous harm has been defended almost exclusively by appeal to examples involving supposedly harmful posthumous desire frustrations. Further, unrestricted desire-satisfaction views (or sometimes just principles) of well-being are attractive in their own right, and an unrestricted desire-satisfaction principle, in conjunction with a few other widely held theses, *entails* the possibility of posthumous harm.

- 7 There are many who raise such concerns. For example, Partridge argues against the dead having interests or desires ("Posthumous Interests and Posthumous Respect"). Portmore argues that to be plausible at all any desire-satisfaction theory of well-being will have to restrict which desires can affect one's well-being, and further that those restrictions rule out the possibility of posthumous harm ("Desire Fulfillment and Posthumous Harm"). But it should be said that posthumous harm is possible on a variety of views, and not just a view according to which *all* that is intrinsically good or bad for a person is contingent upon whether or not their desires are satisfied or frustrated.

Unfortunately for Rosa, most everyone quickly forgot about her except for her neighbors who thought she was the Antichrist. The neighbors founded a cult whose central belief was that Rosa was the enemy of all that was good. The cult's daily observances were all centered on speaking ill of Rosa. This happened only among cult members, for no one else had been willing to listen to them for some time.

Rosa is, according to the hypothesis, repeatedly harmed by the repeated frustration of her desire that only positive things were said about her every time she was spoken of after her death.⁸ Suppose the cult keeps this up for generations, perhaps thousands of years. Nothing positive is ever said of Rosa, and so, unfortunately, she is never posthumously benefited, only harmed. At some point, enough posthumous harm has been done to Rosa to outweigh all the positive value of her lived life. Eventually, her well-being will be net negative enough that it is true that she had a life not worth living. This is despite the fact that, while she was alive, she had as good a life as anyone could hope for.

Rosa's case is merely an illustration. The particular details do not matter. The example could be amended in whatever way necessary to illustrate the following, which is entailed by the possibility of posthumous harm, and which I call *Posthumous Repugnancy*:

Posthumous Repugnancy (PR): A person whose well-being was *extremely high* while they were alive could incur small posthumous harms over a long enough period such that it is true in the long run that they had a life not worth living.⁹

Objections come to mind immediately. The next several sections are devoted to responding to objections. Section 3 addresses the objection that I have unjustifiably assumed the Time of Desire View of desire satisfaction to be false. Section 4 addresses the objection that Rosa cannot be harmed repeatedly by the repeated frustration of one desire as described. Section 5 addresses the response that, though *prima facie* implausible, we ought to just accept PR, just as many have accepted Parfit's original *Repugnant Conclusion* (RC). Section 6 responds to the objection that the possibility of posthumous harm does *not* entail the possibility

8 The next section is devoted entirely to responding to the worry that a desire cannot be frustrated repeatedly and thus that this claim is false.

9 Here I have formulated PR as if the Time of Object View of desire satisfaction is true. That is the view according to which the satisfaction of a desire benefits me at just those times when the desire's object obtains. In the next section, I will demonstrate how PR can be reformulated to be compatible with the Time of Desire View of desire satisfaction. That is the view according to which a desire's satisfaction benefits me at just those times when I have the desire.

of PR because even if Rosa can be repeatedly harmed by the repeated frustration of this desire she can be harmed *only so much* by the frustration of that desire and thus the posthumous harms never sufficiently aggregate to render her life not worth living.¹⁰

- 10 Bramble briefly makes an argument similar to mine (“A New Defense of Hedonism about Well-Being,” 89). He points out that Emily Dickinson, Van Gogh, Nick Drake, and others had all-things-considered unfortunate lives; however, they all have enjoyed massive posthumous success. If posthumous benefit is possible, then we have to say that their lives were not that bad after all, but clearly their lives were that bad after all. Therefore, according to Bramble, there is no such thing as posthumous benefit (or harm). The only way one might resist his argument, Bramble imagines, is by claiming that posthumous harms and benefits are only ever slight. He dismisses this possibility in a footnote, saying, “But in order to believe this we would need some principled reason to believe that posthumous benefits and harms could only ever be slight. I cannot myself think of what such a reason could be.” I agree with Bramble, and though my core argument is similar to his, my overall defense of the impossibility of posthumous harm goes well beyond his.

First, coming up with a problem case—Bramble’s Van Gogh et al., or my Rosa—is only the first part of making the case against posthumous harm. As important, and much more arduous, is the task of defending those problem cases against various defeating interpretations. Bramble defends his argument with only what I have quoted—he cannot think of a reason why posthumous benefits and harms could only ever be slight. In contrast, the majority of my paper is spent responding to objections.

Second, according to Bramble, his argument would be thwarted if it could be shown that posthumous harms and benefits are only ever slight ones. My argument would not be similarly thwarted because Rosa’s case involves *only* slight posthumous harms. If by “slight harm” Bramble actually means “slight *even in the aggregate*,” then I address that exact issue in section 6.

Third, there is a plausible objection to Bramble’s argument that he does not address and that does not apply to mine. One could object to Bramble’s argument by claiming that Van Gogh et al. primarily desired success *during their lifetimes*. They might have had no desire to be *only* posthumously successful. If that were the case, which seems plausible at least, then one could maintain that while posthumous benefit is possible, these people’s lives were nonetheless not improved by their posthumous success since they did not desire to be successful in that way. That response both maintains that there is posthumous benefit but also explains how it is that these people’s lives were not made better to any significant extent by their posthumous success. I do not think this objection to Bramble is ultimately successful, but it is plausible that on a clearer understanding of Van Gogh et al.’s desires it can be claimed that their posthumous success was of no great benefit to them despite posthumous benefit being possible. In contrast, Rosa’s desires are stipulated. There is thus no way to make a similar objection that on a proper understanding of her desires, Rosa is actually not harmed by all the posthumous slander, despite posthumous harm being possible.

Finally, PR appears to be a nastier problem than the one Bramble raises. It appears far more unintuitive that Rosa’s great life could be *not worth living* due to the aggregation of slight posthumous harms than it is unintuitive that Van Gogh’s life was at least slightly less bad given stunning, worldwide, multigenerational posthumous success.

3. THE TIME OF DESIRE VIEW AND TIME OF OBJECT VIEW

Assuming I am benefited when my desires are satisfied, there is a question of *when* I am benefited. If I desire right now that there is nice weather for my bike ride this weekend and the weather is nice for my bike ride, when did the satisfaction of that desire benefit me? Was I benefited at just those times when I had the desire (Time of Desire View), or was I benefited at just those times when the object of my desire obtained (Time of Object View), or was I benefited at just those times when I had the desire *and* its object obtained (Concurrentism)?¹¹

I have formulated the Rosa example as if the Time of Object View is correct. Rosa's welfare is negatively affected at those times when she is slandered after her death. It is objected that if the Time of Desire View is true, then the Rosa example does not work, and more importantly PR is not possible. The idea is straightforward. If it is true that Rosa is harmed by all the posthumous slanders at the time she has the relevant desire (which is when she is alive), then it is not true that she had exceptionally high well-being while she was alive. So it is not the case that she had an exceptionally good life while alive, only for her to be posthumously harmed enough by the aggregation of many small posthumous harms to have a life not worth living.

In response, if the Time of Desire View is true, then PR must simply be reformulated. What distinguishes the Time of Desire and Time of Object interpretations of Rosa's case is not *whether* she is harmed, or *how much* she is harmed. The views disagree only on *when* it is that she is harmed and thus disagree on when it is that her life is made one not worth living. On the Time of Object View her life is made not worth living once she is slandered enough times after death for the aggregate harm to outweigh the positive well-being she accrued while living. On the Time of Desire View, Rosa's life becomes not worth living *as soon as she forms the desire* to be spoken of only positively after death. The Time of Desire formulation of PR would thus be:

Posthumous Repugnancy TDV (PR₂): A person whose well-being is *ex-*

11 For an excellent discussion of these positions and the problems they face, see Lin, "Asymmetrism about Desire Satisfactionism and Time." Concurrentism is thought to be incompatible with posthumous harm. I will thus set aside concurrentism and focus on what most people take the posthumous harm proponents' two options to be—the Time of Desire View or the Time of Object View. Lin defends another option—asymmetrism—according to which the Time of Desire View is true of *past*-directed desires and the Time of Object View is true of *future*-directed desires. Since desires about things after our deaths are always future-directed desires, Lin's position is equivalent, in this discussion, to the Time of Object View.

tremely high could suddenly have a life not worth living *solely* in virtue of forming a weak desire that will be frustrated a vast number of times after their death.

The Time of Desire View formulation is substantially different from PR's initial Time of Object formulation; however, it appears no less repugnant. Both formulations share the essential repugnant feature. Both are cases where a great deal of positive well-being is swamped by a massive number of small posthumous harms. The difference is simply *when* the swamping happens, or rather *when* things get repugnant, but not *whether* things get repugnant. Thus, I conclude that the Time of Desire is not incompatible with PR suitably formulated.

4. DESIRE FRUSTRATION AND REPEATED HARM

Philosophers are surprisingly silent on the issue of whether or not a token desire can be satisfied or frustrated more than once. It is true that many desires, given their objects, can be satisfied or frustrated only once. If I desire that my package be delivered by 3 PM today, then that desire will either be frustrated or satisfied come 3 PM. The package can be delivered only once, and 3 PM today will come around only once. But not all desires are like this. Suppose I desire that my friends be honest with me. *Prima facie*, that sort of desire does not have just one chance of being frustrated or satisfied like my 3 PM package-delivery desire does.

Rosa's PR case presumes that her desire to be spoken of only positively whenever she is spoken of after her death can be frustrated repeatedly. More generally, the view I am presuming is that a single token *desire that x* of an agent *S* can be frustrated or satisfied so long as (1) *S* desires that *x*, and (2) the object of the desire, *x*, is such that the states of affairs that would satisfy or frustrate that particular *desire that x* can repeatedly obtain. Call this view the "Multiple-Frustrations View" for short. The alternative to the Multiple-Frustrations View is that a token desire can be frustrated or satisfied only once. Call this the "One-Frustration View."

The objection I want to address claims that Rosa's desire to be spoken of only positively whenever she is spoken of after death can be frustrated just once. Therefore, she cannot incur repeated posthumous harms that aggregate to the point that renders her life not worth living. The first time someone said something bad about Rosa after her death her desire was frustrated and that was the end of the story. If the One-Frustration View of desire frustration is correct, goes the objection, then PR cases like Rosa's are ruled out, for they require that some desire(s) be repeatedly frustrated.

It turns out that there is no version of a One-Frustration View that the post-

humorous harm proponent can reasonably accept and that would make this objection work. Consider Michael and Dwight, who for five years both had equally strong desires that their romantic partners not cheat on them. Over the course of those five years, Michael's partner cheated on him only once, while Dwight's partner cheated on him fifty times. Michael's partner's infidelity was a mere illicit kiss that led to nothing more. Dwight's partner's infidelity started with one illicit kiss, but quickly escalated into a multiyear passionate love affair. Neither Michael nor Dwight ever found out about these infidelities, nor did they experience any effects of their partner's indiscretions. Michael and Dwight's cases are Nagel-Feinberg cases.

Remember that we are supposing in our discussion that the Nagel-Feinberg intuition that agents are genuinely harmed in Nagel-Feinberg cases is correct. We are thus not considering whether or not Michael and Dwight have been harmed *at all*. We are supposing that Michael and Dwight have been harmed. The question is, have they been harmed equally? Obviously not, it seems. The intuition that Dwight has been harmed more seems just as strong as the intuition that they have been harmed in the first place. Even if one denies that there is unfelt harm, they would surely accept the conditional that *if* there is unfelt harm, *then* Dwight was harmed more than Michael in this case.

I have introduced Michael and Dwight's case because there appears no way to explain how Michael and Dwight are harmed unequally while maintaining that Rosa's case is not possible. I endorse a Multiple-Frustrations View and according to it Dwight is harmed more because Dwight's desire was frustrated *more times* than Michael's. If a Multiple-Frustrations View is true, then Rosa's case works as described.

A proponent of a One-Frustration View could get the Michael and Dwight case right by claiming that Dwight is harmed more than Michael because Dwight's desire was frustrated only once but *to a greater degree* than Michael's. However, on the One-Frustration View plus degrees of desire frustration, Rosa's case works once redescribed as a case of her desire being frustrated to an increasing degree over time (and the harmfulness of the frustration increasing commensurately).¹²

A proponent of a One-Frustration View could get the Michael and Dwight case right by claiming that Dwight was harmed more than Michael because Dwight had a constellation of very similar fidelity-related desires and each of his partner's infidelities frustrated a different one. However, on this constellation

12 I should say that I think the correct view is multiple frustration plus degrees of frustration. There is much more to be said about this topic, but I have tried to keep this section brief.

of similar desires view Rosa's case works once redescribed as many of her very similar desires being frustrated over a very long period of time.

Rosa's case would be ruled out on a view according to which her desire that only positive things be said of her after her death is frustrated only once, and further she has no other similar desires that would be frustrated by the posthumous slander. However, on that particular One-Frustration View, Michael and Dwight are harmed *equally*, for they held the same desire at the same strength, which was frustrated for each of them only once. But it is unbelievable that Michael and Dwight would be harmed equally. Michael's partner kissed another person. Dwight's partner had a long-standing love affair with another person. I conclude therefore that if there is a problem with the Rosa case, it is *not* that her desire is frustrated only once and therefore no more harm can come to her after that.

5. THE COSTS OF ACCEPTING POSTHUMOUS REPUGNANCY

Perhaps the posthumous harm proponent ought to bite the bullet and accept PR. Derek Parfit's RC, from which PR takes its name, has been accepted by many philosophers despite its apparent implausibility. Why not do the same with PR? In this section I argue against this strategy.

Hartry Field argues that one reason to reject an epistemicist account of vagueness is that it is unreasonable to fear that noon tomorrow might be the moment you become old.¹³ Epistemicism is committed to there being sharp cutoffs in vague cases. So, though it can be vague whether you are old, there is some magic moment in time when it goes from being true that you are not old to being true that you are old. Field argues that since one could not reasonably fear that the cutoff is imminent, we have reason to think it does not exist, and so we have reason to reject epistemicism.

An analogous point can be made here. Suppose Will had a really awesome life, and he knew it. He knows he is a couple of hours from death. He is told that, "You know, some people incur small posthumous harms over a long enough period of time such that even though life was really great for them while they were alive, they in fact had a life not worth living." Could Will at that moment reasonably fear that, contrary to everything he has experienced in his life, he in fact had a life not worth living? I do not think so. This reveals what I call:

13 Field, "This Magic Moment." Epistemicism is the view that vagueness is an epistemic phenomenon; specifically, vagueness consists in a special kind of ignorance. If it is vague whether *p* then it is either true that *p* or true that not *p*, however it is unknowable which it is. The *locus classicus* defense of epistemicism is Williamson, *Vagueness*. See also Sorenson, *Blind-spots* and *Vagueness and Contradictions*.

No Reasonable Fear of PR Intuition: Any person whose well-being was *extremely high* while they were alive could not, right before their death, reasonably fear that enough small posthumous harms might add up such that they in fact, and contrary to everything they have experienced, had a life not worth living.

Contrast this with someone who is thirty and knows they have probably seventy more years of life left. They have no idea how those seventy years are going to go. They could reasonably fear that enough harm will befall them in those seventy years such that in the end they will have had a life not worth living. They know there is plenty of time left for them to be harmed that much. But the same is not true of Will. Employing Field's strategy, because it would be unreasonable to fear PR, i.e., because of the No Reasonable Fear of PR Intuition, we have strong reason to doubt the possibility of posthumous harm. Admittedly, the No Reasonable Fear of PR Intuition does not constitute a *decisive* reason to reject PR. It is just an intuition. But remember that intuition plays a central role in justifying the possibility of posthumous harm in the first place. The Posthumous Harm View is supported largely on the basis of Nagel-Feinberg intuitions that persons can be harmed while their experiences are unaffected by those harms.

The No Reasonable Fear of PR Intuition concerns what attitudes it would be reasonable to have toward PR. A related intuition is worth mentioning as well. The *No Reasonable Preventive Suicide Intuition* concerns what actions it would be reasonable to take in light of PR. Suppose that I am told that tomorrow I will be kidnapped and tortured ceaselessly, but kept alive, for decades. Taken as a whole, my life will have been so bad as to not have been worth living. I could intervene however. I could kill myself today, before I am kidnapped. This would ensure that the events that would render my life not worth living—the decades of torture—would never come to pass. I will have died having had a life worth living.

Under these conditions, it is reasonable to entertain preventive suicide. It is plausible that, for any person who knows that their life will truly end up not being worth living because of x , it would be reasonable for that person to choose to end their life to prevent x .

But what about for Rosa? Remember Rosa had an amazing life but incurred enough small harms after death such that she had a life worth living. Imagine you saw Rosa on her thirtieth birthday and told her the bad news:

Look, Rosa, I'm sorry, but you are going to wind up with a life not worth living. Sure, the next seventy years up until your death will be downright great, but so many small harms will befall you after your death that it will be true that you had a life not worth living. Luckily, you have some op-

tions. You could kill yourself today. Sadly, you would miss out on the next seventy years of great life, but it will ensure that you are not posthumously harmed such that you end up having had a life not worth living. You have to act now and end your life or else suffer the terrible fate of Posthumous Repugnancy.

Would it be reasonable for Rosa to choose to end her life? Intuitively, definitely not. It seems absurd that she would kill herself and miss out on seventy more great years just to avoid the aggregation of many small posthumous harms. This is the:

No Reasonable Preventive Suicide Option Intuition: Any person who knows they have decades of high-quality life ahead of them could not reasonably choose to commit suicide and forgo those years *merely* to prevent a large enough number of small posthumous harms.

Just as before, the intuition that it would be unreasonable to choose preventive suicide under such conditions is not decisive against the possibility of posthumous harm. But again, intuition is absolutely central to the defense of the possibility of posthumous harm in the first place.

Discussion of these intuitions helps make clear the high intuitive costs of biting the bullet and accepting PR. In accepting PR as true, one commits to it being reasonable to fear that, despite having lived an amazing life right up until death, one actually has a life not worth living. And one commits to it being reasonable to commit suicide and forgo decades of great life solely to avoid a large number of small posthumous harms.

All that being said, one could still accept PR despite its great implausibility. It is true that many philosophers accept Parfit's RC despite its initial implausibility. So why not take the same route with PR?

The disanalogies between Parfit's RC and our PR seriously undercut such a strategy. Most importantly, the primary motivation for accepting Parfit's RC is that, however implausible RC may seem, it is not as implausible as denying any one of the claims from which it follows—that *better than* is transitive, that adding a life worth living does not make a world worse *ceteris paribus*, and that increasing both the average and the total utility of a world makes that world better all other things being equal.¹⁴

But no such thing can be said of PR. To reject PR, we need only reject the possibility of posthumous harm, and the posthumous harm thesis is controversial to begin with. RC is so hard to avoid because to do so we need to give up what look

14 Here I am following the characterization of Huemer, "In Defence of Repugnance."

to be obvious moral truths. This is not analogous to PR. We can avoid PR merely by denying a controversial thesis about harm.

6. ON THE SUPPOSED LIMITS OF HARM

Rosa had a life of extremely high well-being while she was alive, but, if posthumous harm is possible, she repeatedly incurred small posthumous harms over a long enough period of time that she had a life not worth living. The initial response to the case usually is along the following lines: "Can't Rosa be posthumously harmed *only so much*, or *up to a point*? Posthumous harm is possible, but there's just no way that posthumous harm, however long it goes on, can render an otherwise good life not worth living." Whatever the details, the response is that for some reason the posthumous harms just cannot outweigh the positive value of Rosa's lived life.

Parfit expresses something like this view when he compares two possible futures for himself—a Century of Ecstasy versus a Drab Eternity.

Suppose that I can choose between two futures. I could live for another 100 years, all of an extremely high quality. Call this the Century of Ecstasy. I could instead live forever, with a life that would always be barely worth living. Though there would be nothing bad in this life, the only good things would be muzak and potatoes. Call this the Drab Eternity.

I believe that, of these two, the Century of Ecstasy would give me a better future. And this is the future that I would prefer. Many people would have the same belief, and preference.

On one view about what makes our lives go best, we would be making a mistake. On this view, though the Century of Ecstasy would have great value for me, this value would be finite, or have an upper limit. In contrast, since each day in the Drab Eternity would have the same small value for me, there would be no limit to the total value for me of this second life. This value must, in the end, be greater than the limited value of the Century of Ecstasy.

I reject this view. I claim that, though each day of the Drab Eternity would be worth living, the Century of Ecstasy would give me a better life.... The Century of Ecstasy would be better for me in an essentially qualitative way. Though each day of the Drab Eternity would have some

value for me, no amount of this value could be as good for me as the Century of Ecstasy.¹⁵

Parfit's view is that there is a lexical priority in the values being compared in the Century of Ecstasy (CE) versus the Drab Eternity (DE).¹⁶ Parfit claims that the value of CE would be better in an "essentially qualitative way" and that "no amount" of the value of DE could be as good as the value of CE. Lexical priority is the only way that DE could have value and yet have an *infinite* amount of that value *not* outweigh the *finite* value of CE.

Applied to PR, such a response would say that the value of life pre-death is lexically prior to the value involved in posthumous harm and benefit. Thus, posthumous harm has nonzero disvalue, yet no amount of posthumous harm will ever outweigh the positive value one's life accrued before death. Put otherwise, PR is not possible even if the amount of posthumous harm is infinite. This is just how no amount of the good from DE can outweigh the good of CE.

Parfit's discussion of CE and DE is brief, only a few paragraphs. He gives no full-fledged argument in defense of his position. He only draws a comparison to John Stuart Mill's qualitative distinction between "higher" and "lower" pleasures, and notes that many share his beliefs and preferences in such cases.¹⁷

It is well known that lexical priority views like Parfit's are problematic.¹⁸ Parfit's view entails that *no amount* of drab (but still positive) value would be better than *any amount* of ecstasy value. Thus, if I have to choose between two futures, an ecstasy future, no matter how short, will be better than the drab but still good future, no matter how long. Three seconds of ecstasy followed by death would be a better future for me than twenty drab but still good years before I die. It would also be the case that a brief future of intense suffering—the several seconds after stubbing a toe—would be worse for me than an eternal mild hell. I doubt many would share a preference for a mild hell over a stubbed toe.

When applied to posthumous harm in particular, lexical priority renders it trivial. Imagine an extremely small pre-death harm, x . Say x harmed me in the following way: incurring x brought me from a state of maximal euphoria to a state that was 99.999... percent of maximal euphoria. Now take an infinite amount of posthumous harm y . According to this Parfit-inspired response, x would be

15 Parfit, "Overpopulation and the Quality of Life," 17–18.

16 The lexical priority claim is often expressed by saying that there is a *discontinuity* in the values involved in the CE versus DE.

17 Mill, *Utilitarianism*, ch. 2; Parfit, "Overpopulation and the Quality of Life," 17–19.

18 For discussions of the problems arising out of lexical-priority views, see Lemos, "Higher Goods and the Myth of Tithonus"; and Huemer, "Lexical Priority and the Problem of Risk."

worse for me than y . If posthumous harm is such that an infinite amount of it is less harmful than this puny pre-death harm, one might wonder whether posthumous harm is worth caring about at all. On this view, if I could spare you the slightest pre-death harm you can imagine, or could spare you an infinite series of the worst posthumous harms you can imagine, I ought to spare you the slight pre-death harm. Being spared the pre-death harm is what would be better for you.

On such a view the effect on a person's well-being of an individual posthumous harm (however large) is utterly trivial, perhaps infinitesimal. This does not square well with the initial Nagel-Feinberg intuitions with which our discussion started. The intuition in Nagel-Feinberg cases—e.g., your spouse is cheating on you, but you do not know it—is that you are significantly harmed. The intuition in Nagel-Feinberg cases is *not* that you are infinitesimally harmed, and that an infinite number of Nagel-Feinberg case harms would not be as bad for you as the smallest possible amount of felt harm. Reflecting on these considerations, the lexically priority response looks like a dead end.¹⁹

The posthumous harm proponent might try at this point to pivot to the claim that posthumous harm and pre-death harm are *incommensurable*—that they cannot be measured on the same scale, or otherwise compared in quantity or magnitude. Parfit's claim that there is an essential "qualitative" difference between CE and DE does have the ring of incommensurability. Suppose one takes the incommensurability route. Immediately it is asked, "Though incommensurable with pre-death harm, does posthumous harm negatively affect one's well-being nonetheless? Put otherwise, when one is posthumously harmed, is their life made worse?"

The posthumous harm proponent cannot answer no to this question. If being posthumously harmed does not negatively affect one's well-being, then posthumous harm is not actually *any kind* of harm at all, for it is analytic that harm makes one worse off in *some way*. But to answer, "Yes, posthumous harm negatively affects one's well-being," one must explain how it is that posthumous harm negatively affects one's well-being and pre-death harm negatively affects one's

19 Ironically, were the posthumous-harm proponent to go the lexical priority route they would be saddled with the position that we ought to respect the wishes of the dead (or the well-being of the dead) *much less* than we do now. Why execute the will of the deceased when a failure to do so would be infinitely less bad than the slight inconvenience that is done to you by signing some paperwork? Why refrain from posthumously framing your rival for crimes against humanity when the harm done to him will pale in comparison to the pain you would incur having to resist framing him? Obviously, someone rejecting the possibility of posthumous harm must ultimately answer these difficult questions, but it is very strange to be a proponent of posthumous harm *and still* have to answer these questions. The lexical-priority proponent winds up having to do the double duty of explaining how there is posthumous harm and yet nearly all our intuitions about it are wrong.

well-being, and yet they still cannot be compared at all. Here one would have to claim that there are different ways to negatively affect one's well-being. Further, the way posthumous harm negatively affects one's well-being is incommensurable with the way pre-death harm negatively affects one's well-being. Even if we accept that picture, the fact that posthumous harm negatively affects one's well-being *at all* leaves open that it can negatively affect *enough* to make their life not worth living. Even if we set aside as incommensurable pre-death harm and benefit, posthumous harm still aggregates.²⁰

To stop the aggregation of posthumous harm on this incommensurability picture, the posthumous harm proponent should not appeal to the lexical priority claim that no amount of posthumous harm can outweigh the value of a lived life, and that no amount of posthumous harm is *worse* than any amount of pre-death harm. It was the failure of lexical priority strategy that motivated the move to the incommensurability strategy.

The posthumous harm proponent ought to go looking for better. What is needed is something to prevent posthumous harms from sufficiently aggregating to outweigh the large positive amount of pre-death well-being, yet not render posthumous harms trivial or their effect on well-being infinitesimal. If the posthumous harm proponent does not appeal to lexical priority, or incommensurability, what then is left?

The sufficient aggregation of posthumous harm might be blocked by either a diminishing marginal value effect on posthumous harm such that posthumous harms become less and less harmful, or by a limit on the amount of posthumous harm a person can incur no matter what. Suitably formulated, either could prevent posthumous harms from rendering an otherwise great life not worth living.

How could posthumous harms diminish in harmfulness, or cease to be harmful at some limit, when the natural basis of the repeated posthumous harms—the strength of the desire, its content, and the degree to which it is frustrated—

20 Boonin confronts a related problem and winds up in the same place as we do (*Dead Wrong*, 178–79). He is concerned with how to compare on a single scale the harmfulness of unfelt harms to felt harms in a way that is non-arbitrary but also does not make unfelt harms lexically prior in harmfulness. In brief, felt harms and unfelt harms are weighted according to how much one would want to avoid them. If *S* prefers to avoid an unfelt harm *h* twice as much as a felt harm *f*, then on Boonin's view *h* would be twice as harmful for *S* than *f*. Notice that this is just what we have been assuming as our starting point—that the harmfulness of a desire frustration is a function of the strength of the desire. Whether or not the desire frustration leads to pre-death or posthumous harm does not matter. Since that view is perfectly compatible with PR, we have tried examining the alternatives—incommensurability and lexical priority—but those turned out to be too problematic. Boonin starts with incommensurability and lexical priority, finds them too problematic, and lands on a view that just so happens to be the one we started with, and one that is perfectly compatible with PR.

remains fixed? The strength and content of one's desires do not change after their death. The only explanation for posthumous harm diminishing in harmfulness, or else having a hard limit, would be that posthumous harm has either of these properties *essentially*. But this is problematic.

Take a series of temporally successive qualitatively identical posthumous desire frustrations, $F_1-F_{\dots}$. The desire frustrations differ *only* in their location in the series (only in when they happened), everything else has been fixed by death. On the diminishing posthumous harm proposal, *how harmful* any frustration F_n is will be a function of F_n 's location in the series. The harmfulness of each F diminishes as the series goes on, but all members of the series are otherwise identical. Thus, I could know everything there is to know about a desire frustration, F_n , other than where F_n occurs in the series, and yet not be able to tell you how harmful F_n is. If F_n is at the beginning of the series it could be very harmful, but if F_n is much further on in the series it could be barely harmful at all. I could know everything there is to know about a pair of desire frustrations F_n and F_r , and I will not be able to tell you which is more harmful if I do not know the location in the series of both F_n and F_r . More concretely, I could know (a) that when a person's desire is frustrated they are harmed, (b) that Dwight strongly desired his partner not cheat on him, (c) that Dwight's partner cheated on him, and (d) the first time it happened Dwight was very harmed by this—but I would not be able to tell you on that basis whether another identical frustration was for Dwight similarly very harmful or barely harmful at all, unless I knew when in the temporal series it appears.

On the posthumous-harm-is-limited view, whether or not some desire frustration F_x is *harmful at all* is determined by F_x 's location in the series $F_1-F_{\dots}$. On this view there is some n such that desire frustrations F_1 through F_n are equally harmful, but every frustration from F_{n+1} on is not harmful at all. Thus, I could know everything there is to know about that desire frustration, F_x , other than where F_x is in the series and not be able to tell you whether F_x is very harmful or not harmful. If F_x is at the beginning of the series it could be very harmful, but if it is late enough in the series F_x could be not harmful at all even though none of its other properties would change with a change in its location in the series. And a further difficulty with this view is that, even if I knew where in the series F_x was, I still would not know whether or not it was harmful because I would need to know where the limit is. Knowing everything about the F s in the series will not tell me which number of frustrations, n , is the magic number where the qualitatively identical frustrations after F_n cease to be harmful. More concretely, I could know that the twentieth time Dwight was cheated on behind his back was very harmful (given his desire that it not happen), and be totally unable to tell you

whether the twenty-first time it would be harmful to him *at all*, even though the twentieth and twenty-first instances were qualitatively identical.

It would be strange indeed if knowing everything about a desire frustration other than where it appears in a series of identical frustrations would not be enough to have any guess as to the extent of the harmfulness of the frustration. I would have no clue whether the frustration is very harmful, barely harmful, not at all harmful, or anywhere in between. Knowing everything about the frustration other than its location in the series would not even be enough to know whether it is more or less *likely* that the frustration is very harmful or not at all harmful. Put otherwise, unless you know where a posthumous desire frustration lies in a series of identical frustrations, you cannot know *anything* about that frustration's level of harmfulness. On the limit view, you could even know the desire frustration's location in series and still not know whether it is harmful or not, for you would have to know where the limit is as well.

It will be helpful to make the case more concrete. Let us return to the hypothetical Nagel-Feinberg cases with which our discussion of posthumous harm began. Reflecting on such cases I think we will see that in pre-death cases of desire frustration where the strength and content of a desire remains fixed, it does not appear that the harmfulness of the desire's frustration diminishes *merely* in virtue of repetition. Nor does it appear to reach some limit all on its own. Imagine that someone is spreading libelous rumors about you but you never find out about it, nor are you otherwise affected at all. Surely, Nagel and Feinberg think, you will judge that you have been harmed.

Let us iterate this Nagel-Feinberg case. Suppose you are a traveling salesperson. Every three months you move to a new region, make new short-term friends, and then move again. You enjoy your job, and you are good at it, and you have been doing it for thirty years. However, unbeknownst to you, you have a stealth slanderer and he is quite a persistent fellow. Perhaps he felt slighted by you in high school and has been on a mission to stealthily slander you as long as you live. He has followed you as you have moved around, slandering you behind your back in each new venue. Assume that throughout your adult life your desire not to be slandered and to enjoy a good reputation has remained constant—same object and same strength. If Nagel and Feinberg are right and one instance of being slandered behind your back is harmful, then what reason would there be to think that more instances of the very same harm would become less and less harmful in virtue of repetition alone when you do not know about them nor experience any of their effects? What reason would there be to think that at some point during the stealth slandering the slander would just cease to be harmful? Put otherwise, the facts have stayed the same—same harm, same de-

sire, same strength of desiring, your complete lack of experiencing effects of the harm. The only thing that changes over time is how many times you have been slandered before. It does not appear that the harmfulness of the slander will diminish merely in virtue of how many times you are slandered if all other facts remain constant. Nor does it appear that the stealth slander would just stop being harmful all on its own. If that were the case, then there would be some n number of slanders such that slanders 1 through n were harmful but every slander from $n+1$ on was not harmful at all even though the only difference between slanders n and $n+1$ is simply how many slanders preceded them.

If the harmfulness of the slander in the iterated Nagel-Feinberg case above does not diminish nor does it reach a limit, then what reason is there to think that posthumous harm has either property? Remember that the Posthumous Harm View is motivated fundamentally by the intuition in the Nagel-Feinberg cases that one can be harmed without one's experience ever being affected by what has harmed them.

7. CONCLUSION

The case for posthumous harm rests crucially on the Nagel-Feinberg intuition that an agent is harmed when their desires are frustrated, even if they in no way experience effects of the frustration. We must now reassess that intuition given where we have ended up in our discussion of PR. Which of the following fares best?

1. *Bite the bullet and accept PR*: Trust the intuition that we are harmed in posthumous Nagel-Feinberg cases. Posthumous harm is possible, which entails PR. Distrust the No Reasonable Fear of PR Intuition and the No Rational Preventive Suicide Option Intuition.
2. *Bite other bullets*: Trust the intuition that we are harmed in posthumous Nagel-Feinberg cases. Posthumous harm is possible, but it does not entail PR. That is because it is an essential property of posthumous harm that an individual can be posthumously harmed only so much or else posthumous harm is marginally diminishing in harmfulness. These properties are not, however, properties of the unfelt harm involved in iterated non-posthumous Nagel-Feinberg cases.
3. *Reject the possibility of posthumous harm*: Posthumous harm is not possible and therefore PR is not possible. Trust the No Reasonable Fear of PR Intuition and the No Rational Preventive Suicide Option Intuition.

Distrust the intuition that we are harmed in posthumous Nagel-Feinberg cases.

Weighing 1, 2, and 3, it seems more plausible that our Nagel-Feinberg intuitions are in error about posthumous Nagel-Feinberg cases than that PR is possible, or that PR is not possible because posthumous harm has either of the essential properties necessary to block PR (i.e., a built-in limit or diminishing marginal harmfulness), neither of which is a property of the unfelt harm in non-posthumous Nagel-Feinberg cases.

On balance, 3 fares best from among the options, and so we ought to accept it over 1 or 2. We ought to reject the possibility of posthumous harm.²¹

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REFERENCES

- Aristotle. *Nicomachean Ethics*. Translated by W. D. Ross. Oxford: Oxford University Press, 2009.
- Belliotti, Raymond A. *Posthumous Harm: Why the Dead Are Still Vulnerable*. Washington, DC: Lexington Books, 2011.
- Boonin, David. *Dead Wrong: The Ethics of Posthumous Harm*. Oxford: Oxford University Press, 2019.
- Bramble, Ben. "A New Defense of Hedonism about Well-Being." *Ergo* 3, no. 4 (2016).
- Feinberg, Joel. *The Moral Limits of the Criminal Law*. Vol. 1, *Harm to Others*. New York: Oxford University Press, 1987.
- Field, Hartry. "This Magic Moment: Horwich on the Boundary of Vague Terms." In *Cuts and Clouds: Vagueness, Its Nature, and Its Logic*, edited by Richard Dietz and Sebastiano Moruzzi, 200–8. Oxford: Oxford University Press, 2010.
- Grover, Dorothy. "Posthumous Harm." *Philosophical Quarterly* 39, no. 156 (July 1989): 334–53.
- Huemer, Michael. "In Defence of Repugnance." *Mind* 117, no. 468 (October 2008): 899–933.

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- . "Lexical Priority and the Problem of Risk." *Pacific Philosophical Quarterly* 91, no. 3 (September 2010): 332–51.
- Lemos, Noah M. "Higher Goods and the Myth of Tithonus." *Journal of Philosophy* 60, no. 9 (September 1993): 482–96.
- Levenbook, Barbara Baum. "Harming Someone after His Death." *Ethics* 94, no. 3 (April 1984): 407–19.
- Lin, Eden. "Asymmetrism about Desire Satisfactionism and Time." In *Oxford Studies in Normative Ethics*, vol. 7, edited by Mark Timmons, 161–83. Oxford, UK: Oxford University Press, 2017.
- Luper, Steven. "Mortal Harm." *Philosophical Quarterly* 57, no. 227 (April 2007): 239–51.
- . "Posthumous Harm." *American Philosophical Quarterly* 41, no. 1 (January 2004): 63–72.
- Mill, John Stuart. *Utilitarianism*. 1863. Rutland, VT: Tuttle, 1993.
- Nagel, Thomas. "Death." *Noûs* 4, no. 1 (February 1970): 73–80.
- Parfit, Derek. "Overpopulation and the Quality of Life." In *The Repugnant Conclusion*, edited by Jesper Ryberg and Torbjörn Tännsjö, 7–22. Amsterdam: Kluwer Academic Publishers, 2004.
- . *Reasons and Persons*. Oxford: Oxford University Press, 1984.
- Partridge, Ernest. "Posthumous Interests and Posthumous Respect." *Ethics* 91, no. 2 (January 1981): 243–64.
- Pitcher, George. "The Misfortunes of the Dead." *American Philosophical Quarterly* 21, no. 2 (April 1984): 183–88.
- Portmore, Douglas W. "Desire Fulfillment and Posthumous Harm." *American Philosophical Quarterly* 44, no. 1 (January 2007): 27–38.
- Serafini, Anthony. "Callahan on Harming the Dead." *Journal of Philosophical Research* 15 (1990): 329–339.
- Sorensen, Roy A. *Blindspots*. Oxford: Oxford University Press, 1988.
- . *Vagueness and Contradiction*. Oxford: Oxford University Press, 2001.
- Williamson, Timothy. *Vagueness*. New York: Routledge, 1994.