

Luper, Steven. *The Philosophy of Death*.

Cambridge, U.K.: Cambridge University Press, 2009. Pp. 253. \$90.00 (cloth); \$28.99 (paper).

*The Philosophy of Death* is a comprehensive examination of important death-related questions in metaphysics, axiology, and the normative ethics of behavior, such as: what is it to be alive and to die? Can death be bad for the one who dies, and can events occurring after her death harm her? What makes killing wrong? It also contains extended discussions of related practical questions, such as: by what criteria can we determine that someone has died? Are euthanasia and abortion morally permissible?

Here are some of the most important claims Luper defends. (i) For a thing to be alive is for it to contain “durable replicators” that provide the capacity for the thing to maintain itself. (ii) Conversely, to die is for that capacity to be destroyed. (iii) Death is bad for someone iff it makes her life worse than it would have otherwise been. (iv) When death is bad for someone, it makes that person worse off either at times before she died or at the time of death. (v) Events occurring after someone dies can harm her in the same way death itself does: by frustrating the interests she had when she was alive. (vi) Killing a competent individual is wrong iff she did not make an informed choice to be killed; killing an incompetent individual is wrong iff it harms her.

Concerning the more practical questions, Luper argues that euthanasia and suicide are, at least sometimes, morally permissible. In the case of voluntary euthanasia of competent adults, this follows directly from his account of the wrongness of killing.

With respect to other questions he is more circumspect. According to Luper, currently employed criteria for the death of a person, such as brain stem death, are inadequate, but it is unclear what criterion would be better; Luper's proposal is cerebrum death, but he puts this forward only tentatively. Concerning abortion, Luper's account of killing might be thought to entail that abortion is morally wrong, at least in those cases in which the fetus would grow up to have a good life. But this depends on the metaphysical question of whether a fetus is the same individual as the adult it becomes; if not, killing the fetus might not harm it, since the benefits the adult would get were the abortion not performed would not be benefits to the fetus. Luper is agnostic concerning the problem of personal identity, so he draws no conclusion about the permissibility of abortion.

Luper's book is well-suited to serve two purposes. It is a good introduction to these topics for the nonspecialist, due to the generally jargon-free writing style and the careful, thorough and charitable treatment of opposing views. (There are places, however, where the nonspecialist, and even the specialist, will get bogged down, such as the discussion of McMahan's very complicated views in Chapter 9.) It also makes a useful contribution to the philosophical literatures on the badness of death and the wrongness of killing; philosophers working on these topics will profit from reading it. The arguments are clearly stated and often convincing. As with any interesting book, there is plenty one might disagree with. I will point out some difficulties for a few of Luper's theses.

Luper gives a “tripartite” account of life. The three parts of the account are definitions of the notions of organism, vital process, and life. Here is how he defines ‘organism’:

An *organism* is an individual that has a substantial capacity to maintain itself using processes governed by durable replicators that are integral to it. (14)

And this is how he defines ‘alive’:

Something is *alive* just when it has a substantial capacity to maintain itself using processes governed by durable replicators that are integral to it. (14)

Notice that the accounts of what it is to be an organism and of what it is to be alive are identical. This entails that there are no living non-organisms. This cannot be right. Luper himself points out that “the fact that viruses are not organisms does not show they are not living things” (14). At least one of these definitions has to go.

A durable replicator has the following four features: it makes copies of itself, mutates, augments itself, and bequeaths mutations (12). DNA is the durable replicator underlying life as we know it. Luper defends the definition of life in terms of durable replicators via a series of thought experiments, simplified here for space reasons (19-21). First, we imagine a robotic truck that responds to its environment and rebuilds itself using things in the environment – an R1 – and another truck, an R2, that “preys” on R1s by switching them off with its robotic arms and taking their parts. Neither R1s nor R2s are

alive, says Luper, even though both engage in something like nutrition. The problem is not merely that they do not replicate. We could imagine R3s, which are just like R2s except they build copies of themselves. R3s are not alive either, even though they replicate and engage in nutrition. According to Luper, what R3s lack is *parts* that are replicators. R3s are like DNA itself, rather than organisms. I confess that I just don't see how the move to having *parts* that are replicators is going to do the trick here. If we imagined an R4 that was a giant truck with R3s as parts, I wouldn't be much more inclined to call it alive.

Luper is happy to say that there could be living beings that are based not on DNA, but on some other sort of durable replicator (22). I would have liked to hear more about why a durable replicator is necessary for life at all, for it seems possible to construct thought experiments involving living beings that have no durable replicators. Why isn't it merely a contingent, accidental fact about living beings that they are composed of durable replicators?

I turn now to a very different topic. Suppose death is harmful. (Luper effectively defends this claim against Epicurean arguments in Chapters 4 and 5.) We might ask *when* the harm of death is incurred by its subject – when is someone worse off as a result of her death? Some have denied that this question requires an answer, but this seems mainly to be a reaction to metaphysical worries about locating such a time. Following Feinberg and Pitcher, Luper defends “priorism,” or the view that death makes people worse off at times before they die – in particular, at those times at which the victim had desires that are frustrated by her death. This entails that our future deaths may be

harming us now without us now realizing that we are being harmed. Some might find this odd, but Luper says that it is, in fact, not that odd.

I accidentally cut off Spiteman while driving, and Spiteman will get back at me next month by convincing my fiancée that I am a notorious international criminal... she will loathe me, pretending all the while that she loves me as much as she does now. In this example a future event greatly affects my present interests, assuming that it is *now* in my interest to have my fiancée's love two months from now, yet I do not notice the impact on my present well-being. (135-6)

I find this example unconvincing. Is it now in my interest to have my fiancée's love two months from now? Yes, if by saying that it is now in my interest we mean merely that I now desire it. But if that is what we mean, then it remains an open question whether I am now *worse off* as a result of Spiteman's future actions. And I find it hard to believe that I am. It seems clear to me that if I am made worse off by Spiteman, I am worse off when my wife is pretending to love me, not when my fiancée really does love me and revenge has yet to be taken.

If this is the right thing to say about Spiteman, we might think we should say something similar in cases involving death. Thus we might be led to "subsequentism," or the view that death harms its subject at times after she dies – in particular, those times when the victim would have been well-off, and hence (says the subsequentist) those times when she is worse off for being dead. Luper finds subsequentism problematic. Subsequentism seems to commit us to the view that the dead have a well-being level of

zero. According to Luper, the dead can have no well-being level at all, not even zero. The dead are not “responsive”; they lack the capacity for intrinsic goods and evils (132).

I wonder why responsiveness is supposed to be important. When I am contemplating my own future, a future in which I am not responsive and a future in which I am responsive but receiving no intrinsic goods or evils (perhaps because I am permanently unconscious) seem equally choiceworthy. I correctly prefer each of those futures to a future full of torture; I correctly prefer a future full of bliss to either of those futures. Since responsiveness does not seem to affect choiceworthiness, I would like to hear more from Luper about why having the capacity for goods and evils is important over and above the actual goods and evils it makes possible. If it isn't, perhaps there is a defect in our ordinary concept of welfare, since it treats states differently that, from the standpoint of prudence, function the same way. (For more on Luper's argument concerning responsiveness, see Ben Bradley, *Well-Being and Death* (Oxford: Clarendon Press, 2009), pp. 102-110.)

Finally, I turn to Luper's account of the wrongness of killing. Luper states his account as follows:

*Combined Account:* If S is an incompetent subject, killing S is directly wrong just in case (and to the extent that) it harms S; if S is competent, killing S at time T is directly wrong just in case S has not made an informed choice to be killed at T. (161)

Luper's account is supposed to remedy defects in the Harm Account, according to which the wrongness of killing is proportional to the harm of death: we do not typically think

that it is less wrong to kill the old than the young, and we think it is wrong to kill someone against her will even if we know that her death will not be harmful to her. For competent subjects, the harmfulness of death is irrelevant to the wrongness of killing. It is only with respect to incompetent subjects that the harm of death matters, so (e.g.) euthanasia of nonhuman animals is justified without their consent.

While the Combined Account seems to get the results we want in some cases, I worry about the appeal to the notion of competence, and about the notion that there is a sharp distinction between individuals that are competent and those that are not. Consent is said to be competent if “given by someone who can grasp and rationally assess the matter at hand” (159). But surely ability to grasp and rationally assess a situation is something that comes in degrees. Even dogs can, to some extent, grasp and rationally assess their situations. If so, the Combined Account faces a familiar difficulty: where do we draw the line between the competent and the incompetent? No matter where we draw the line, there will be individuals just on either side of the line who are very similar, but who get treated very differently by the Combined Account. An account of the wrongness of killing that appeals to competence should not be bifurcated in the way Luper’s is.

Despite my reservations about Luper’s positive proposal about the wrongness of killing, he makes a convincing case that the alternatives on offer are unacceptable. It seems to me that explaining why killing is wrong, when it is wrong, is among the most important tasks for philosophy. Certainly the amount of work done on this topic is nowhere near proportional to its importance. Luper’s book advances this debate, and so should be of interest to all moral philosophers.

*Ethics* 120 (2010): 395-98. Please use published version for citation.

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