A More Palatable Epicureanism

Introduction

The Epicurean position is well known: if a person ceases to exist when he dies, then death isn't bad for him. Where there is no one to have an interest, no interest can be frustrated. Given that the dead don't exist, they don't have any interests that can be thwarted. The Epicurean stance towards death can be maintained independently of Epicurus' personal adherence to hedonism. The point that your death cannot be bad for you holds even if it is accepted that there are non-experiential, relational harms such as someone talking poorly about you behind your back or preventing some good from reaching you that you forever remain ignorant about. The Epicurean can claim that even non-experiential harms need a subject of harm and at death that subject ceases to exist.[1]

While Epicureanism is thought to be plausible enough to warrant a response, respondents are generally skeptical. Typical is the claim of Ben Bradley, who endorses the assumptions of Jeff McMahan (1988, 33; 2002, 104), "that the view that death is bad for the one who dies seems to me to be what McMahan calls a 'fixed point' or 'starting point' in ethics – a conviction that would require extremely convincing arguments to overcome if it could be overturned at all" (2004, 18). Sharing such an attitude is Harry Silverstein who writes "that the morality of killing is another area where the Epicurean view has implications that are seriously disturbing, its acceptance would wreck havoc, in my opinion, with our considered judgments" (1980, p. 413) The threat to our commonsense understanding of the morality of killing is that if death isn't bad for people, then the usual explanation that it would be wrong to kill them because they would be harmed doesn't apply. It might seem that the wrongness of killing someone would then have to be due to the effects on survivors and that seems to erroneously leave the wrongness of killing hostage to the existence of friends and family (the latter of

whom must be fond of you). Or our commonsense ethics might have to be replaced with consequentialist considerations such as the loss of overall utility. Not only are these utilitarian judgments notoriously capricious - allowing at times for very counterintuitive claims - but when they do cohere with commonsense judgments, they seem to supply the wrong reason for the right judgment about the wrongness of killing.

It is not just the morality of killing that is threatened by Epicureanism but also the rationality of prudence. Silverstein writes of Epicureanism that "just as it does deny that one's death can be an intelligible evil for oneself, so it denies that one can have a rational prudential desire to continue living" (1980, p. 409). The worry is that if death isn't bad, then it might be irrational for someone to make the customary efforts to avoid death.

Positions on particular philosophical issues are often chosen by how well they cohere with settled (or desired) outcomes elsewhere in philosophy. For example, it may be an unwillingness to give up a belief in libertarian free will and the correlated account of moral responsibility that explains some of the resistance to certain theories of time or the materialist conception of the person. It could also be that Epicureanism's apparent break with commonsense 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 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.

Those involved in the debate would perhaps be less inclined to countenance such metaphysical positions if common sense values could be reconciled with Epicureanism. However, Silverstein speaks for many when he insists that it is "hopeless" to defend the thesis that "despite first appearances, common sense and the Epicurean view are not really incompatible (1980, 403)." Silverstein's outlook is too pessimistic. The aim of this paper will be to offer a commonsensical, nonconsequentialist, person-affecting alternative that will capture why death should be avoided, why those who kill innocents have done a horrible thing, and why the living should quite reasonably strive to avoid death; and do all of this while defending the basic Epicurean insight that death is neither an evil nor a harm.

Changing the Subject

The standard response to Epicurus about the evil of death operates with counterfactual theories of harm. Death is a harm because if it had not occurred, then one would have lived on and had a valuable existence. It is better, all other things being equal, to live say from 1970 to 2070 than from 1970 to 2000.[2] Death deprives one of the alternative biography and thus it is bad since one lives a shorter life than one would have. This should strike readers as not so much as explaining why it is bad to be dead, but just as stating why a longer life is (usually) better than a shorter life. The approach ends up just comparing two lives rather than death with life, which was Epicurus' challenge.[3] This is really changing the topic rather than explaining why being dead is bad for you. (Silverstein, 1980, 405).[4] Epicurus wasn't interested in which of two lives is better, he wanted to know why, when you are dead, death could then be considered

bad for you and worse than being alive. He didn't think this could be done as he explains in his letter to Menoeceus:

> death, the most terrifying of ills, is nothing to us, since so long as we exist, death is not with us; but when death comes, then we do not exist. It does not concern either the living or the dead, since for the former it is not, and the latter are no more."

Another reason to suspect that the standard account of the evil of death has changed the topic is that it can't give a plausible account of the timing of death. Some philosophers have the harm of death occurring before people die since the fact of their future death frustrates certain of their present interests (Pitcher, 1984; Feinberg, 1984). Others have the harm of death being eternal (Feldman, 1992). Nagel, as mentioned in the introduction, ends up claiming that death is bad for a person but at no specific time. He writes "Although the spatial and temporal locations of the individual who suffered the loss are clear enough, the misfortune itself cannot be so easily located….Nevertheless there is a loss, someone must suffer it, and *he* must have existence and specific spatial and temporal location even if the loss itself does not" (1979, 7). One critic of Nagel's, Neil Feit, responds: "This view strikes me as very implausible… First, the view entails that there are certain events that take place (or certain states of affairs that obtain) but do not take place at any time (or obtain at any time.)" (2002, 361). Nagel's position, at least as construed by Feit and also Lamont (1998), is certainly unattractive.[5] Nagel, no doubt, wants to give an account of why it is obviously wrong to kill someone, why irreversible comas and fatal diseases are horrible things, and why it is rational to avoid death through medical care and other cautious behavior. The answer that Nagel finds obvious is that death is an evil, a

great harm. But unable to make sense of when it could be bad he just leaves the loss without a time.

Some readers may think that the claim that there are timeless harms has been too quickly rejected. For instance, the harm of never having fallen in love is not one that is easy to locate.[6] However, it should be pointed out that there are other harms like comas that clearly have times at which they occur and that if death is harmful it should be in the same category. The harm of death would begin at the time of death just as the harm of the coma begins with the onset of the coma. Anyway, it is not convincing to claim that failing to fall in love is a timeless harm. First of all, there are clearly times that one is not harmed by being without love – e.g., before one is born and when one is a very young child. Of course, if you don't believe that there are times when someone is harmed then you won't be surprised that the just mentioned times are not harmful times. But the better interpretation is that such times are evidently not as good candidates for being periods of harm as other times. Just compare not finding romantic love as a toddler to one's teen and college years passing without love, or remaining single when friends are getting married and starting families, or spending one's golden retirement years without a soul mate. So while there may not be a precise period that it is bad for someone to be without love, say starting on the night of the junior prom and ending on Valentine's Day sixty years later, it does seems that there is a rough period of time in which we can say someone was then harmed by the absence of love.

Many of Nagel's critics claim that if the reason death is bad for you is that you could have had a different, more attractive, (usually) longer life, then it seems that death would be bad for you at the time you would have been living that alternative life.[7] The guiding idea is that death is a deprivation so it is bad when it deprives you of goods. Typical is the view of

Bradley: “death is bad for the person who dies at all and only those times when the person would have been living well, or living a life worth living, had she not died when she died” (2004, 6). So it seems that readers who accept that death is bad should claim not only that death is bad for the person who died but bad *when* he is dead. It is rather counterintuitive to insist that death is eternally bad or bad only prior to death or at no *specific* time or no time at all.

If death is bad for people, then it surely must be bad for the dead when they are dead. However, if the harm of death occurs during the period when the deceased could have still been enjoying life, then it is bad for him when he doesn’t exist. But the above quote from Epicurus suggests this doesn’t work. The deceased won’t exist during the time they are dead so we would have to compare their nonexistence to a possible life that they could have led and that is a notoriously difficult and perhaps incoherent task. One might be misled into thinking life and death can be compared because levels of pleasures and goods can be numerically ranked. For instance, on a scale of zero to ten, zero being devoid of goods and pleasures and ten indicating their maximal possession, a future that is a five would seem to consist of more goods and pleasures than the zero accorded to the dead.[8] But this is assuming that there is someone to be at the zero level, in other words, to exist in the deprived state. But if death brings nonexistence then it is misleading to posit that the dead have zero pleasure because they can’t instantiate any amount of pleasure and that includes the state of having none at all. They are not in a state devoid of pleasures and other goods because they are not in any state at all, hence they can’t instantiate or lack anything.

What may be leading some people to maintain that the dead can have zero level of well-being is that they are themselves indifferent between scenarios in which they would continue to exist in say an irreversible coma and those in which they have died.[9] The fact that many readers

are indifferent to such outcomes suggests to them that that they can ascribe the same level of (zero) well-being to the nonexistent as to the irreversibly comatose. The Epicurean response would be to point out that many people can be indifferent to a pair of scenarios without the indifference being due to there being levels of well-being that are equal. Readers can see this if they consider a pair of worlds in which they never exist. Their indifference to these two worlds is not because they have a level of well-being, zero, in such worlds. It doesn't seem at all plausible to claim that merely possible people have a level of well-being. So once readers acknowledge that their indifference to a pair of scenarios need not track their levels of well-being, they will be better able to resist any pull of the claim that the dead have a level of well-being.

While it isn't controversial to say that a person receiving a beating is being harmed, it is contentious to ascribe harm to people when they don't exist. One might try to extend our concept of harm to account for the condition of the dead, but it isn't easy to see how this can be done. It seems that to be deprived means one must be in a deprived or harmed state. But the dead are not in any state at all. Harms and deprivations can't float free of substances like the grin of the Cheshire Cat. The Cheshire Cat is an ontological joke. Since it seems to be a category mistake to assume that instantiations such as states and modes can exist without inhering in an object, we shouldn't allow the anti-Epicurean to make an exception for the dead and allow their misfortune or harm to exist when they do not. Deprivations, misfortunes and harms are properties or states of entities. If the entities in question are absent, it makes little sense to say their properties are present.

This Epicurean point can perhaps be reinforced by looking at the attitudes that some people have to the prospect of their being in the late stages of Alzheimer's disease. Some

people might think being in such a state is degrading or undignified. Their thinking is that such a condition is an offense to the way the person was or should be and thus degrading and undignified. Many of them might want to be euthanized in such situations. This wish won't strike most readers as obviously irrational. Such people would prefer not to exist than to exist in a degraded or undignified state. Now why do they think death frees them from the degradation and indignities? The answer is that being undignified and degraded are states, and such states need an existing subject. When one dies and ceases to exist, one can't be in a state of being undignified or degraded. It is a category mistake to have such states without subjects of those states. It is best to think the same thing about harm, misfortune and deprivation as is thought about degradation and being undignified. They are all states and states need subjects.

One reason why some anti-Epicureans may fail to see the category mistake or that the subject has been changed is due to an equivocation between "death" as an event and "death" as a state. Death can mean the event between dying and being dead that the doctor declares at say the time of 10:33 PM or it can refer to the period which follows that even during which one is dead. A widow might still be disturbed by her husband's death because she keeps visualizing the gory end that befell him when a truck hit him as he crossed the street or she may be referring to her lonely days and nights in a big house that feels empty without him. What must be compared to meet Epicurus' challenge is being dead to being alive. So it doesn't help Epicurus' opponent to respond to the changing the subject charge by claiming that we can determine the impact of the person's death on his well-being by comparing not any two lives but a person's actual life to the life he would have had if he hadn't died. But death here is the death *event* which brought it about that the person led one life rather than another and that event is just a momentary or near momentary event. It isn't even clear that such an event can be

bad for a person because a person may not be the subject of his death if he doesn't persist through the event. (The Meinongians, on the other hand, allow that a person is the subject of his death with their distinction between existence and being.) Moreover, even if the death event is a harm it lasts for such a brief moment that it can't account for what people fear. What people fear is the nothingness of being dead, the period following the death event in which they will be no more. So it can't be shown that being dead is bad for people by showing that the event of their death brought about their having lived one life with less goods than another.

Epicureanism and Presentism

The Epicurean position about the need for an existing subject for harm to occur doesn't even depend upon the truth of Presentism. Bradley thinks otherwise. He claims that we must reject presentism or reject the view that death is bad for the one who dies (2004, 18). He adds: that "Rejecting presentism solves the no-subject problem. If the past is real, there is no problem in locating a subject of the evil of the death; it is a past person" (2004, 6). Bradley then goes on to claim that Kai Draper (1999, 204) "suggest(s) a response to the Epicurean that may amount to the same thing. Draper writes 'I suspect that it makes sense to speak of the dead as occupying a level of well-being because it is possible to refer to the living person who was, and to assign this past existent a level of well-being based on the no-doubt limited extent to which he is now being benefited or harmed'" (2004, 25). However, even if the past exists, and so the deceased exists, he does so as a living being *in the past* and not as a subject that can be deprived and harmed in the present and (near) future. Being able to refer to him doesn't mean that we can grant him a level of well-being in the present for he doesn't exist in the present. Given that Bradley wants someone who recently died to be suffering the harm of death now and in the near future, then the Epicurean challenge isn't met by claiming that the dead still

exist as a consequence of the past existing because this doesn't place the subject of harm where he needs to be. The recently deceased person doesn't exist now in the present, nor will he exist in the future, and it is at these times that he would be harmed by death if he could be so harmed. The Non-presentist has the period someone is alive timelessly co-existing with the period in which he is dead, but that is not what is needed to overcome Epicurus' objection. The person must be present when death is in order for death to be a deprivation.

The Meinongians understand this for they grant a reality to the dead: the dead have being but just lack the property of existence (Yourgrau, 1987). The reality of the deceased in the present means that they are now in such a state that death can be a privation. There is someone for whom their own death can be bad just as there is someone for whom non-lethal harms like a broken leg or personal bankruptcy can be bad. Of course, it is difficult to accept the reality of non-existing entities, but that is another story. The Meinongian approach was introduced just to show that it is present co-existence, not timeless coexistence that is needed for harm. A referent for a person's name is not sufficient for that person to be subject of harm.

> It would be probably be helpful to heed Ned Markosian's suggestion and: "distinguish between two senses of 'x exists now.' In one sense, which we can call the *temporal location* sense, this expression is synonymous with 'x is present.' The Non-presentist will admit that, in the temporal location sense of 'x exists now,' it is true that no non-present objects exist right now. But in the other sense of 'x exists now,' which we can call the *ontological* sense, to say that x exists now is just to say that x is now in the domain of our most unrestricted quantifiers, whether it happens to be present, like you and me, or non-present, like Socrates. When I attribute to Non-presentists the claim that

> non-present objects exist right now, I mean to commit the Non-presentists only to the claim that these non-present objects exist now in the ontological sense (the one involving the most unrestricted quantifiers)(2004, 48, nt. 3).

Epicurus' insistence that "so long as we exist, death is not with us, but when death comes then we do not exist" should be read as stating that we and death are not co-existing in Markosian's 'Temporal Location' sense of being co-present. Since Epicurus is not here denying that things can "exist" in the way Non-presentists maintain they do when they claim that the past and the present both exist, Epicurus' challenge isn't going to be met by even the truth of Bradley's anti-presentist claim that the past exists. The Non-presentist admits that death and the deceased do not exist together in the present, nor that they will ever be found together (*temporally located*) at any future time. Thus establishing the deceased's existence in the past, a past that still exists, isn't sufficient for the dead to be harmed when they are deceased now and in the near future.[10]

It has been argued in this section that rejecting Presentism doesn't put anti-Epicureanism on firmer ground. The aim of the next section is to make certain readers more sympathetic to the idea that it is really common sense attitudes about the good of more life and the wrongness of killing that leads them to insist both that death is an evil as well as to advocate a metaphysics that is compatible with the intuition. It will be argued that they can drop the claim of death's evil without giving up much of common sense ethics. They don't have to agree with Bradley and McMahan that death's being bad is a fixed point or starting point in ethics that is unlikely to be overturned. Once readers can be brought to see that little in the way of common sense morality must change if this is not the starting point for ethics, then the motivation for much of the anti-epicurean metaphysical acrobatics should vanish.

The Compatibility of Epicureanism and Common Sense Values

Death not being a harm doesn't mean that killing someone (or, in some scenarios, allowing them to die) isn't terribly wrong. There is no need to radically adjust commonsense ethics to accommodate Epicurus' insight. A person affecting morality doesn't have to be replaced with an appeal to death's wrongness resulting in less overall utility or other forms of consequentialism. Nor is there any need to appeal to the effects on the survivors to account for the wrongness of killing. What should be said is that killing is prima facie wrong because it *prevents* the victim from having more goods, i.e., a longer, rewarding life.[11] There is no problem with this counterfactual or the timing of the benefits or their occurring in the absence of a subject. If the person had not died in W_1, he would most likely have enjoyed a longer life. He would have existed and thus could be benefited. That is, we're saying if a certain nearby possible world W_2 had been actualized instead of W_1, the deceased in W_1 would have lived longer and benefited from the additional life in W_2. This is unlike the counterfactual deprivation account of the harm of killing where the harm to the victim is said to occur during the time the deceased no longer exists.

The recommended alternative instructs people to imagine someone living longer and to ponder whether that additional life would be good. What is being asked is whether the person would enjoy more life or even whether more life would be objectively good for him. There is no comparison of more life to non-existence.[12] All that has to be done is to ask if the additional years would have been worth living. If so, it can be stated that death has prevented someone from benefiting. So while it doesn't make sense to say death is bad for people, i.e., their being dead in the future won't be a harm for them at that time, it is quite plausible to say more life would be good for them since they would exist as they reaped the benefits.[13] And so someone's

killer has done something terribly wrong. This wrongness lies not in harming the deceased, but in *preventing* him from enjoying more life.

Preventing someone from more life can be a terrible act and deserve to be severely punished. Therefore, much of commonsense morality and its accompanying attitudes have little to fear from Epicurus' view of death. For example, one can be just as resentful towards a murderer if Epicureanism about death is true as if it weren't. And one can hold that attitude because of what the criminal did to his victim. It just has to be recognized that there is no entailment from the fact that more life would be good for someone to the proposition that death would be bad for him. Likewise, while a killer has committed a grave wrong preventing someone from living past T_1, this doesn't entail that he has wronged the deceased in virtue of causing him to suffer the harm of being dead after T_1.

Readers can now also see that there are reasons to be prudent even if death is not a harm to the nonexisting. Although it would be irrational to fear the state of being dead, it wouldn't be irrational to seek the benefits of more life. Since more life would be enjoyable, the living have considerable reason to pursue the means to such an end even if their failing to achieve it due to death wouldn't be bad for them.

It is important to note that it is not being claimed that the more palatable Epicurean account on offer completely captures why people fear death or think it prudent to avoid death. It may very well be that such attitudes stem from beliefs both that death is a harm and that the deceased would lose out on more life. People may even think that the badness of death entails the loss of the good of living the longer of two possible lives.[14] Although they believe *both* claims, they don't have to believe the latter only in virtue of believing the former entails it. There are independent grounds to believe that more life would be good.

It is also worth pointing out that what has been argued for in this section is not at odds with claiming that it is more wrong to cause some losses of life than others.[15] This may have to do with comparisons of how much valuable life otherwise would have been the lot of the deceased if they had not died. Where the proponents of death being a harm can claim the younger victim was harmed more than the elderly victim, the Epicurean can instead just claim that the young have been prevented from receiving more benefits and thus those responsible for the death have done more wrong. Likewise, the Epicurean doesn't need an original account of how to deal with cases of preemption and overdetermination in which actions or events don't prevent someone from living (much) longer because their death would have occurred at the same time or soon afterwards from a different source.[16] In whatever manner the believers in death being a harm deal with such cases of comparative harm can likely be extended with few adjustments to this paper's account of the wrongness of preventing someone from benefiting from more life. No attempt is going to made here to provide necessary and sufficient conditions for something being bad or a harm. That would not be an easy job. Fortunately, this paper's thesis is served just by explicating necessary conditions of paradigmatic cases of harm, cases that any theory must account for. The contention is that one of those necessary conditions is the subject's existence.

Conclusion

This paper sought to illuminate an important aspect of the wrongness of killing while defending the claim that death is not a harm. If this endeavor has been successful, readers can accept what is right about the Epicurean claim - that death is not a harm and an evil - without having to abandon the very reasonable claims that (in most cases) more life is good, it is prudent to make efforts to stay alive, allowing death when rescue is easy is wrong, and killing

the innocent is very evil and should be prevented and punished. This should remove much of the motivation they may otherwise have had to misconstrue Epicurus' challenge (i.e., change the subject) or to meet it with some very controversial metaphysical theories about existence, reality, and time. [17]

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Footnotes

[1]See Nussbaum (1994, 205-6) for a critique of Nagel's strategy of claiming that non-experiential harms to the living provide a model for posthumous harms. Fischer offers an interesting response to her in his "Epicureanism about Death and Immortality" (2004).

[2] Worries about overdetermination and preemption and the closest world just delaying death slightly need not concern us here. See the comment about applying the best answer of the anti-epicureans to the proffered more palatable Epicureanism in this paper's penultimate paragraph.

[3] Silverstein points out that advocates of the standard objection to the Epicurean argument are "guilty of conflating the life/death comparative and the life/life comparative interpretation…." (1980, 406).

[4] It may be thought that the fact that death brings it about that one lived a particular life rather than a preferable alternative life explains why death can be bad. But the fact that the timing of one's death determines which of a number of possible lives one led is not the same as accounting for how when one is dead one can be harmed by not partaking in the alternative life.

[5] Feit and Lamont are perhaps not being fair to Nagel. His claim may not be that there is no time of the harm but no specific time. See Grey (1999, 364) for a more charitable read.

[6] An Anonymous reviewer pressed me to respond this possibility of timeless harms.

[7] Yourgrau, 1987; Kamm 1997; Bradley, 2004; Feit, 2002; McMahan, 2002

[8] Draper (1999) may be misled by this sort of numerical thinking. See his discussion at p. 404 and the quote in the next section of this paper.

[9] This is an example that Ben Bradley offered in his comments on this paper at the Fall 2006 Creighton Club meeting.

[10] And if one claims that the deceased's existence in the past with an interest in persisting in the present and future is enough for him to be harmed by his being dead and at those later times, that would only locate the harm Pitcher/Feinberg style in the past prior to his death. The deceased is not presently where a harmed subject needs to be, harmed *now* and suffering a misfortune *now*.

[11] It is not being implied that it is always wrong to prevent anyone from ever receiving a good. That is why *prima facie* has been added to the text above. It would be prima facie wrong to prevent someone from receiving a good if they were not being provided with a greater good or avoiding a greater loss. It may be, all things considered, permissible to prevent someone from having the goods of future life if they are involved in great villainy. Leaving aside such cases of permissible killing, when looking at the comparative aspect of preventing someone from living to enjoy more goods the comparison should be between the life they led as a result of being killed and the life they would have led if they had not died then. It is a life/life comparison, not a life/death comparison.

[12] The advocated account can perhaps throw some light on the vexing question of how bringing people into existence can be a benefit or, on a rarer occasion, a harm. One doesn't compare people existing to their never existing but just their existing with their actual origins versus their being born into other conditions. The event of creating them would be good if they were created in a certain favorable conditions and not horrific conditions. It would be bad if the converse was the case. If they weren't created, the judgment rendered should be the same as if they had died: they would neither have been harmed nor benefited. It would be a mistake to think that this means it would be wrong to prevent someone from a future good life by keeping an egg from being fertilized. In such scenarios, there isn't an existing subject to be wronged.

[13] And in the medical scenario of hastening the death of a terminally ill patient in unbearable and untreatable pain, while we can't say that an earlier death would be good for him, we can say that more life would be bad for him. The latter would do as well to justify hastening his death as the claim that death would be good for him. There could still be what amounts to euthanasia, in all but name, since the term literally means "good death." While there aren't good deaths, there are horrific lives. `

[14] This is a simplification – there are many possible alternative lives.

[15] It is also compatible with people regretting losing out what is impossible, assuming immortality is impossible.

[16] See the discussion of McMahan's 1988 solider case in Feldman (1992), Feit (2002), Bradley (2004), and McMahan (2002)

[17] This paper has greatly benefited from comments by Ben Bradley and two anonymous reviewers.