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BOOK REVIEWS

David Boonin, *Dead Wrong: The Ethics of Posthumous Harm*

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Many of us have strong preferences regarding what will happen after we die. We make wills to distribute our belongings and plan care for dependents; solicit promises from friends and family about how to treat our remains and memory; and hope that our loved ones will live good lives in our absence. Ideally, all we hope and plan for will come to pass. But when it does not, are our lives made worse? And when someone frustrates our posthumous preferences, have they wronged us?

David Boonin's *Dead Wrong* answers both of these questions in the affirmative. The central thesis of the book, the *Posthumous Wrongs Thesis*, holds that "it is possible for an act to make things worse for a person, or to make that person's life go less well for them, in a way that generates a moral reason against doing it even if the act takes place after the person is dead" (p. 2). This provocative thesis immediately raises a host of worries: How can we be made worse off by events that occur after our deaths? More generally, how can our actions harm or wrong people who neither feel nor know about the effects of these actions? Can we really have obligations toward billions of people who no longer exist?

Boonin introduces and deftly defends his thesis against worries like these over the course of five chapters. The first motivates the *why* the thesis matters and introduces his master argument, the *Posthumous Harms Argument* (p. 14):

(P1) It is possible for A's act to inflict unfelt harm on B.
(P2) If it is possible for A's act to inflict unfelt harm on B, then the Desire Satisfaction Principle – that if A's act frustrates B's desire, then A's act harms B – is true.
(P3) If the Desire Satisfaction Principle is true, then it is possible for A's act to harm B even if the act takes place after B is dead.
(C) It is possible for an act to harm a person even if the act takes place after the person is dead. (*Posthumous Harms Thesis*)

Chapters 2–4 defend the three premises. Of course, the conclusion of this argument – the *Posthumous Harms Thesis* – is not quite the *Posthumous Wrongs Thesis*. To get there, Boonin requires one more step:

If the *Posthumous Harms Thesis* is true, then the *Posthumous Wrongs Thesis* is true.

The final chapter defends this last claim, which, when combined with the soundness of the *Posthumous Harms Argument*, yields the *Posthumous Wrongs Thesis*. The final chapter also explores implications of the truth of the thesis, which includes the happier possibility of posthumous benefits.

Overall, *Dead Wrong* is a delightful read. Boonin is an exceptionally lucid writer, and each chapter – as well as the book as a whole – intellectually engages the reader. Speaking for myself, I most enjoyed the experience of thinking of an objection, turning the page to see that objection addressed, then repeating the process. At the end, I left with three main observations, which roughly track the progression of the book. These observations comprise the remainder of this review.

First, Boonin undersells how wide-reaching and powerful his project is. In his first chapter, which serves as an introduction, Boonin motivates the project by pointing out that the dead are many and their number is growing. Further, since they are particularly vulnerable in virtue of their inability to speak for themselves, we ought to carefully think through how our actions might affect them, for better or worse. These considerations are certainly sufficient to justify this project, but they are also complemented by further concerns, including cross-cultural ones. For instance, honoring one's ancestors is a part of daily life in many Asian traditions. I remember my Buddhist grandmother lighting incense and praying at an altar displaying photographs of dead relatives every morning, and Confucian filial piety prescribes rituals for honoring one's ancestors. Other traditions across the world have their own practices regarding the dead. Reasonable people within these traditions can disagree on whether these practices affect the dead themselves and how strongly moral reasons support engaging in them. Thus, *Dead Wrong* connects more broadly to practices regarding treatment of the dead around the world and the potential moral dimensions of such practices.

In addition to being more wide-reaching than advertised, *Dead Wrong* offers a particularly powerful argument. As presented above, the *Posthumous Harms Argument* is framed fairly narrowly. For instance, (P1) states that it is possible to inflict unfelt harms. (Think of infidelity that is never discovered and, perhaps improbably, has no effect on one's relationship.) (P2) posits that the Desire Satisfaction Principle is true if there are unfelt harms. (Frustrating a partner's desire for fidelity makes infidelity wrong regardless of whether the partner's life is noticeably different.) Obviously, many philosophers of alternative ethical persuasions will disagree with both of these points. With respect to (P1), deontologists might be agnostic about whether undiscovered fidelity creates harm while holding that breaking a promise of fidelity is wrong regardless of whether it creates harm. Indeed, one fairly natural way of understanding the types of wrongs in question – undiscovered infidelity as well as reneging on deathbed promises – is that the act is wrong in virtue of promise-breaking, regardless of whether harm results. Turning to (P2), objective list theorists might hold that having honest relationships is a component of what it takes to have one's life go well. It is plausible that your life goes worse if the relationship you value most turns out to involve deception, and that – rather than the Desire Satisfaction Principle – could explain the possibility of unfelt harm.

The beauty of Boonin's argument is that these objections – even if successful – do not undermine his conclusion. For instance, suppose we buy the deontologist's account of promise-breaking as the explanation for the wrongness of undiscovered infidelity and reneging on deathbed promises. Though (P1) will turn out to be false, it will turn out that we have very strong moral reasons to refrain from certain actions that concern the dead. Similarly, suppose that objective list theory explains how unfelt harms are possible. (P2) will be false, but (P3) can be modified to (P3*): if objective list theory is true, then it

is possible for A's act to harm B even if the act takes place after B is dead. From there, the *Posthumous Harms Thesis*, as well as the *Posthumous Wrongs Thesis*, follow. Thus, even those who disagree with the possibility of unfelt harms and the Desire Satisfaction Principle will find resisting Boonin's conclusion difficult. For this reason, people of all varieties of ethical persuasions will find engaging with *Dead Wrong* worthwhile.

Second, the scope of philosophers who will find this book interesting extends beyond applied ethicists. (P3) – if the Desire Satisfaction Principle is true, then it is possible for A's act to harm B even if the act takes place after B is dead – raises extremely interesting metaphysical questions. For instance, some people resist the possibility of posthumous harm because there is no subject who can be harmed – the person in question is dead! Boonin notes one view held by Serafini and Feinberg on which a person's properties or interests, respectively, survive (p. 117). There are also views on which persons continue to exist in more robust ways. For instance, many religions hold that there's an afterlife, and philosophers and theologians offer rather creative explanations of how this might be metaphysically possible. In some African traditions, the "living dead" are an ancestral community that remain alive and retain their status as persons among the living in virtue of the fact that they are remembered and still provide moral guidance for the living. (Interestingly, on this view, one can cause the living dead to cease to exist by forgetting them, which adds an entirely different way in which one can be harmed posthumously!)

Holding a view on which persons survive their death makes it easier to explain how they might be posthumously wronged. Boonin prefers a view on which the subject of harm is the living person who has since passed, which of course makes the task of explaining posthumous harm considerably more difficult. He offers an extended treatment of how having one's future desires satisfied by future events is like having one's beliefs about the future be made true by future events. The analogy is clever, which makes this chapter especially interesting for metaphysicians who think about future contingents and divine foreknowledge. Further, metaphysicians might wonder whether Boonin's view requires the subject of harm to *exist*. Some theories of time such as presentism hold that only present objects exist. There are no past objects, which means *a fortiori*, there are no past people. So, if Boonin's view is compatible with presentism, it contains the surprising result that we can wrong the non-existent!

Finally – and I do not think I have ever said this about a book – I wish that *Dead Wrong* had been longer. The final chapter dives into implications of the *Posthumous Wrongs Thesis*. Suppose this thesis is true, and that we can harm the dead in ways that generate moral reasons to (not) perform particular actions. There will be situations in which we must weigh the interests of the dead against the interests of the living. For instance, in the late 1700s, cemeteries in Paris were overflowing. In addition to affecting the long dead and recent dead, this overflow encroached on the property of the living and prevented use of burial land in a city with limited real estate. Plausibly, the long dead would have desired not to have their remains exhumed, moved to an ossuary, and then displayed for tourists. Thus, there would be moral reasons against doing so. However, the living clearly have benefitted from creation of Paris's Catacombs, so there are moral reasons for frustrating the desires of the dead. Crucially, we might want Boonin's view to provide guidance on how to *weigh* these reasons against each other so that we know what to do *all things considered*.

Dead Wrong does not offer in-depth treatment of the issue of weighing reasons generated from harm to the dead against reasons generated from harm to the living. To be fair, Boonin does address the issue in various places. For instance, he suggests that we might weigh reasons against each other in virtue of the strength of the desires

generating them (p. 177). Boonin does use the second half of the final chapter to outline how cases involving dead people ought to parallel cases involving living people. For example, he argues that deciding whether to harvest the organs of a non-organ donor is analogous to involuntarily harvesting a living person's organs (with the assumption that they do not know and that missing that organ does not otherwise affect their life). To be sure, these points offer a solid start when it comes to the issue of weight. However, there is something slightly unsatisfying about this quick gloss, and I think that is because while this might be enough for the cases Boonin discusses – harvesting organs, using gametes, posthumous publication, and the treatment of corpses and remains – there are far more interesting implications of his view that are left undiscussed and are not straightforwardly illuminated by this gloss.

Here are two such cases: one about the past and one about the future. First, Boonin raises the possibilities of punishing and benefitting the dead as two of the more substantive implications of his view (pp. 188–193). I agree that the ideas of punishing and benefitting the dead are virtues of his view. They also raise interesting ways of reframing current debates. For instance, the debate surrounding reparations in the United States typically revolves around harms, benefits, and culpability in relationship to the living descendants of enslaved people and institutions that enabled slavery. In light of *Dead Wrong*, this way of framing the issue leaves out an important group of people who stand to be affected by the decision of whether to implement reparations – those who suffered under slavery. Furthermore, depending on how weighty moral reasons concerning the dead are, accounting for the welfare of those who have died could be significant. There are many structurally similar cases of great social import that can be reframed in analogous ways. More detailed treatment of such cases would be of considerable interest, especially since the possibility of righting (or at least alleviating) past wrongs would be worth pursuing.

Second, *Dead Wrong* offers the temporal mirror to longtermism, the view that future people matter in a way that implies that we have moral reasons to act in ways that promote their welfare. Boonin appears to be a fan of symmetry – he acknowledges the possibility of antepartum harms (p. 165) and holds that we should be temporally neutral when it comes to weighing our own past, present, and future desires. Personally, I would have loved an extended discussion on whether and how far we ought to take this analogy. This would have been especially interesting given a major disanalogy between past and future people: while our actions are not "identity-affecting" with respect to the past, they are with respect to the future. When our actions affect the welfare of those in the past, our actions affect the welfare of particular people whose identities are settled and unaffected by our actions. However, as the non-identity problem has taught us, the same is not true of the future. Our actions affect *who* comes to exist, in addition to the welfare they enjoy. Boonin, who has also written extensively on the non-identity problem, argues that when our actions are identity-affecting, we do not wrong future people by bringing them into existence instead of distinct people who would be happier ("How to Solve the Non-Identity Problem", 2008, and *The Non-Identity Problem and the Ethics of Future People*, 2014). Plausibly, many of our actions are identity-affecting when it comes to the future, which implies there are not many future people we can harm, while there are very many past people we can harm in virtue of the fact that their identities are settled. It would be fascinating if *Dead Wrong* implies that we may have more reason to be concerned with the welfare of past people than of future people! Alternatively, if longtermism generates moral reasons to act for the sake of future people, then it would be interesting to hear why, given the person-affecting

asymmetry. Again, how one weighs the moral reasons relating to the non-living matters a great deal. Our actions might be guided more by concerns for dead and future people than concerns for the living because the number of dead and future people swamps the number of living ones.

Ultimately, *Dead Wrong* challenges us to account for our actions to far more people than we may have initially thought: those who inhabit the world with us now, those who are yet to come, and those who have already passed.

Douglas Portmore, *Opting for the Best: Oughts and Options*

(Oxford: Oxford University Press, 2019), pp. xvii + 324.

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Portmore's book is aptly titled. It is about oughts, options, and their relation. It is clear, careful, and chock full of arguments. On the downside, these virtues did tend to make the book dense. Without careful study, it is easy to get lost in the details. My aim in this review is to give an informal presentation of some main points, which hopefully will whet your appetite for the technical details.

The book is primarily a work of what I call *structural metaethics*. Different normative theories disagree about what ultimately matters. Maximizing act utilitarianism holds that what ultimately matters is just net aggregate well-being. One version of Kantianism holds that what ultimately matters is just autonomy, and so on. Portmore abstracts away from such disagreements. He is focused on how a normative perspective, such as morality or practical rationality, must be structured, especially insofar as it issues verdicts that one ought to do something. His thought is that we can resolve some normative puzzles simply by getting these structural issues clear (cf. pp. 277–8).

Chapter 1 argues that what you ought to do is a function of how good your options are with respect to what ultimately matters, whatever that happens to be. (Hereafter I often suppress the qualifier "with respect to what ultimately matters.") As a first pass, you *ought* to φ just when φ is your best option. This first pass captures an intuitive relation between oughts and obligations: you ought to do whatever you are obligated to do. When you are obligated to φ, it is the only option that is sufficiently good, and so it is also the best option. Hence, the first pass entails that you ought to do it. On the other hand, when there is more than one sufficiently good option, then what you ought to do can go beyond what you are obligated to do. Perhaps all you are obligated to do is send your mother a card for her birthday, but you ought to do even more and send her flowers too (pp. 10–11).

The first pass of "ought" needs refinement. For Portmore, an "option" is just something that is assessable for deontic status, e.g., assessable as (im)permissible or what ought (not) to be done (p. 13). There is nothing in this definition that tells us that all