

James Stacey Taylor, *Death, Posthumous Harm, and Bioethics* (New York: Routledge, 2012), 228, pp. \$125 Hbk, ISBN-10: 0415518849

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Aristotle said that death is the most terrible of all things. No doubt he was mistaken about that; there are surely some things worse than death. Even so, many of us still think that death is pretty bad, both for those still living who must cope with the loss of loved ones, but especially for the person who died. There is, however, an important philosophical tradition, which has its roots in the writings of Epicurus, according to which death is not a harm to the one who dies. Taylor's *Death, Posthumous Harm, and Bioethics* falls squarely within this Epicurean tradition, and is an important contribution to the growing body of literature on the nature and value of death. Taylor defends what he calls full-blooded Epicureanism, which is the conjunction of three theses: (1) the dead can't be harmed, (2) the dead can't be wronged, and (3) death is not a harm to the one who dies. He then applies this view to issues in bioethics, such as the procurement of organs for transplant, posthumous medical confidentiality, and medical research on the dead, among others.

The volume's first three chapters are devoted to defending the thesis that the dead can no longer be harmed. Chapter four argues that not only can the dead not be harmed, they cannot be wronged either. Chapters five and six defend the classic Epicurean view that death is not a harm to the person who dies. The remainder of the volume is an exercise in what we might call "applied Epicureanism." In chapter seven Taylor applies his full-blooded Epicureanism to

questions about the rationality of suicide and the morality of voluntary Euthanasia, in chapter eight he applies the view to recent debates over posthumous organ procurement, and in chapter nine he applies it to such issues as assisted posthumous reproduction, medical research on the dead, and posthumous medical confidentiality. Taylor insists that while his Epicurean thanatology cannot be used to resolve the controversy about these issues, it can be used to highlight the irrelevance and/or inadequacy of certain arguments in discussions of them (e.g., those arguments based on the possibility of posthumous harm) and to motivate policies of presumed consent when it comes to posthumous organ procurement and research on the dead.

There are no doubt a number of aspects of full-blooded Epicureanism one might wish to question. Perhaps the most counterintuitive is the thesis that death is not a harm to person who dies. A standard reason for thinking that death can be a harm to the one who dies is that it deprives the person of good experiences he would have had if he had continued living. Interestingly, this view appears to be consistent with the broadly hedonistic accounts of harm favored by Taylor and other Epicureans. On such accounts, an event can count as a harm to an individual either by leading to unpleasant experiences for the individual, or by preventing the person from having good experiences he would have had had the event in question not occurred. But often a person's death does prevent the person from having good experiences she would have had had her death not occurred when it did. Accordingly, it seems that Taylor and other Epicureans should concede that a person's death can be a harm to that person.

In response to this "deprivation argument" Taylor grants that a person can be harmed by a loss even if it goes undiscovered and even if it does not result in any unpleasant experiences for the person. However, he goes on to point out that there is an important disanalogy between death and ordinary harms of undiscovered loss. In the ordinary cases, the person who suffers the loss

survives as a continuing subject of experience. The loss the person suffered is therefore importantly different from the loss imposed on a person by death, for (setting certain religious and Platonist views aside) the dead do not survive as continuing subjects of experience. Once a person has died, he does not have any subsequent experiences the quality of which could be compared with experiences he would have had had he not died when he did.

This response is unlikely to move the deprivation theorist, however. Once we acknowledge that, even on a hedonist axiology, undiscovered loss can still be a harm to an individual, it seems we should also grant that death too can be a harm to an individual insofar as it poses a sort of undiscovered loss on the one who dies. There is, to be sure, a disanalogy between ordinary cases of undiscovered loss and the case of death. But far from showing that those cases cannot be used to establish the deprivation theorist's claim that death can be a harm to the one who dies by depriving her of good experiences, I suggest that the disanalogy only serves to reinforce the thought that death is often among the worst evils that can befall a person. In ordinary cases of undiscovered loss, the person is harmed by the loss of some good. But in none of those cases is the loss suffered complete. The person typically retains some of what makes life good. Death, by contrast, constitutes a total loss of one's future. So, once we recognize that the loss of valuable experiences can be a harm to an individual even if the loss is undiscovered by that individual, not only does it seem that death too can be a harm to individuals insofar as it deprives them of a good future, it also seems that death can be among the most terrible misfortunes a person can suffer, as it results in a total loss for the person of her future.

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