

What's this, Axiochus?... Where's your usual confidence, and your speeches in praise of virtue? You seem like an athlete with no heart, good in workouts and bad in the actual competition.

That's true, Socrates, you've got it right. Now that I am right up against the fearful thing, all my fine and clever arguments sneak away and breathe their last.

—PSEUDO-PLATO, *Axiochus* (probably third century BCE)

Goddess, do not be angry with me. I am well aware of everything you say. I know my wise Penelope is inferior to you in beauty and stature. After all, she is mortal, and you are immortal and ageless. Even so, I want home, I long for home all day long—to return to my own home.

—HOMER, *Odyssey*, V. 215–217, Odysseus refusing Calypso's offer of immortality

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The Damage of Death

INCOMPLETE ARGUMENTS AND FALSE CONSOLATIONS

Martha C. Nussbaum

I. “FINE AND CLEVER ARGUMENTS”

PHILOSOPHERS LOVE TO argue about things so big and deep that it seems odd to think that rational argument can reach them. Not the least of these is death. The old gentleman Axiochus, found on his deathbed weeping and moaning, tells Socrates that all his fancy arguments have flown the coop. What he quickly learns, however, is that the best is yet to come. If some familiar arguments about immortality have deserted Axiochus, that is all right, because a better argument by far, the argument of Epicurus, will soon go to work on his fear. Success follows and fear is removed—not surprisingly, because this is, after all, a philosophical dialogue.¹

But Epicurus' argument really is a good one, so good that people have been struggling with it for thousands of years. It is one of the few parts of ancient Greek

¹ Actually, it doesn't stop there: There is a parade of arguments, Epicurean, Cynic, and Platonic, with inconsistent premises and inconsistent views of what death is. Axiochus, who can't quite comprehend the Epicurean argument, is more consoled by the Platonic ones, because they involve an afterlife.

philosophy that engages the energies of modern philosophers as astute as Thomas Nagel and Bernard Williams. Perhaps more important, it engages all sorts of people who have no tendency to admire philosophy. Teaching it—preferably along with other related arguments preserved (or possibly invented) by Lucretius—is a sure-fire way of making a class come alive.²

I am one of the many modern philosophers who have spent a lot of time struggling with this argument over the years, and I have found it illuminating, though ultimately flawed.³ I have also changed my view about some aspects of it, prompted by the fine criticisms of John Martin Fischer, who focused on this topic both in a book symposium on *The Therapy of Desire* in 1999, and then, seven years later, in another symposium on my work.⁴ I begin by laying out the argument and my original critique of it in *Therapy*. Next I describe the changes in my position produced by life and philosophical conversation, as Fischer has repeatedly attempted to persuade me that the argument is more deeply flawed than I have allowed. I make some concessions, but I do not abandon the main lines of my defense of Epicurus. Nonetheless, I also cling to my independent reasons for rejecting his conclusion that “death is nothing to us.”

Rejecting Epicurus’ argument, however, does not leave the philosopher with nothing to say on behalf of mortality. I turn next to two philosophical attempts at consolation: my own in *Therapy*, and that of Bernard Williams, in a famous article called

² Epicurus, 341–271 BCE, wrote a large number of works of which only meager remnants survive: fragments of his magnum opus, *On Nature* (which had 48 books), and three letters summarizing his teachings for students who lived at a distance, these preserved in Diogenes Laertius’ *Lives of the Philosophers*. For further information about his teaching, we must turn to other sources, above all the brilliant philosophical poem *De Rerum Natura, On the Nature of Things*, by Roman poet Titus Lucretius Carus, early to mid-first century BCE. For much more about these figures and their relationship, see Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton, NJ: Princeton University Press, 1994, updated edition 2009). It is very difficult to say to what extent Lucretius is simply recapitulating Epicurus’ arguments and to what extent he is supplying material of his own. The parts of the poem that deal with topics such as love, war, friendship, and politics seem the most likely to contain original material, because the treatment of these topics is thoroughly Roman. Epicurus, for example, did not approve of marriage, and Lucretius clearly does. But in the part of the poem that concerns us, the case for originality is weaker. The central argument is clearly Epicurus’, because it is also stated in surviving works of his. About the ancillary arguments it is impossible to know.

³ See *Therapy* ch. 6; “Reply to Papers in Symposium on Nussbaum, *The Therapy of Desire*,” *Philosophy and Phenomenological Research* 59 (1999), 811–819; and “Replies,” *The Journal of Ethics* 10 (2006), 463–506.

⁴ John Martin Fischer, “Contribution on Martha Nussbaum’s *The Therapy of Desire*,” *Philosophy and Phenomenological Research* 59 (1999), 787–792; and “Epicureanism About Death and Immortality,” *Journal of Ethics* 10 (2006), 355–381. As before, I am extremely grateful to Fischer for this long-enduring philosophical friendship and for his willingness to spend so much time on my work.

“The Makropulos Case: Reflections on the Tedium of Immortality.”⁵ I find them both flawed. Finally, however, these two false comforters are outdone by Lucretius, who, in an apparently minor argument, provides far more interesting reasons for reconciling ourselves to mortality.

II. “DEATH IS NOTHING TO US”: FISCHER AND NUSSBAUM ON EPICURUS’ CENTRAL ARGUMENT

Epicurus argues that death cannot be either good or bad for a person, and that the fear of death is consequently irrational. In *The Therapy of Desire*, I reconstructed his argument as follows⁶:

1. An event can be good or bad for someone only if, at the time when the event is present, that person exists as a subject of at least possible experience.
2. The time after a person dies is a time at which that person does not exist as a subject of possible experience.
3. Hence the condition of being dead is not bad for that person.
4. It is irrational to fear a future event unless that event, when it comes, will be bad for one.
5. It is irrational to fear death.

Most of Lucretius’ energy (as he presents the fullest account of Epicurus’ argument) is devoted to establishing premise 2. He painstakingly demonstrates that the person, identified as a particular composite of atoms, cannot survive death. In what follows I pay no further attention to those arguments and take it for granted that a personal afterlife has been ruled out in one way or another.

My reconstruction involves the idea of possible experience.⁷ That is, I don’t think that Epicurus and Lucretius make the simplistic move of saying, “What you don’t know can’t hurt you.”⁸ They make a much more sophisticated move: Something can be bad for you only if, at the time when that event occurs, there is a “you” in the world, some existing subject of at least possible experience. As Lucretius has already

⁵ In Bernard Williams, *Problems of the Self* (Cambridge, UK: Cambridge University Press, 1973), 82–100.

⁶ *Therapy*, 201, where I give all the textual evidence for this reconstruction.

⁷ The textual evidence is mixed on this point; some passages point to actual experience, but I follow both the most frequently attested version and the one that gives Epicurus the strongest argument.

⁸ Nor do they make the question-begging move of thinking of “good or bad for...” as a matter of the subject’s own subjective view of his or her life. Obviously death cannot be good or bad from the subject’s viewpoint once there is no subject there, but it is not that obvious point that concerns them.

argued at great length that no subject that has a good claim to be a continuant of a person's identity survives death, he can conclude rather rapidly that death itself, the period during which a person is dead, cannot be either good or bad for the person who died. (Of course the process of dying might be bad, and nothing in the argument touches on this question. Epicureans addressed that issue in other ways, insisting that the most terrible pain can always be counterbalanced by happy memories of philosophical argument shared with one's friends. Epicurus' own deathbed letter, which survives, claimed that his pain from kidney stones and dysentery was extremely intense, but that, nonetheless, he had a net balance of pleasure over pain for this reason; he calls the day of his death "the happiest day of my life.")⁹

This is where modern philosophical criticism gets going. In a famous article, Thomas Nagel has argued that an event of which you are not actually aware, but of which you might possibly become aware, can be bad for you. His example is that of some type of betrayal, and he takes this to be an easy case on which he will easily get agreement: The person is harmed, even if he or she is not aware of the bad event. Nagel then extends these reflections to a different case: The loss of all higher mental functioning can be bad for a person, even when the damage is irreversible so that it is not possible for the person to become aware of that loss. Finally, he moves to the case of death: Death, just like brain damage, can be bad for a person, even though it is not possible that the person should ever become aware of being dead.

In *Therapy*, I accepted the first two examples—rather hastily, I now think. The betrayal example is unclear: What is bad would appear to be the actual realization, and Nagel doesn't really convince us that the possible realization is itself already a harm.¹⁰ However, I do not intend to discuss that case further here, as it is not pertinent to what I shall say about death.

The second case is stronger, but only apparently, because what is bad is the actual state the person is currently in, which is a state of defective functioning. We don't have to rely on the possible awareness of the state as a ground for saying that the state is bad. There is a person there who right now is in a bad way.

But now let us turn to the case of death. What I said in 1994 was that it is utterly unlike the other two cases, because there is no subject in the world to which the idea

⁹ See *Therapy*, 111 n. 13 and 202 n. 9.

¹⁰ I don't say this because I am a welfarist: I think that some things can be bad for a person even when the person doesn't think them bad, as my treatment of the second example will shortly show. Being excluded from equal political rights, for example, can be bad for a person even when the person is so thoroughly adapted to hierarchy that she does not think her condition bad. Still, the lack of political rights is a real feature of her life here and now, a condition she is actually in, a limitation on her daily functioning. Nagel doesn't do enough to show that the betrayal case is like that. (Nor does he do enough to consider the indirect effects a betrayal might have on one's life; for example, being treated differently by others. These changes might go a long way to explain the badness of betrayal.)

of a good or a bad can be attached. Nagel's examples, even if convincing on their own terms, do no damage to Epicurus' contention, because Epicurus' whole point is that after death there is no "you" there any longer. As he says with characteristic pungency, "Where death is there, we are not, and when we are there, death is not." When we judge that the predicament of the brain-damaged person is bad, our judgment is directed at the surviving damaged individual, and we are presuming that this individual is one and the same as the individual who was thriving before the accident. (As Nagel constructs the case, the person is plainly alive and functioning in lots of other ways, but just lacks higher mental functioning.)

In *Therapy*, having rejected Nagel's arguments—and having agreed with Lucretius that people are often confused when they talk about death, imagining a persisting subject who grieves at the loss, even while saying that no subject persists—I then turned to other reasons we might have for thinking death to be bad for the person who has died. The argument that most convinced me was originally made by David Furley.¹¹ This argument focuses on the way in which death interrupts projects that extend over time, making at least some of them empty and vain because they do not attain the end for which they were undertaken. For example, if one invests a lot of time in plans and hopes for the future, engaging in activities the whole point of which is preparatory (say, professional training), an unexpected death can make those activities vain and futile. "Our interest in not dying," I concluded (summarizing Furley) "is an interest in the meaning and integrity of our current projects. Our fear of death is a fear that, right now, our hopes and projects are vain and empty."¹² In other words, death is bad for the person who has died because of the way in which it alters the intended shape of activities the person undertook in life.¹³

Furley's suggestion is important, I said, but it needs more work. In particular, some people plan for the future more than others, while others prefer activities that are complete and self-contained. Epicurus and Lucretius are aware of this difference, and they recommend that we ought to prefer activities (such as contemplation) that appear not to involve a temporally extended structure—precisely because those activities cannot be interrupted by an event beyond our control. So more work remains to be done, I said, if we are to establish that death is bad through a focus on activities that are interruptible. For the Epicurean might always say, "So what? Death, on this account, is bad only for fools who have invested a lot in activities that death can interrupt. One can always live in a way that is immune to reversal at

¹¹ David Furley, "Nothing to Us?" in Malcolm Schofield and Gisela Striker (eds.), *The Norms of Nature* (Cambridge, UK: Cambridge University Press, 1986), 75–91.

¹² *Therapy*, 207.

¹³ Thomas Nagel, "Death," in Nagel, *Mortal Questions* (Cambridge, UK: Cambridge University Press, 1979), 73–80.

death." I concluded my examination of the interruption argument by saying that we need to argue about value: "We need to be told whether the way of living that death makes vain is or is not a good and rational way of living."¹⁴

The next stage in my argument was, then, a detailed scrutiny of activities generally taken to be valuable. I argued that most of the activities to which human beings usually attach intrinsic value do have a temporally extended structure and could, therefore, be interrupted at death. The activities involved in love and friendship, various forms of virtuous activity, all these are vulnerable to interruption by death. I can now add that the same is true of many more mundane pursuits characteristic of daily life, such as planting a garden, starting to read a long novel, etc. And there is the sheer pleasure of going on living, seeing what happens next. When the movie projector breaks down in the middle of a movie, you feel you have missed out on something. Death, similarly, cuts short the pleasant flow of life. Even if, in this case, you aren't aware of the loss, it still is an interruption of a basic and valuable project.¹⁵

This inquiry, I claimed, makes it plain that Lucretius is on the horns of a dilemma. Either he must include these as genuinely valuable activities—in which case he will have to take the interruption argument seriously as an argument establishing the badness of at least very many deaths—or he will continue to resist the interruption argument, but at the cost of adopting an artificially narrow account of value that will not be appealing to very many people. The position will now be not "Death is nothing to us," but rather "Death is nothing to people who live in the very odd way we recommend, not loving anyone, not caring about justice, etc." Obviously, that is a much weaker position than the one Lucretius wishes and claims to have.

I then went on to weaken the Epicurean position yet further by saying that even when an activity, such as contemplating, appears to be complete in a moment, "still, we feel that it is frequently a loss in value to the person that he or she had a life that stopped short at that moment of completion, not permitting her to pursue different future projects, or to undertake that one again."¹⁶ After investigating this line of criticism in more detail, I concluded by returning to the issue of life's temporal structure through a consideration of Lucretius' "banquet argument,"¹⁷ suggesting that Lucretius himself conceded, in that argument, that life has a narrative structure that contributes to its value, and that it can therefore often be interrupted by death in such a way as to diminish its value.

¹⁴ *Therapy*, 208.

¹⁵ I owe this point to Geof Stone. I said something related in *Therapy*, 210, but not as well.

¹⁶ *Therapy*, 210.

¹⁷ *De Rerum Natura* III, 931–939.

Finally, I turned to the question of whether death can be said to contribute anything positive to human life. I shall address those contentions in section III.

That was the way I argued in my initial attempt at the question in 1994. In his 1999 piece, Fischer criticized two distinct parts of my argument. First, he sought to undermine my critique of Epicurus' main line of argument (death can't be bad for the subject if the subject doesn't persist after death) by creating Nagel-type examples that are more convincing than Nagel's original examples. Second, he criticized the consolatory claims I made in the concluding section of my argument. I address the latter group issues along with my consolatory claims in section III.

In both 1999 and 2006, Fischer tried to get me to reject Epicurus' argument more directly by supplying an improved version of Nagel's argument. In 1999, he supplied some Nagel-type examples that did not fully convince me. They did not convince me because in his examples there was still a persisting subject on the scene, albeit one who (for various invented reasons) could not possibly learn of the bad thing. One case involved simple physical impossibility: A cunning enemy named Mr. White is ready, infallibly, to prevent you from learning of the bad event that pertains to you. Still (urges Fischer), we should grant that the person is harmed. The other example also relies on physical impossibility: Fischer imagines a mother who cannot learn of her daughter's death because she is far away when the daughter dies, and she herself dies five minutes later. Still, the death of the daughter, says Fischer, harms the mother.

Interestingly, Fischer betrays Nussbaumian intuitions in his description of the case, saying, "Nevertheless, it seems to me that you have been harmed (at least for the five minutes of your continued life) by the death of your daughter." I would agree that during those five minutes it is at least plausible to think that something bad has happened to the mother, because the mother is still in the world, a subject of predicates.¹⁸ After those minutes, the story is utterly different, because there is no mother there at all. I think Fischer ought to have deleted that revealing parenthesis, given the view he purports to defend—but the need he felt to include it indicates that he feels the pull of the consideration I raise.

Given our standoff in 1999, when Fischer returned to the issue in 2006, he did not simply repeat his examples; he did something else that I find extremely helpful. He took a large step back to consider, more generally, the structure of the "dialectical stalemates" that arise in various parts of philosophy. He offered a helpful account

¹⁸Saying this does not imply, of course, that the mother's five-minute ignorance is not better than five minutes of knowing of the death. It's probably better that she die not knowing of the bad event; still, it seems at least plausible to think that something bad has transpired in her life, of which she is unaware. My intuitions are not clear on this point.

of the argumentative structure of these stalemates, showed how they arise in the free-will debate,¹⁹ and then suggested that our differences concerning Epicurus also have that structure. He concludes that neither of us should hope to prevail by simply saying, “It’s obvious that one can be harmed by events after one’s death,” or, conversely, “It’s obvious that one can only be harmed by things that occur while one is still in existence.” Those moves are unhelpful and question-begging. What one can do is explore various ways of making one’s own intuitions, and their salience, more persuasive, and at the same time explore various avenues of concession. Fischer does the first in his detailed restatement of his examples and his replies to other philosophers who have joined me in criticizing them. He does the second by conceding to me that very often, at least, one’s judgments of the badness of death involve the illicit fiction of a surviving subject.

Let me now explore both persuasion and concession on my side. (This task is made more complicated by the fact that over time I have become even less convinced by Nagel’s original examples, as I recorded above.) Let’s address persuasion first. It seems to me that Fischer’s examples require us to think that spatial and physical impossibility are very similar to the sort of impossibility that death creates: The dead person is very like a person who still exists, but in a different, unattainable world that cannot be known to us and cannot have knowledge of events in our world (because of its physical remoteness and other physical obstacles). I think that many people believe something like this about death, but Fischer and I have agreed to stipulate, for the sake of argument (and for the sake of pursuing Lucretius’ argument), that there is no afterlife of this kind. We agree, then, that there is actually no subject there in this or any existing world who is identical with the person who died. So the situation that actually obtains at death is that of a universe in which that subject simply isn’t. It seems to me that this is not very like the situation in which the subject exists, but at an unattainable distance. Moreover, this metaphysical difference in the number of entities we recognize makes a difference to the logic of predication. When we say, “How bad death is for P,” we are predicating badness of a subject, namely person P, at a time t . And so it seems reasonable to point out that we appear to be contradicting ourselves: We have denied that P is anywhere in the universe at t , and yet here we are predicating badness at t for P. My Furley-based interruption argument doesn’t do this, because it is all about what becomes of times *before P’s death*, given the abruptness of the death; those times are changed in their significance, and have become futile and vain. But I don’t think that this is what Fischer is saying with his two cases; I don’t think he is saying that the aims and projects of the mother become futile when her daughter dies. He is making, I think, the far more contentious

¹⁹Fischer has spent most of his career writing on two topics—death and free will.

claim that the bad event is rightly predicated of the mother, even though there is no mother there any more to bear the predicate. And I find this puzzling. I don't think this removes our stalemate, but perhaps it sharpens it a little.

Now to concession. Just as I have already stressed that death can make a difference to the shape and value of the life that precedes it, so too, I now wish to grant, some events that happen after a person's death can retrospectively affect the person's life, as to whether its strivings were successful, or complete, achieving their intended goal. Suppose that Virgil's *Aeneid* had been burned at his death (as, in fact, he is said to have requested). Then the posthumous story of Virgil's importance for the whole history of literature, art, and thought would have been completely different. It is not implausible, I think, to view these posthumous events as altering the significance of Virgil's life of striving; that life is now rightly seen as a fantastic success, and some of that achievement consists in altering the way millions of people think about life.²⁰ In that way, lives have tentacles that reach out beyond themselves.

Consider a different sort of case concerning a person whom I will call Q. In one version, Q's children all die with her in a car accident. In another version, they survive and have many children of their own who make many contributions to the world. Here too, I want to say, events that happen after the person's death enrich the life retrospectively and alter its causal significance.

These cases are subtly different from Fischer's, because I am focusing on the way in which the posthumous events alter the significance, causal and success-related, of events that took place within the person's actual lifespan, but whose causal ramifications extend beyond death in ways that affect the way in which we ought to describe their significance within the person's life. There's no problem about what subject they should be attached to. When they took place (Virgil's writing the *Aeneid*, Q's having children), they were indisputably events in the life of Virgil and in the life of Q, both of whom were living at the time. It is only that they have ramifications that extend beyond the two people's deaths, and those ramifications seem to affect the way in which one should judge the achievements, in life, of Virgil and Q. That is not what is happening in Fischer's cases, it doesn't have the metaphysical oddness of those cases, but it is getting closer.

Think of putting the mother-daughter case this way: When the daughter dies—and let's suppose (removing Fischer's ambiguity) that this happens at exactly the same time as the mother's death—it may alter the success of the mother's life, if that life was aimed at leaving a chain of descent in the world that would continue on beyond her. Interpreted thus, I think that it would be correct to say that the daughter's death

²⁰ Of course, he never asked anyone to burn the *Eclogues* and the *Georgics*, and perhaps what I say betrays my own lack of enthusiasm for those poems, of which so many think so well.

is bad for the mother, meaning bad for a project embarked upon by the mother during her life.

Think now of a variant on Nagel's original betrayal example. To make it a death example, let us suppose that it concerns the betrayal of a dying wish; the person's wish is betrayed, and she never knows it, because she is dead before the wish is betrayed. A person's life is entirely focused on social justice, and the way she pursues that is to start a charitable foundation. She leaves all her money to that foundation and fully expects that the foundation will continue her goals and aims after her death. But her country is taken over by a tyrant who seizes all the property, including her foundation, and uses it for his own evil ends. Her money, which she arranged to be the source of good, is now being used to torture and rape innocent civilians. More harm is done with her money than if she had spent it all on herself. In this case, again, it seems at least plausible to say that the person's life is altered for the worse by what happens after her death: Her plans are made futile and vain, just as in my interruption scenario. Her life, causally aimed at good, has had its causality channeled toward evil.

Such postmortem cases will, of course, include good surprises as well as bad. And they will include some interesting complexities. Take the case of Stephen Girard (1750–1831), a wealthy banker who left much of his sizable estate to establish a boarding school (called Girard College, though it was actually a preparatory school) in Philadelphia for “poor white male orphans.” (The philosopher David Hoy was actually educated at this school and is one of those persons for whom it was paradigmatically designed.) By the 1950s, the will’s racial limitation began to be challenged. In the end, in 1968, Girard’s will was broken by the courts, and this became a landmark case in postmortem desegregation. Today, all races and both sexes are included, and the school describes itself as having a 96 percent enrollment of “students of color”! (The gender exclusion was not legally challenged, but an inclusive policy was eventually adopted by the trustees. The economic restriction and the restriction to orphans remain in force, it seems.)

Here one might see both good and bad flowing to Girard from the court decision: good, because his money was now doing some good in the world that it would not otherwise have done, both benefiting poor African American orphans and serving as a beacon in the legal realm that set many other bequests on a more just course.²¹ But one might wonder whether Girard was not also harmed by the violation

²¹In order to claim that the benefit to Girard is a case similar to those considered in Furley's analysis, we have to suppose that he had a very general goal (“do good to others,” or “do good to the poor through education”) of which the result was a fulfillment, as Furley considers only cases in which death thwarts (or fails) the goals that a person actually has. I am grateful to Gabriel Lear for this point.

of his will. Surely he ought not to have been permitted to make such a will. Given, however, that he was, and in the 1820s nobody was worrying about this issue, one might think that the appropriation of his money for a cause he might possibly have deplored was a kind of postmortem harm.²² (Perhaps he would have left his money to some completely different cause rather than to an integrated school, although it is also possible that he didn't have such strong views on the topic.)²³ On the other hand, one could also make a case for the opposite conclusion: He was prevented from doing harm, and he actually did a lot of good; so he is benefited, in much the way that someone who is prevented from committing a murder might be said to be benefited. He didn't do the bad thing that he otherwise would have done.

Obviously, the investigation of postmortem benefit and harm is a complex business: It requires, among other things, figuring out what things are just and unjust, good and bad. We obviously will not get to the bottom of such questions here. We can, however, observe that courts have long recognized that the interests people have during their lives do not end at death. For example, in a case involving prosecutor Kenneth Starr's efforts to obtain notes taken by Vince Foster's lawyer before his suicide, the U.S. Supreme Court held that the attorney-client privilege is not terminated by the death of the client.²⁴ The Court explicit said that the rationale for the protection was that it "furthers the client's intent."

Such cases do not get us all the way to Fischer's examples, which don't rely on causal post-death influences, but maybe they give him something that makes our stalemate less grave, because I now admit that, in many cases, events that happen after a person's death can—in a special way related to the interruption argument—be bad for a person.

To summarize: I still think that Epicurus has a powerful argument that is not vulnerable to Nagel-style or even improved Fischer-style objections. But I also think that most deaths are bad for people for a different type of reason—because they interrupt their cherished projects, altering the shape of their lives.

Are there reasons to think that there is nonetheless something to be said on behalf of being mortal? I used to think there were.

²² My father, a lawyer whose practice focused on estates and trusts, was rather obsessed by this case, which he considered a paradigm of political correctness gone awry; though in his case, concern for the sanctity of wills could not easily be disentangled from racism.

²³ And possibly he would still have preferred the courts' diversion of the bequest to this closely related use to a situation in which they void the bequest and give the property to his heirs.

²⁴ *Swidler & Berlin v. U.S.*, 524 U.S. 399 (1998). The doctrine is complex: In *Eyerman v. Mercantile Trust*, 524 S. W. 2d 210 (Mo. App. 1975), a person who has the right to destroy her own house during her life was denied the right to do so under her will. See Lior Strahilevitz, "The Right to Destroy," *Yale Law Journal* 114 (2005), 781–854.

II. FALSE CONSOLATION A: YOUNGER MARTHA

In *The Therapy of Desire*, having concluded that Epicurus' argument is defective in the way I've just described, I went on to offer a kind of consolation²⁵: "Our finitude, and in particular our mortality, which is a particularly central case of our finitude, and which conditions all our awareness of other limits, is a constitutive factor in all valuable things having the value for us that in fact that they have."²⁶ What I had in mind (using the lives of the Homeric gods as my stalking horse) was that there can be no human courage without the ability to risk death, no friendship and love of the sort we currently value without the possibility of running such risks for the sake of those we love, and so forth. More generally, human love and friendship have a temporal structure in which aging, the different phases of the human life cycle, and the possibility of loss are central structures, conditioning the particular sort of value they have.

In addition, I argued, a kind of intensity and dedication with which we pursue many of our activities "cannot be explained without reference to the awareness that our opportunities are finite, that we cannot choose these activities indefinitely many times." Quoting Wallace Stevens,²⁷ I concluded that "Death" is indeed "the mother of beauty." It was reasonable for Odysseus, thinking in this way, to decline Calypso's offer of immortality: For the life he loved and valued, his own life, could not exist without that choice. When he repeatedly insists that he wants his own home, what he more generally means is that he wants his own life. He finds a life with struggle and change exciting; an unchanging woman and life, however beautiful, cannot hold his interest.

It's not as if there is nothing in this argument.²⁸ We can indeed agree that the lives of the Homeric gods, who can easily do anything they want any time they want, do seem lacking in intensity, depth, and commitment. They can't even run a race, or show any other athletic excellence, because there is no struggle for them; they just whisk themselves away to the finish line. They also seem, I now add, to be deficient in a sense of humor, because humor (much of it, anyway) appears to be predicated on a sense of the limits of the body and the many absurdities it gets one into.²⁹

²⁵ *Therapy*, 225–232.

²⁶ *Ibid.*, 226.

²⁷ And paying almost \$1,000 to the greedy Stevens estate for the privilege of quoting one entire stanza of that poem, so I do not make that mistake here.

²⁸ But the writing now seems to me overwrought in a way that suggests that something is amiss; I'm trying to convince myself of something by over-romanticizing it.

²⁹ Like Williams below, I did not view this argument as one that removed the rationality of the fear of death: I thought it mitigated the badness of death, but I insisted that death "would not be the sort of value-constituting limit it is in human life, if it were a limit to be embraced with equanimity. It is better called the stepmother than the mother of beauty" (231).

As John Fischer has by now convinced me, however, the relevant things are the limit and the struggle, not mortality. One can have plenty of striving and effort in an immortal life, provided that some limits are held in place. In 1999, I agreed with Fischer, elaborating his argument by considering various ways in which a life could have narrative structure of the appropriate type without being mortal. One can imagine an immortal being struggling against all sorts of limits: pain, weakness, the bad conduct of others, poverty, injustice, athletic injury, and so forth. These are limit enough to give the virtues their point.³⁰ In 2006, I agreed with Fischer, further, that a condition of life's continuing to be attractive would be the possibility of "regeneration and recovery" from debilitating and painful diseases, but I also agreed with him that there are many ways of imagining all that in an immortal life. In general, I granted to him that an immortal life might have an interesting narrative shape that we could care about; as he puts it, it could be an "indefinitely extended banquet, with suitable intervals for recovery (and enjoyment of other activities)."³¹ (Throughout, both Fischer and I are assuming that immortal life does not involve the sort of continual aging that leads rapidly to utter decrepitude, as depicted in the myth of Tithonus and in Swift's description of the Struldbriggs in *Gulliver's Travels*.)

I am persuaded too that most of what we value in human love and friendship does not require death, though it does require the possibility of facing adversity, overcoming difficulties, illness and recovery. We would have to say a lot more about where change figures in these lives: Will they be frozen at a particular age? If so, how will Odysseus (who expresses a preference for a normal human life cycle, aging included) respond? Should we see the absence of continual aging as involving a loss of value? Well, I don't think we need to go that far. However we imagine the life in more concrete terms, we may grant to Fischer that removing mortality still leaves most of what we value in human love and friendship in place.

I think perhaps there may yet be a *type* of intense devotion that is manifested by willingness to risk not just pain and difficulty, but death itself, for a beloved person or cause, and this type would not be present in the immortal life Fischer imagines. There may also be a *type* of valuable courage that would, similarly, be absent. That's

³⁰ Gabriel Lear argues in favor of the conclusion of "younger Martha" as follows: Courage involves the thought that one faces danger because not to do so yields a life that is shameful or not worth living. In other words, the person shows that what matters is not mere life, but life of a certain sort. But perhaps this idea of "life worth living" depends on the thought that life is short: If you betray what you value, you will not have time to rebuild or display a long commitment to excellent action. The significance of any betrayal will become tiny in the course of infinite time. I see this point, but I am not inclined to agree that mere length of time wipes out the stains of the past. (We do not think the less of murders and other crimes against humanity because they were committed in the long ago past.) Clearly this issue requires more thought than I can give it here.

³¹ He borrowed this image from Lucretius, not because he has any particular interest in banquets.

what today remains of my adherence to the Wallace Stevens position. I would also grant that for at least some people the prospect of death and awareness of the shortness of life supply a motivation to leave a mark on the world, and that this can in at least some cases lead to good actions.³² But I can also agree with Fischer in being willing to forgo these special *types* of value for the same of an immortal lifespan of the sort he describes, with suitable dangers and limitations against which to strive.

III. FALSE CONSOLATION B: BERNARD WILLIAMS

If younger Martha was naïvely romantic about death, her teacher Bernard Williams offers a consolation that is all too cynical and world-weary. In 1972, invited to give a lecture in a distinguished series on the immortality of the soul, Williams announced that he was going to speak about the mortality of the soul, and why it is a good thing.³³ There are, he argues, “facts about human desire and happiness and what a human life is” from which it follows that “immortality would be, where conceivable at all, intolerable.”³⁴

Williams takes as the basis of his argument the story—told in Karel Čapek’s play and in Leos Janacek’s opera of the same name—of the life and death of Elina Makropulos, *alias* Emilia Marty, Ellian MacGregor, and a number of other names, all with the initials “EM.” EM was given an elixir of life by her father in the 16th century. At the time of the action she is 342, having been frozen at the age of 42 for 300 years. (Williams, who draws attention to the fact that he is delivering the lecture at that very age, insists that her problems do not stem from that age, which is a good one to be immortalized at, if any is.)³⁵ In the opera, however, EM finds herself frozen, in “a state of boredom, indifference, and coldness.”³⁶ “[I]n the end it is the same,” she says, “singing and silence.” She refuses to drink the elixir again, and she dies. Williams argues that any immortal human life is bound to end up like that, sooner or later: “An endless life would be a meaningless one.”³⁷

Williams’s argument is complex, but let me summarize its main points. Human desires fall into two categories. Many, if not most, are contingent on remaining alive

³² Not always, clearly: Lucretius not implausibly claims that wars are often motivated by a desire to achieve a kind of surrogate immortality, and there are many other bad ways in which people try to leave a permanent mark on the world.

³³ Bernard Williams, “The Makropulos Case: Reflections on the Tedium of Immortality,” in Bernard Williams, *Problems of the Self: Philosophical Papers 1956–1972* (Cambridge, UK: Cambridge University Press, 1973), 82–100.

³⁴ Ibid., 82. Williams also thought that it was reasonable to continue to regard death as a bad thing.

³⁵ Ibid., 90. He adds that it is just as good an age for a woman.

³⁶ Ibid., 82.

³⁷ Ibid., 89.

(i.e., I want whatever it is I want only against the background assumption that I am going to go on living). Some desires, however, are so central to my sense of identity that they provide me with reasons to continue living; they can resolve the question of whether I am going to remain alive. Those Williams calls *categorical desires*. In order for life to be worth prolonging, a person must have at least some desires of the categorical sort.

Williams now argues that in an immortal life, one of two things would surely happen. Either the person's character would remain sufficiently continuous with that of her former self that we could reasonably think of the immortal life as that of the same person, or the life would take on such discontinuity that we would have no reason to think of it as the life of the same person. In the latter case, the idea that it is really an immortal life for that same person is merely a "fantasy," because some sort of continuity of character is essential for the idea that the self has continued to exist.³⁸ It is the first case, then, that ought to interest us, and Williams now argues that the nature of human desire is such that any human being would succumb to boredom in the end, pursuing the same set of character-defining projects for all eternity: "[C]ategorical desire will go away from [life] in those versions, such as hers, in which I am recognisably myself. I would eventually have had altogether too much of myself."³⁹

Why, however, should one believe this? (From now on, like Williams, I will be assuming, once again, that the immortal life includes staying at some healthy and energetic age and not becoming ever more decrepit.) Surely one should not believe the conclusion just because Williams says so, and not even because there is an opera to that effect. Indeed, the opera itself provides, I think, reasons for doubt: For it is perfectly clear (especially when one bears in mind that we are dealing with Janacek, that deeply perceptive critic of his society's treatment of women) that the life of Elina Makropulos exhibits a sad pathology, just as sad and pathological as the state of a depressed 42-year-old person who is bored and tired of life. In fact, EM is depressed for a very specific reason: A beautiful and glamorous woman, she has been treated by men for 342 years as a mere object for their ego gratification. She has not found men who genuinely love her, only an endless series of narcissistic creeps.⁴⁰ I would say that we can conclude from her case not that immortality is bad, but that she needs to meet different men. Dealing with those creeps really does get boring after

³⁸ I note that continuity of character is not necessary for continued personal identity according to Williams's own view in this same book: In "The Self and the Future" and "Are Persons Bodies?" he defends a bodily criterion of personal identity against all mentalistic accounts. Here, then, he is talking about something narrower and more demanding than personal identity.

³⁹ *Ibid.*, 100.

⁴⁰ It is surprising that Williams, a strong feminist, did not notice this point.

a while, but love is not boring. The most general conclusion we may perhaps draw is that relations between the sexes in Janacek's world were very unhealthy and needed to change.

More generally, there are so many interesting and useful things one can do in the world that immortality is about the only condition that would give one enough time to do many of them and still have some time for recreation. Consider the stressed-out lives that so many Americans have, lives that don't permit enough time to be devoted to each valuable pursuit, and that certainly don't allow much time to do many essentially frivolous things that make life more fun. If people weren't always racing against the clock, they would probably find more meaning in each thing rather than less, and they would get more sleep and in general feel good more of the time. The main cause of burnout in current life is surely too little time and sleep, not too much. So we might guess that an immortal life, far from being less fun, would actually be quite a lot more fun, as one could work in a more relaxed way and combine one's work with other pleasurable activities.

Some immortal lives would continue on in one and the same profession. Others might explore different professions *seriatim*. (As the human lifespan extends, second careers are already becoming more and more common.) Still other lives would try to combine two or three professions at once, moving back and forth among them as time would easily permit.⁴¹ All of these would be possible ways of making life rich and interesting, and I see no reason why one cannot imagine these as the pursuits of a person who is recognizably one and the same in character. As I imagine successive careers for myself (as a cantor, an actress, a psychoanalyst, a novelist), I have no difficulty imagining that I would be recognizably myself in all. And I bet that my friend Williams would come to the same conclusion, even with his perhaps more exigent ideas about integrity and selfhood; he would recognize all these pursuits as pursuits done in a Martha-ish way.

If one were worried that some of one's commitments might peter out over an infinite time or generate no compelling new projects, one could always focus on the aim to promote justice in the world, an aim that is unlikely to be completely realized in history and which will therefore give our imaginary immortal being plenty of interesting and valuable occupation. (And how interesting it would be to try to promote justice in a series of different ways—as an author, an activist, a politician,

⁴¹ Much would depend on the nature of the profession and how society rewards it; some professions might permit indefinite improvement, and in these people might persist for, at any rate, a very long if not infinite time, in order to get the satisfaction of increasing excellence; in others, one would reach a peak relatively quickly, and one might enjoy that for a while and then move on to something else. Again, if society rewards relative performance, that might lead people to persist over very long stretches, at least in the first type of profession, in order to outdo the competition; if only a specific level is rewarded, switching would become more attractive.

an artist; and in different places, moving from the United States to India, and on to Africa, and so forth, and then cycling around again, no doubt in utterly changed conditions.) Williams tends to have a rather romantic and existentialist notion of what gives life meaning, so he might try to argue that this life, devoted to an abstract ethical goal, is incompatible with sufficient sameness of selfhood (this is the argument he makes about the immortal life of intellectual inquiry), but I see no reason to agree with him. As before, there would be a characteristic way of pursuing justice that would bear the mark of that person, express that person's sense of self, and not be exactly the way that someone else would do it.

In short, Williams's argument seems to me to be less an argument than the expression of a particular temperament. Some people have temperaments like this, and these people—if they could not be treated by the new forms of therapy that would undoubtedly come into existence in the new world of immortality—might want to die, and they should be permitted to do so. Nothing, however, has been shown about the livability of immortal life. It looks better and better to me.

IV. A BETTER ARGUMENT FROM LUCRETIUS

So both younger Martha and Bernard Williams offer us specious consolations. At this point, however, another consideration arises. Remarkably, although it seems to raise characteristically modern issues, it is already present in Lucretius' poem:

There is need of matter, so that future generations may grow. They too, having lived out their lives, will follow you. Generations before this perished just like you, and will perish again. Thus one thing will never stop arising from another.
Life is nobody's private property, but is everyone's to use. (967–971)

In other words, we have to ask about the effect of our own immortality on the life of the whole world. We need to consider three possibilities: (a) Only one person becomes immortal; (b) a relatively small group of people becomes immortal; or (c) everyone becomes immortal.

If only one person is immortal and everyone else is mortal, this could lead to much unhappiness, through the sense of being unfairly singled out for an amazing benefit or having had a piece of luck that is quite inappropriate. I can imagine some people choosing to end their lives just to be living on the same terms as everyone else, especially those they love. Although I probably would not have the courage to make such a choice, I think it might be morally the right one. (Much would depend on how one's immortality came about, whether by sheer luck or by someone's unfair favor. But even in the windfall case, it seems like a benefit that one has no right to

keep.) To this moral issue one can also add the sadness and isolation of outliving all one's loved ones, which could easily blight the life of the immortal person.⁴²

Still worse would be a world in which one entire group or class of humans gets to be immortal and most humans don't, a world toward which we are edging through the unequal distribution of access to medical care and the likely inequalities in access to future genetic therapies. Kazuo Ishiguru's wonderful novel *Never Let Me Go* (2005), which appeared as a film in 2010, imagines a world in which an underclass is used as organ donors for the superior class, with the result that the latter become very long-lived, though not, finally, immortal. This is obviously a horrible world, and it would be still more horrible were the superior class to be immortal.

Suppose, then, that everyone gets to be immortal. Now Lucretius' "population argument" becomes pertinent. We either have a world that gets more and more overpopulated, until nobody has enough to eat and drink, or we have a world in which nobody has children any more. The first, Malthusian alternative seems very bad. We can grant that most Malthusian fantasies about overpopulation are hysterical and inaccurate, given our growing ability to use agricultural technology to feed more people, while yet acknowledging that the carrying capacity of the earth is not limitless. So people would have to pursue the second alternative, drastically limiting the chance to have children or making all reproduction illegal. That world looks pretty bad too.⁴³ It lacks all sorts of valuable activities connected with relations among the generations, and it also lacks a distinctive type of freedom to which we currently attach considerable importance.⁴⁴

Of course it is always possible that we will discover a way out, in the form of space travel à la "Star Trek." If we suddenly got access to many livable planets, it might at least postpone the problem. For now, however, I assume that this solution is unavailable.⁴⁵

⁴² My grandmother died at the age of 104, and her three sisters, who died at 95, 101, and 103, had recently pre-deceased her, all mentally and physically healthy until almost the end. All of them had outlived most of their children and even some of their grandchildren. As long as the sisters were around to commiserate with one another, life was full of meaning. After the death of the other three, my grandmother longed for them, and in her last two weeks, the only time when her mind declined, she carried on imaginary conversations with them.

⁴³ We can study that sort of world by looking at the Shakers and other religious communities that forbid reproduction. These, however, often look less bad because they are surrounded by a society that allows members of these groups to care for children. In my childhood I was cared for by a housekeeper who belonged to the cult of Father Divine (an African American spiritual leader in suburban Philadelphia) that forbade all sexual relations; she was a very devoted friend. For a useful account of this cult and its founder, go to http://en.wikipedia.org/wiki/Father_Divine. (The ban on sex was adopted in part for Lucretian reasons, to limit the size of the group, permitting Father Divine to give economic support to all his followers; but it also existed in part to prevent trouble over his own allegedly unconsummated marriage to a white woman.)

⁴⁴ I already thought highly of Lucretius' argument in *Therapy*, 222–225, where I used the comparison to a department in which nobody retires, so no new, young people can get jobs.

⁴⁵ Interestingly, Lucretius should have thought of this one, as Epicureans believed in an infinite number of worlds.

We can add that the existing immortalized adults would be parasites on the very system that their immortality must subvert. In growing to adulthood, they have profited from the old world, from the love and care of parents, the concern of teachers and mentors; and yet, by accepting immortality, they are opting for a world in which these relationships no longer exist. If, as seems likely, the immortalized person values the history that has led her to become the person she is, she is inconsistent when she thinks so lightly of that world that she wills it out of existence.⁴⁶

Here we do finally see that immortality would require the loss of a distinctive sort of value. And so, in a very different and less narcissistic form, the consolation offered by younger Martha about the loss of human value returns.⁴⁷ If not consoled, we can be to at least some extent reconciled to mortality by reflecting on the fact that the deaths of the currently living are a necessary condition for the perpetuation of ways of life that we greatly value, and that are perhaps central to the value we attach to living.

If those many other livable planets should turn up, however—especially an infinite number of them, as Epicurus' cosmology proposes—we might think again.

⁴⁶ See *Therapy*, 225.

⁴⁷ But I made this point as well in 1994.