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Harming Someone after His Death

Barbara Baum Levenbook

Can someone be harmed after his death? There is at least one reason to believe he can. Acts such as breaking a promise, destroying someone's reputation, and undermining someone's achievements can be harmful to him while he is alive, even if he never learns of them. These acts can also be done after his death; so, it is tempting to suppose, they can harm him then too. This sort of reasoning has persuaded a few philosophers, most notably Joel Feinberg, that it must be possible to harm someone after his death.¹ (Let us call this sort of harm posthumous harm.) Yet Feinberg believes that to harm someone is to invade his interests. It is not clear that people can retain interests after their death, particularly if one rejects all accounts of personal immortality, as Feinberg does.

Ernest Partridge has recently defended the view that no one can be posthumously harmed because no one can retain interests after death.² While this may at first seem a plausible argument, it too faces serious difficulty. Pointing out Partridge's difficulty, however, does not support Feinberg's position. Feinberg's account has the same difficulty because Partridge and Feinberg share similar assumptions about the natures of harm and interests.

There is a need for a fresh start in answering the question of whether or not there can be posthumous harm. The first half of this essay demonstrates that need and provides a different account of the nature of harm. I shall argue for the possibility of posthumous harm based on an analysis of the harm of murder.

It should be made clear at the outset that, like Feinberg, Partridge, and other recent disputants on this topic, I will rely neither on materialism as a theory of personal identity nor on an account of personal immortality. Puzzles about the nature and coherence of harm done to persons after

1. Joel Feinberg, "The Rights of Animals and Unborn Generations," in *Philosophy and Environmental Crisis*, ed. William Blackstone (Athens: University of Georgia Press, 1974), pp. 43–68, and "Harm and Self-Interest," in *Law, Morality and Society: Essays in Honour of H. L. A. Hart*, ed. P. M. S. Hacker and J. Raz (Oxford: Clarendon Press, 1977), pp. 284–308.

2. Ernest Partridge, "Posthumous Interests and Posthumous Respect," *Ethics* 91 (1981): 243–64.

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they are dead are most philosophically perplexing when one assumes, as I shall, that death is the cessation of existence of a person.

I

In "The Rights of Animals and Unborn Generations" and again in "Harm and Self-Interest" Feinberg defends a theory of harming which allows for posthumous harm. The salient points in his theory follow. First, Feinberg assumes that to harm is to invade interests. Second, he assumes that to have interests at a particular time one must have the capacity to experience "awareness, expectation, belief, desire, aim and purpose."³ Third, he admits that one does not have this capacity after death. Fourth, he distinguishes between someone's having an interest at a time and that interest's existence at that time; he holds that a person's interests might continue to exist independently after his death. An example given by Feinberg is the interest in a good reputation. Finally, Feinberg maintains that these surviving interests may be harmed posthumously by being infringed posthumously. If we also count this as harm to the person-who-was, that is because we regard the interests as still being his.

As Partridge points out, Feinberg's reliance on the possibility of surviving interests is incoherent. In order to tie the harm to a surviving interest to the harm to a person, Jones, Feinberg is forced to assume that an interest existing at a particular time is Jones's even though Jones does not have interests at that time because he lacks capacities at that time. It does not make sense to talk of an interest at a time being Jones's if Jones does not have an interest at that time. To be faithful to assumptions, Feinberg can claim only that the interest *was* Jones's; but this is not enough to explain how harming the posthumous interest harms Jones now. Worse, it assumes that an interest was someone's but now is no one's, and it is this that Partridge finds incoherent.

Partridge does accept Feinberg's assumption that to harm is to invade interests. He also accepts, and stresses, a point made by Feinberg: having interests entails standing to gain or to lose. On the basis of these assumptions, Partridge rejects the notion that interests can survive interest bearers. He assumes that, unless one's life can now be altered as a result of some act, one cannot now stand to gain or to lose. Obviously if persons have no life after their deaths, it follows that they cannot gain or lose. Thus Partridge avoids the possibility of interests surviving interest bearers and denies the possibility of posthumous harm.

I propose to show that the assumptions Partridge shares with Feinberg cannot together support a deep-seated pretheoretic conviction. Something is wrong with their starting point. When a different starting point is substituted to account for this conviction, a foundation for posthumous harm will also be laid.

3. Feinberg, "The Rights of Animals and Unborn Generations," p. 61.

II

The assumptions that Partridge and Feinberg share are:

1. Harms are invasions (or blockings or thwartings) of an interest. (For brevity, I will refer to all three as interest invasions.)
2. A necessary condition of a person's having interests at some time fails to be met when that person does not exist at the time.

I shall call principle 1 the interest principle. An obvious consequence of its combination with principle 2 is that it is impossible to harm someone after death.

Feinberg assumes principle 2 because he believes that a necessary condition of having interests at some time is having the capacity to experience awareness, expectation, belief, and desire at that time. Partridge assumes principle 2 because he believes that a necessary condition of having interests at some time is the possibility that one's life may be altered by what happens at the time. It should be noted, however, that principle 2 is not wedded to any single account of interests. It is entailed, for example, by the theory that, in order to have interests at a certain time, a person must have wants and by the theory that there must be future states of his mind to which the fulfillment or thwarting of interests can make a difference. If therefore something is wrong with holding both principle 2 and the interest principle, as I argue, either all such accounts (including those of Feinberg and Partridge) are shown to be unsatisfactory or harm is not always a matter of interest invasion or both.

What is wrong with holding both principle 2 and the interest principle is that their combination cannot support a deep-seated intuition. The intuition is that, when someone is murdered, he has visited on him a very great harm, a harm other than, and in addition to, the ancillary harms that he suffers when he receives bodily injury or experiences pain or deteriorating faculties. Since common sense regards a killing of someone as worse for him than attacks that (merely) pain, injure, or cause deterioration, I propose to disregard these latter harms and to emphasize the special harm of murder.

The conviction that poses difficulties for Feinberg and Partridge is not merely that a murder is ordinarily very bad for its victim but that it ordinarily harms its victim a great deal. Perhaps some of the badness of a murder for its victim may be due to the fact that the murder wrongs him. Most of its special badness for him, however, cannot be accounted for this way because other killings can be as bad for their victims, or very nearly so. Some of these killings may occur as a result of events that are not acts. An example is the killing of a golfer by lightning. These events cannot wrong the victims because it takes an acting human to do so. Yet this does not lessen our conviction that in such cases the killing can be very bad for the victim and that the victim can be harmed by the fatal event. Hence the special harm of murder is not unique to murder but may be found in every sort of killing of a human being.

A person holding both the interest principle and principle 2 is forced to account for the harm of murder as an invasion of an interest that the murdered person had while living. Feinberg suggests, at one point, that this interest is the interest in remaining alive. He also suggests that all of one's "ulterior interests" in achieving valued goals are invaded by death, as are many of one's self-regarding interests.⁴ The latter include, presumably, an interest in participating in future actions or events and an interest in continued biological functioning. One virtue of this view is that it explains why death is not necessarily a harm: as Feinberg points out, the person who no longer has an interest in remaining alive is not harmed by being killed.⁵ Yet the average person, who enjoys his life and makes plans for the future, has an interest in remaining alive and has ulterior interests. On the view being considered, murder is harmful to him because it invades these interests.

Difficulties surface when one asks when in the course of murder the interest is invaded. Although "A's death" is used to name an event or process, I will use "A's death" so that it names the end point of this process. By "A's death" I will mean what occurs at the first moment at which A no longer exists.

It is clear that anyone who holds both the interest principle and principle 2 cannot account for the harm to someone of his murder by postulating an interest invasion beginning, going on, or even ending at the time of his death. Since he does not exist at this time, by principle 2 he has no interests, including the interest in remaining alive, to be invaded at this time. When then is the interest in remaining alive or the interest in being able to participate in future events and actions invaded? It is tempting to reply that it is when the killer initiates causal processes that culminate in the interest bearer's death or when the killer makes the death both imminent and inevitable.

Both these replies are inadequate. The first reply has a difficulty with the following example of murder: I initiate the process that culminates in your death when I pour poison into one of your insulin bottles, knowing that you inject the contents of one bottle each day and that you have no way of detecting the substitution. But you have a year's supply of insulin bottles and do not inject the contents of my bottle for twelve months. The first reply entails that since you will inject and die from the contents of this bottle in twelve months' time, I have at the time that I made the substitution invaded your interest in remaining alive. This consequence may, perhaps, be accepted as plausible. However, the first reply also entails that you have suffered or have begun to suffer the harm of murder once I have made the substitution. This is simply implausible and unacceptable. You are not yet even in any immediate danger.

4. Feinberg, "Harm and Self-Interest," p. 300.

5. *Ibid.*, p. 301.

The second reply avoids this implausible consequence because before the injection is begun death is not imminent and perhaps not yet inevitable. However, it has an odd consequence when applied to what is sometimes called “instantaneous killing.” Imagine that a murderer has arranged a land mine in someone’s path so that it will be triggered by his step. Moreover, suppose that the victim has started down that path at such a speed and trajectory that he cannot fail to step on the land mine. At such a moment, his death is both imminent and inevitable. At that moment, on this view, an interest invasion has begun, and he has suffered or begun to suffer the harm of his killing. All this occurs before he steps on the land mine, the explosion occurs, or his body begins to fail, which is a little surprising.

Perhaps the imminence of all those things lends a certain credibility to the claim that he has begun to suffer the harm of death. However, consider why the moment that death is imminent and inevitable has been chosen as the time of the interest invasion. Surely that is because the harm of death begins not only when death is imminent and inevitable but because death is imminent and inevitable. If so, then this reply regards the killing as harmful to someone principally because his death is imminent and inevitable and not because he dies. Similarly, the first response regards him as suffering the harm of his killing principally because death—and his dying—will occur. This is wildly counterintuitive and must be rejected. If murder is harmful to its victim for one of these reasons, it is harmful principally because it makes people undergo the process of dying or because it results in their death and, secondarily, because it makes death inevitable or imminent.

The proponent of the interest principle and principle 2 might of course offer different answers to the question of when the interest invasion occurs, but none of the likely candidates is any more successful than the answers already rejected. For example, he might say that the interest invasion occurs when the immediate cause of death occurs (e.g., when the explosion occurs) or when the victim’s body begins to fail. The trouble from this point of view with choosing the time the victim’s body begins to fail is that it is logically possible to have an instantaneous killing in which no functions are impaired until the moment of death, when they suddenly cease together. Indeed, depending on how “moment of time” is understood, such a killing may be really possible. On the view I am criticizing, it will be recalled, the moment of death is not a time at which interest invasion can occur, because it is not a time at which the victim of the killing can have interests.

The trouble with choosing the time that the immediate cause of death occurs is to be found in the justification of that choice. For any of the interests already mentioned that might be thought to account for the special harm of murder—an interest in remaining alive, an interest in achieving valued goals, an interest in participating in future actions or events—the only defensible reason to choose a time before death as

the time they are invaded is that at that time death, with its lack of opportunities to participate in anything or achieve anything, has been made inevitable. The same seems to be true for other interests that might plausibly be said to account for the special harm of murder. In the justification for saying that murder invades an interest when the immediate cause of death occurs, one reverts to the view that murder is harmful to its victim principally because his death is imminent and inevitable. This view has already been rejected.

In sum, one who holds both the interest principle and principle 2 cannot give an account of an interest invasion occurring before the moment of death that avoids counterintuitive consequences. He cannot, because of principle 2, give an account of interest invasion that is going on at the moment of death either. So he must either give up the intuition that murder brings a special sort of harm to its victim or give up at least one of the principles in question. The belief that murder harms the victim is much more deeply entrenched than is the belief in the conjunction of the interest principle and principle 2 and perhaps more entrenched than either principle taken individually. In the absence of a strong independent argument undercutting the former, belief in the conjunction must be abandoned.

III

As a fresh approach to the question of why murder harms its victim, I propose to sidestep the issues connected with interests. Murder, I suggest, is harmful to its victim because it is an irreversible loss to the person who was murdered of a function or functions necessary for his worthwhile existence.

The criterion of death makes functions relevant. Disputes about the criterion of death are legion, and a particular view cannot be defended here. Instead, it will be assumed that the criterion for the end of a person's existence is the irreversible loss of one or more key functions. It will further be assumed that experiencing is the crucial function involved, so that the irreversible loss of experiencing is necessary and sufficient for the end of a person's existence. If anyone, however, thinks it is the loss of a different function, he may imagine the appropriate changes in what follows.

Instead of analyzing harm in terms of interest invasions, I suggest that it be analyzed in terms of losses. More precisely, there are two necessary conditions of harm that form the core of the concept:

a) The harmed person must lose something or be deprived of something.

b) The loss or deprivation must be bad for him. "Deprivation" is added because sometimes the failure to supply something a person never had can harm him, as when a child is not taught basic literacy and social skills and cannot learn them on his own.

The conditions listed here are not the only necessary conditions of harm, nor are they jointly sufficient. For instance, an additional condition is that the loss must be worse than barely bad for someone.⁶ This condition and other missing conditions may, however, be set aside as relatively minor to the present concerns. They do not appear to raise insurmountable obstacles to an account of posthumous harm if the two conditions listed above are met. To cite just one example, if death involves something that is bad for someone, it may obviously be very bad, indeed.

Applying this analysis to the harm of murder with the assumptions about the criterion of death made earlier yields the following account. The harm to the victim comes primarily from his loss of experiencing. It is an especially bad loss because this function cannot be regained. This irreversibility distinguishes murder from reversible coma and temporary life suspension and explains why murder is so much worse for its victim than the other two. The loss of one's ability to experience is not always bad, however, and when it is not, murder is not a harm to its victim. The loss is bad for the loser whenever the good experiences he has had or would continue to have if he lived outweigh the bad. Sumner suggests that this balance of good to bad consequences makes a life worthwhile.⁷ I prefer to say that it makes a life minimally worthwhile, so that murder will be a harm to its victim only when his life is or would have continued to be minimally worthwhile.

Losses, like interest invasions, are events and therefore occur at some particular time. Since a dying person may have any mental function up until the moment of his death, including experiencing, he may not have lost that function before the moment of death. He might be losing it, but if he is experiencing he cannot have lost it (completely). So if a killing is harmful to its victim because he loses a mental function, then it must be possible for the loss of that mental function to be going on at the moment of his death and thus at the first moment that he no longer exists. This consequence may lead many to reject either the loss account of harm itself or the more specific claim that the loss that accounts for the special harm of murder is a loss of some mental function. There is, admittedly, an appearance of paradox in the claim that someone who does not exist now may lose something now. Nonetheless, an adequate account of the harm of murder requires the assumption that it is possible to lose something at the moment of death. To defend this claim, it will first be necessary to argue that this assumption is needed, on a loss account of harm, to account for the special harm of murder. The claim will then be defended against one apparently devastating objection.

There are losses other than the loss of mental functions that are special to murder and that it is reasonable to believe must occur before

6. As John Kleinig points out in "Crime and the Concept of Harm," *American Philosophical Quarterly* 15 (1978): 27-36, p. 29.

7. L. W. Sumner, *Abortion and Moral Theory* (Princeton, N.J.: Princeton University Press, 1981), p. 184.

the moment of death. Examples are the loss of all opportunities to pursue projects, to participate in future events, to have experiences in the future, or to achieve certain goals. It is tempting to try to account for the special harm of murder in terms of them and avoid assuming that someone can lose at a time when he does not exist. However, the weakness of this approach appears when one looks for the justification for regarding these losses as occurring before the death. Only if one supposes that these opportunities are lost because death is inevitable (and, perhaps, imminent as well) is it reasonable to regard someone who is on the brink of death as having lost them. This is to return, once again, to the view that the victim of murder suffers harm principally because his death is inevitable and not principally because he dies. That view has been twice rejected as counterintuitive. Perhaps these other losses ought to be included as part of the special harm of murder, but they should not be regarded as the principal source of the harm. Barring the discovery of other losses special to murder and necessarily occurring before the moment of death, a loss account of the harm of murder must assume that a function can be lost at the moment of death.

It may be objected that a loss by someone at a time when he does not exist is impossible. Its impossibility is not, however, self-evident. Losses might be attributed to someone as his loss even if the event of his losing does not occur within the time of his existence. To strengthen the objection, the following argument might be given: Suppose someone dies at a particular time, t . Then he cannot lose a mental function at a later time, $t + n$ (say, twenty years after his death). The reason is that it is logically impossible for him to have a mental function at $t + n$ given that at $t + n$ he does not exist. Similarly, at t he cannot lose a mental function. The reason is that it is logically impossible for him to have a mental function at t , given that at t he does not exist.

Careful consideration of the impossibility of losing a mental function after one's death casts doubt on the main contention of the objection: that to be able to lose something at a particular time it must be logically possible for one to have it at that time. It is clear that someone cannot lose a mental function twenty years after his death, but it is also clear that he cannot have a mental function up until then to lose. Moreover, once he is dead, nothing will count as a candidate for an event that causes him to lose a mental function. All ways of picking out such an event from other events will be arbitrary. These two factors alone appear to account for the fact that someone cannot lose a mental function after his death. They are absent, however, in the case of losing a mental function at the moment of one's death. It is logically possible for someone to have a mental function just before that moment. Indeed, when someone loses a mental function at that moment, he has that function up until that moment. It is possible to pick out a candidate for an event that causes the loss of a mental function at the moment of death and to give reasons for the choice. If someone dies in an explosion, for example,

the candidates for an event causing his loss of a mental function at the time of his death include the explosion that kills him and biological events caused by that explosion.

The assumption that someone cannot lose something at a certain time if he could not have had it at that time is certainly attractive. It explains why no one can lose a round square or his status as a married bachelor. A loss must contrast with a logically possible state of affairs in order for it to be meaningful to speak of a loss. However, the assumption in question is not necessary to account for these facts. One could not have had the status of a married bachelor anyway, at any time, under any circumstances. There is no conceivable preloss state with which a state of loss can be contrasted. The same goes for having a round square. The loss of mental functions at t , where t is the time of death, however, is different. The person who dies could have had mental functions if the event causing the loss had not occurred. In that case of course he would have existed at t . Hence, there is a logically possible state of affairs, which includes his existing at t , to which a loss of mental functions at t can be contrasted.

For all these reasons, the argument of the objection fails. Its assumption is that, to be able to lose something at a particular time, it must be logically possible for one to have it at that time. That assumption is not supported by the impossibility of losing mental functions twenty years after death, nor is it supported by the impossibility of losing things impossible to have. In the absence of other reasons to believe it, it must be set aside, and so must the objection to losing mental functions at the time of death that is based on it.

IV

So far, a general account of harm and a more specific account of the harm of murder have been presented. The latter makes two assumptions: (1) one can lose something at the moment that he ceases to exist (i.e., the process of losing can have its end point then) and (2) some event going on at that moment can be bad for him. Both assumptions have the ring of paradox, and it may be asked why one ought to make them. One reason is that making them, and accepting something like the account of harm offered, has the advantage of preserving the important pretheoretic conviction that murder harms its victim. It does so without encountering the difficulties facing anyone who maintains both the interest principle and principle 2. A second reason is that, by slightly extending the assumptions, one can account for the possibility of posthumous harm without encountering the difficulties of Feinberg's surviving-interest theory. Unlike that theory, the resulting account of harm explains how affecting something in which Jones used to have a stake can count as harming Jones after he is dead. It can count as harming Jones at that time because it counts as Jones's loss at that time.

Acknowledging the possibility of posthumous harm has its own advantages. It accounts for the fact that it is wrong to libel a deceased author and does so in a straightforward way: the libel can harm him. It accounts for the judgment that it is more seriously wrong to libel a deceased author with the result that he is discredited in the eyes of the public he sought all his life than it is to spread a libel about him that no one believes. He is harmed in the first case but not in the second. It is true that such judgments might be arrived at in alternative ways. Partridge makes much of this to argue that the notion of posthumous harm is dispensable. I believe that the rule-consequentialist argument he uses to demonstrate the point does not succeed, but it is conceivable that some other argument may. It would therefore probably be a mistake to argue that posthumous harm is an indispensable assumption. Nonetheless, a case can be made for extending assumptions 1 and 2 so as to allow for the possibility of posthumous harm on a loss account of harm. These assumptions were (1) that one can lose something at the moment that he ceases to exist and (2) that some event going on at that moment can be bad for him. They must be extended to read (1') that one can lose something after he ceases to exist and (2') that some event occurring entirely when one does not exist can be bad for him. Let us consider the extended assumptions separately.

I have already argued that, on a loss account of harm, the assumption that one can lose something at the moment of death must be made in order to account for the special harm of murder. If this assumption is made, there is no justification for rejecting the extended assumption that one can lose something after the moment of death. It cannot be rejected on the grounds that after the moment of death there is no loser to do the losing,⁸ for there is no loser at the moment of death either. It cannot be rejected on the grounds that after the moment of death there is no one to have anything in the sense of "have" in which typically one loses only what one has. There is no one to have anything at the moment of death either. One might drive a wedge between the two cases by insisting on two propositions: (1) the moment of death is a time that a person loses something when he has had it up until that moment and because he has had it until then and has it no longer and (2) at and after the moment of death no one can have anything. This view permits people to lose things like mental functions at the moment of death but not to lose things like reputations even one day after death. However, if at and after death no one has anything, then at the moment of death a person

8. This is the line taken by Harry S. Silverstein in "The Evil of Death" (*Journal of Philosophy* 77 [1980]: 401–24, pp. 406–7, n. 4). It is an odd line for Silverstein to take because he develops a "four-dimensional framework" according to which someone exists atemporally and coexists with all events, including his losses, eternally. Silverstein does not, thereby, provide a solution to the problem of accounting for harm at, or after, death, as it has been understood here, for his view denies that someone's death is the end of his existence (though it permits one to say it is the end of someone's temporal existence).

loses everything that he had until that moment (even, perhaps, his sanity). This is clearly open to counterexample. Einstein has not lost his reputation as a scientific genius, even though he had that reputation until his death. One must claim either that he cannot lose it now, having retained the reputation until his death and now being incapable of losing anything, or that he still has the reputation and can lose it now.

In sum, once the assumption that a person can lose something at the moment of his death is accepted, it is indefensible to reject the assumption that a person can lose something after his death. Such a position affords no satisfactory way of explaining why the moment of his death can be a time of his loss but no time after that can be a time of his loss. The case for assuming that one can lose after death then ultimately rests on the case for assuming that one can lose at the moment of death.

The case for assuming that an event occurring entirely when one does not exist can be bad for him proceeds differently. Silverstein has pointed out that the analogue of this assumption for states of affairs can be rejected only at the price of rejecting the deep-seated intuition that continued life is good for some people. His argument goes as follows: if continued life is the precondition of all goods for someone, then the assertion that continued life is good for him is not covertly comparative. However, it must be false, for a precondition of all goods cannot itself be good. If the assertion is ever to be true, it must be seen as covertly comparative. It entails that continued life is better for him than is his death (by which is meant the state of affairs obtaining from the moment of his death onward). This comparison presupposes that his death has value relative to him. If something can have value relative to him, it must be logically possible for it to have either a positive, a negative, or a neutral value. Therefore it must be possible for a state of affairs obtaining when he does not exist to be bad for him.⁹ One cannot avoid this consequence by maintaining that what are really being compared are the spans of two lifetimes, a longer and a shorter one. The claim that a longer life is better for someone than a shorter life is entails that a death beginning earlier is worse for him than a death beginning later, and this is to return to assigning to his death a value relative to him.

Unless therefore continued life cannot be good for anyone, it must be concluded that a state of affairs obtaining entirely when someone does not exist may be bad for him. Moreover, it must be conceded that certain events occurring entirely when one does not exist can be bad for him, namely prenatal ones. As Silverstein has pointed out, an event that occurs at the beginning of a woman's pregnancy can be bad for the person later born of her, as when it causes him to be born blind.¹⁰ For those who insist that personal existence begins at conception, the example can be

9. *Ibid.*, pp. 404–5, 408.

10. *Ibid.*, p. 413, n. 9.

pushed back one step. A woman might take a certain drug or be exposed to radiation before conception, with the same results.

There are, of course, important differences between prenatal and posthumous events, and some of them might seem to explain why the former can be bad for the person concerned and the latter cannot. Prenatal events are capable of making a difference in one's life or of changing prospects for one's life. Posthumous events obviously are not. Prenatal events are capable of causing an appropriate reaction on the part of the person concerned, although this reaction must occur after the event. Posthumous events are incapable of causing such a reaction while they are occurring or afterward. One or more of the characteristics of prenatal events that posthumous events do not possess might be asserted to be a necessary condition for an event to have value relative to someone.

However, any such thesis faces a decisive objection, given the points argued above. It was provisionally concluded that a state of affairs obtaining entirely after someone's lifetime, namely his death, can have value relative to him. That conclusion should be accepted in the absence of a compelling argument that continued life cannot be good for anyone. If it is accepted, then it must also be accepted that other states of affairs obtaining after someone's lifetime can have value relative to him. This would include states of affairs obtaining after the moment of his death, some considerably after. On this point, there is no defensible way to draw a line between a state of affairs whose beginning point is the moment of his death (namely, his death) and one beginning later. One reason is that both may be the direct results of events that occur during the person's lifetime. Such events can have value relative to the person concerned, and if his death gets its value for him from the value of the event causing it, so may some other state of affairs. Imagine then that two events occur shortly before Jones's death: the publishing by Smith of his memoirs of Jones, and the releasing of police tapes of Smith and Jones. After his death, the former causes Jones to have a reputation for selflessness and honesty, and sometime later the latter destroys this reputation. The state of affairs of Jones having this good reputation can be good for Jones even though it obtains after his death, and the state of affairs of Jones having a bad reputation can be bad for him. If one insists that posthumous events cannot have value for the person concerned, however, one must deny that the event that consists of the change of Jones's reputation from a good one to a bad one can have value for Jones. This is untenable. The event that consists of going from a state of affairs that is good for him to a state of affairs that is bad for him surely must have a value for him and, in particular, be bad for him. Hence, an event occurring entirely when one does not exist can be bad for him.

In sum, I do not hope to have proved the possibility of posthumous harm beyond a reasonable doubt. There are, undoubtedly, real difficulties of a metaphysical and metaethical nature in the thesis that someone can be harmed after he no longer exists. A full defense of posthumous harm

would have to address these difficulties in the course of presenting well-developed metaphysical and metaethical theses. These issues are too large to be attempted here. This essay has, however, been concerned to demonstrate the difficulties in severing an account of the harm of murder from an account of posthumous harm and to suggest a line along which an account of both can be developed.