CHAPTER FOURTEEN

More Solutions To The Puzzle Of When Death Harms Its Victims?

Julian Lamont

Epicurus argued that death is not a harm to its ‘victim’ because before death there is no harm and after death there is no victim.[1] Replying successfully to Epicurus’ argument has been a long and interesting philosophical process, but one that is, in my view, almost accomplished. Since many philosophers (whom I have called ‘deprivation theorists’) have already successfully argued that death is a harm, that it is some type of deprivation harm (variously specified), and that the subject of the harm is the ante-mortem person, I will not defend any of these positions here.[2] However, missing from these solutions was a satisfactory answer to the question of When death is a harm. Believing that the answers given by various deprivation theorists – (1) Eternally (Feldman, 1992) (2) Before Death (Feinberg, 1993; Pitcher, 1993) (3) At No Time (or timelessly) (Nagel, 1993) – were all flawed, I argued for a different answer: that the harm of death occurs at the time of death (Lamont, 1998).

William Grey and Jack Li have criticized this At Death proposal.[3] In particular, they each undertake three tasks: (1) to criticize my arguments against the other three views; (2) to criticize my arguments for my own view; (3) to set out what they each think is the correct view. While unpersuaded by their arguments, setting out their arguments’ flaws deepens our understanding of the important issues. It also helps in the understanding of the At Death answer. While, on the face of it, the At Death answer appears to be
straightforward — it says that the harm occurs when the death occurs — it is quite difficult, as explained in my original article, to understand the full nature of the answer.

The first issue to clarify is the question that needs answering in response to the Epicurean challenge. The question to be answered is ‘When is death a harm?’ or, alternatively, ‘When is the subject of death worse off?’ To understand this question in the context of the relevant philosophical literature requires an understanding of three elements. ‘When’ is a request to specify an interval or point in time, or alternatively to deny there is an interval or point in time. Second, in the context of this philosophical issue ‘death’ means that the subject no longer exists. In particular, it is to be contrasted with another very common and coherent view of death, according to which the subject has a conscious life either immediately after death or at some time in the future. The Epicurean challenge is predicated on the view that death is permanent and so I assume this view in my discussion of the Epicurean challenge. If this view is mistaken, which it could be, then we have a different question, not addressed by my arguments.

The third element involves the notion of harm used in the moral philosophy literature over the last two decades. By ‘harm’ moral philosophers usually mean ‘normative harm’, unless they explicitly state otherwise. The moral philosophers’ use of the term ‘harm’ can be confusing, because it picks out a subset of the meanings that term has in everyday use. Restricting its use allows philosophers (and, often, legal theorists and judges) to question whether a particular physical hurt or injury is a harm when, for instance, the physical injury is the result of a course of action consented to, or rationally chosen, by the ‘victim’, or when its infliction leads to an overall better outcome for the ‘victim’. One could argue that all such physical injuries are harms, but the question can only be raised if the distinction between physical injuries and harms is made. Similarly, in the context of discussing the Epicurean challenge, philosophers who answer the question ‘when is death a harm?’ should not be interpreted as answering the question ‘when does death occur?’ As we shall see, both Grey and Li misinterpret my view in this way and examining how they do this is likely to prevent such misinterpretations in the future.[4]

William Grey claims that in my original article I do not address the Epicurean question of when the subject of the misfortune of death is worse off (Grey, 1999). This is a novel interpretation of my argument[5] given that I explicitly frame my proposal (Lamont, 1998:209-211) in terms of being worse off.[6] I treat the two questions ‘When is death a harm?’ and ‘When is the subject of death worse off?’ as equivalent. Grey argues that there is a fundamental difference between the two and that an answer to the first is irrelevant to the Epicurean puzzle. He thinks this because he interprets the first question as ‘at what time does the harm of death occur’ and he treats that, as far as he discusses the matter, as simply asking when does the death occur. Not surprisingly, he finds the answer, that it occurred at the time of death, philosophically unenlightening. As I noted above, this is a mistake best avoided when discussing the Epicurean puzzle. Some philosophers loosely use and interpret the terms ‘misfortune’ and ‘harm’ to refer to the physical fact of death. In addition to Li and Grey, Fred Feldman consciously does this in one sentence. Feldman says,

We are not concerned here about any puzzle about the date of her death. We may suppose we know that. Thus, in one sense, we know precisely when the
misfortune occurred. Nor are we concerned about the dates of any pains she suffered as a result of that death. We assume that there are none. The present question is, rather, a question about when her death is a misfortune for her. (Feldman, 1992:320)

As I noted in my original article,[7] it is clear that the sense in which we know the answer to the question ‘When did the misfortune occur’ is when that question is interpreted as asking no more than ‘When does the death occur’. This is consistent with ordinary language usage which allows all sorts of euphemisms and loose constructions. I would think nothing of somebody asking me ‘When did the misfortune occur’ and to take that as an ordinary question about when did the man slip on the banana skin and crack his skull open. Although such use is consistent with ordinary language, in philosophical contexts it is misleading and should be avoided. In terms of my own proposal, my arguments are directed at establishing that whatever view you take about the time at which a person has died, that is the time at which the person is harmed or worse off in the sense relevant to the Epicurean debate.[8]

Grey rejects my solution because, he claims, the Epicurean puzzle is about when the harm of death accrues and he asserts that my solution only answers the question of when it occurs. Grey’s mistake, as explained above, is to interpret the question of ‘when does the harm of death occur’ as asking ‘when does death occur’. The answer to the latter question is, obviously, at the time of death. But, and this is key to understanding the solution to the Epicurean puzzle, ‘at the time of death’ is also the answer to the question of when the normative harm occurs. How to understand this claim occupies a significant part of my original article. In the cases where death is a harm (as opposed to a blessing), the subject of that harm is the ante mortem person and it is this subject who is harmed, i.e. made worse off, when she dies. In Grey’s own terminology, my claim is that the harm accrues at death. This should not be confused or conflated with claims about when death occurs.

Li makes a similar mistake to Grey on this issue. He says,

In fact, the question, ‘when does the harm-event of death happen?’ is very different from the question, ‘when does P’s being harmed by death happen?’ By adopting an ambiguous formulation ‘when does the harm of death to P happen?’, Lamont conflates these two questions. Lamont is correct when he says that the harm of death to P happens at P’s death, if ‘when does the harm of death to P happen?’ is interpreted as ‘when does the harm-event of death happen?’ Death as a harm-event occurs at the time of death. However, he is not correct to make the same statement, if ‘when does the harm of death to P happen?’ is interpreted as ‘when does P’s being harmed by death happen?’. And it is this latter question ‘when does P’s being harmed by death happen?’ which is the question that many philosophers have found puzzling (Li, 1999:352-3).

But this problem is of Li’s own making. His question ‘when does the harm-event of death happen?’ as far as I can understand, is equivalent to ‘when does death happen?’ This is an interesting question, pursued at some length in other philosophical literature (with discussions of comas, cell and brain death, etc.[9]), but it is a mistake to think that my article is devoted to answering this question. My article is devoted to answering the Epicurean challenge of when the harm occurs, where ‘harm’ is certainly not interpreted as meaning the fact or event of death. Once this mistake of Li’s is identified, his arguments with respect to Feldman (1992) and Nagel (1993) and my own proposal can be readily dismissed, since they rely on this mistake.
Li also misunderstands the subject of the harm of death. He begins by accepting the proposition I share with other deprivation theorists, that it is the *ante mortem* person who is harmed by death. He then says:

Suppose P was born at T₀ and died at T₁. Joel Feinberg and George Pitcher stipulate:

1. There exists the living, breathing P between T₀ and T₁ (but not including T₁).
2. From T₁ on, there is only a dead P in whatever form (e.g., a corpse).

However, Lamont believes (1) ... and (2*) from T₁ on there is in addition to a dead P an *ante mortem* P. (Li, 1999:352)[10]

Li cites page 210 of my article (Lamont, 1998) in support of his claim that I believe (2*) but provides no quote or other evidence. Li’s claim is a misconstrual of my view. In a prior article (Lamont, 1997)[11], I explicitly argue against the claim (2*) Li attributes to me and indeed the whole class of claims, including (2) above, in which P continues in some form after death even though P is dead. My proposal rejects such descriptions by holding that, at the time of death, P ceases to exist:

As noted before, death has the distinctive quality of annihilating its subject and this should be reflected in claims about the harm of death and its timing. The living, breathing John is not worse off at any time before he dies. At death he ceases to exist... (Lamont, 1998:210)

I go on to explain how we can escape the peculiar idea that when we say ‘Peter is dead’ that we are asserting that the subject Peter continues on in some form and has the quality of being dead. I do this by noting that people who existed in the past (but who no longer exist) can have relational properties. Li says that

the notion of a person at death (and thereafter) is problematic. Lamont gives no metaphysical explanation to support this notion. That is to say, he does not explain how it is possible there is still an ante-mortem person after someone’s death. (Li, 1999:352)

I do not give a metaphysical explanation because I reject such a notion in the first assumption I make. ‘First, it will be assumed throughout that a consequence of death is that the person no longer exists, i.e. the person does not continue in some other form.’ (Lamont 1998, p.198) As a result of not taking this rejection seriously, Li also fails to address my second crucial assumption: ‘The second assumption is that a person can have properties at times when she does not exist. This assumption seems plausible (e.g. ‘Frege has become famous this century’ does not seem particularly problematic) and has been well-argued for elsewhere (Ruben, 1988)’. (Lamont, 1998:198)

It is central to my thesis that *ante mortem* people, such as Gottlob Frege, who lived in the past, can be subjects of claims even though they no longer exist. (Lamont, 1998:198) We do make such claims regularly. To say that Frege became famous in the twenty-first century is not to postulate a mysterious entity, some form of currently existing Frege who has continued after death. People may be tempted to think this, if they are committed to the belief that a subject must currently exist in order to have relational properties. But this would be a mistake. To say that Gottlob Frege became famous after his death, is simply to say that the subject, a German logician who lived from 1848-1925, became famous after his death. So it is with the harm of death[12] – the *ante
morteilm person is harmed at the time of his/her death, that is the ante mortem person has the property of being harmed at a time when s/he does not exist. I do not argue for this assumption as it has been well-defended by David-Hillel Ruben (1988). To refute my argument, Li first needs to show that Ruben is wrong.

Li’s failure to understand relational harms also infects his criticism of my view about posthumous harms. He says,

The difference between these two questions can be illustrated more clearly in cases of posthumous harms. In such cases, the ‘At Death’ proposal yields unwelcome results. Suppose that Q spreads a false and malicious rumour about P after P’s death. Since P has an interest in his posthumous good reputation, P is harmed by the rumour. Here, the harm-event (Q’s spreading the rumour) and P’s being harmed are two separate things. Lamont accepts that Q harms P when he spreads the rumour at T2. However, since P no longer exists at T2, how could he be harmed at T2? (Li, 1999:353)

Of course, unless one accepts relational harms as described by Ruben, one will be mystified by how subjects can be harmed at times when they do not exist. But an understanding of relational harms removes this mystery, and is an essential part of the solution to the Epicurean puzzle. The concept of relational harms clarifies both posthumous harms and the nature of the harm of death.

Now to Li’s own proposal, the ‘modified Before Death’ proposal. Most of the arguments in my original article against Feinberg’s (1993) Before Death proposal apply to Li’s proposal and are left unanswered by him. However, my arguments apply to Li only if his proposal is, in fact, a genuine Before Death proposal. I note this because Li’s claims, at crucial places, are unclear. Once death is properly understood as a relational harm, I suspect Li’s proposal may collapse into the At Death proposal. Li summarizes his proposal thus:

In short, it is in the sense of actual fact that the modified ‘Before Death’ theorist claims that P suffers a harm from death before death. That is, the modified ‘Before Death’ theorist claims it after P’s death. P’s death is a potential harm throughout P’s life time which is realized or actualised at the moment of death. (Li, 1999:355)

The use of ‘potential harms’ is supposed to distinguish Li’s account from Feinberg’s original account, but ‘potential harms’ provide little help in clarifying the timing of the harm of death, since they do not clearly occur at any time. There are an infinite number of potential harms that could befall me, only few of which will be ‘actualised’. Under Li’s use of the phrase, my twisting my ankle as I leave my office later this afternoon is a potential harm. There are two questions about such a harm that Li does not answer. The first is clarificatory: Am I potentially harmed by the twisting of my ankle even if I do not twist my ankle? The second, more crucial, question: If I do twist my ankle, when did the potential harm occur? Does the potential harm occur as soon as I had an interest in not having my ankle twisted? So, for instance, is Li to say that the potential harm of twisting my ankle as I walk out of my office this afternoon occurred at the time I was born? Li does not tell us. In any case, the literature about the harm of death is not about when potential harms occur; it is about when actual harms occur, a question Li neglects to answer by the end of his article. He does say that the actual harm can only be ascribed at the point of death and thereafter, a point with which I have explicitly agreed and which is part of my position. However, the central question is about the timing of the actual (rather than
the potential) harm. In the end, Li’s proposal does not represent a new distinct position on the timing of the harm of death. Li has two options. He can say the actual harm occurs at death, which would render his view consistent with mine. Or he can claim the actual harm occurs before death, in which case he faces my original arguments against the Before Death proposal.

Grey takes issue with my criticisms of Feinberg’s proposals about the timing of the harm of death. He says ‘Lamont appears to think that the Feinberg-Pitcher antemortem subject view necessity incorporates this fatalistic element, but he does not explain why we are bound to accept this consequence.’ (Grey, 1999:362) That I do not explain this should not be surprising. I explicitly reject the view that the inclusion of fatalism is the only way we can interpret Feinberg’s position. I extensively explore various construals of the Before Death proposal, only one of which has the fatalistic component. My conclusion is that all construals of the Before Death proposal give unsatisfactory and/or counterintuitive results and hence should be rejected.[13]

Grey also criticizes my interpretation of Nagel’s position on the timing of the harm of death. However, Nagel’s comments support two conflicting interpretations. The passages from Nagel’s work I originally quoted are:

If we apply to death the account suggested for the case of dementia, we shall say that although the spatial and temporal locations of the individual who suffered the loss are clear enough, (1) the misfortune itself cannot be so easily located…

(2) he must have existence and specific spatial

and temporal location even if the loss itself does not. (my emphasis and numbering) (Nagel, 1993:66-67)

Grey claims we should interpret Nagel as advocating that the timing of the harm of death is vague or indeterminate. This may be a plausible interpretation of passage (1) (the only one which Grey quotes), however I interpret passage (2) as definitive – that Nagel wanted to claim that the loss does not have temporal location. At the time that Nagel wrote his article there was ample literature and discussion on vague predicates and indeterminacy and there seems to be no reason to believe Nagel would not have come across this literature. Given this, it seems peculiar that Nagel would use the above words to express the claim that the timing of the loss is vague, or that the timing of the loss is indeterminate rather than the straightforward words ‘the timing of the loss is vague’, or ‘the timing of the loss is indeterminate’.

Setting the purely interpretative question aside, Grey’s interpretation provides us with an opportunity to examine an additional proposal on the timing of the harm of death, which I shall take up in a moment. But first let us briefly examine Grey’s two arguments against the At Death proposal. The first ‘serious problem with Lamont’s “at death” proposal is that it construes the harm of death as an ephemeral and momentary matter.’ (Grey, 1999: 363, also see 360) It seems that no matter how bad something is, if it only occurs for a moment then overall it is not a great harm and nowhere near the magnitude we associate with death. Imagine the most intense pain possible. If it only lasts for a very short period of time, most people would not rate it nearly as bad as the harm of death. It is true that I claim that the harm of death occurs at a time. Grey pejoratively claims that this makes death an ephemeral matter because he does not understand the nature of the harm that occurs then. To see this, consider the murder of an eighteen year old, Alf. What harm is done
to Alf, on the *At Death* view, at the time T that he is murdered? At T, all possibility for Alf to live a long and prosperous life is extinguished. The possibilities to fulfill Alf’s desires — to go to college, to choose his career path through the computer industry, to change career paths, to have a family, to buy a house on the beach, to grow old with his friends, to make new friends — are all extinguished at the time he is murdered. It is true that the harm happens at T, but the harm occurring at T is enormous, tragic, overwhelming and permanent. Thus, the harm of death is not at all analogous to an intense but brief pain. The main difference lies in the fact that pain is a harm because of the unwanted experience, while for death the harm is not experienced by the subject and is partly constituted by the permanent extinguishing of a myriad of possibilities. At the time Alf is murdered all the possibilities for fulfilling Alf’s many dreams and the many possibilities for a full and rewarding life for Alf are permanently extinguished. Grey fails to recognize that a major component of the harm occurring at T is constituted by this permanent extinguishment of possibilities, including innumerable possibilities for self-creativity and fulfillment. Consequently, he mischaracterizes the harm of death, on the *At Death* proposal, as an ephemeral and momentary matter rather than a permanent and tragic harm.

Grey’s second argument against the *At Death* proposal is equally without support. Grey claims ‘that the harm of death on Lamont’s account fails to differentiate between early and later death.’ (Grey, 1999:363) Yet the account is consistent with our intuitions about early and later death because, in most cases, a person who dies early loses much more than a person who dies later. The case discussed above shows the extreme losses which occur with Alf’s death. His death could be contrasted with Mary’s, occurring not at 18, but with her murder at age 95. Most of Mary’s desires and dreams were fulfilled during her long and wonderful life. Though certainly she was harmed when she was killed, we do not feel the same overwhelming sense of tragedy with her death that we do with the deaths of young people. Having lived 95 years she had lots of opportunities to create her life path, to make many important choices, to explore numerous possibilities for fulfillment and discovery, and to experience many of life’s pleasures, unlike the 18 year old victim. The *At Death* proposal is consistent with all these observations. The harm occurs at the time of death, but how great a harm occurs at that time is dependent on the particular circumstances of the person and (other things being equal) will be less for older people than for younger people, because younger people will have been deprived of more.

It is time to consider the proposal that Grey attributes to Nagel. I shall call it the *Vaguely After Death* proposal. Grey states the proposal as follows:

> it may be difficult or impossible to give the harm [of death] a precise temporal location. To say that there is no precise or locatable time at which harms occur is not to say there is no time at which they occur. (Grey, 1999:364)

Unfortunately, Grey’s formulations of his view leave important questions unanswered. For instance, is the difficulty in giving the harm of death a precise temporal location merely epistemic or is it a metaphysical difficulty? Does Grey think that it is merely difficult or is it impossible to identify a precise temporal location for the harm? Why does he say there is no locatable time at which the harm of death occurs? If the reasons are epistemic, then for Alf’s death, Grey would have to say, ‘He was definitely harmed by being murdered at 4pm on Monday afternoon, but I do not know when he was harmed’. If, on the other hand, the reasons are metaphysical, then the criticisms I outlined in my original article against the *At No Time* proposal apply to
Grey’s position as well: we have a harm that never occurs. Unfortunately, Grey rejects my criticisms of the *At No Time* proposal (Grey, 1999:363) without argument.

Grey never gives a single clear statement of the *Vaguely After Death* proposal, but it appears to have two features. Grey rejects my solution because the Epicurean puzzle is about when the harm of death *accrues* and he asserts that my solution only answers the question of when it *occurs.*[14] Grey’s mistake, as explained above, is in failing to see that my proposal gives an answer to when the harm (in Grey’s terminology) accrues – *At Death.* What is distinctive about Grey’s proposal is that he thinks the harm of death *accrues* over time. Grey also claims there is indeterminacy and vagueness in the timing of the harm of death. He thinks this comes from the indeterminacy with respect to how a person’s life would have gone had s/he not died. He uses the example of the early and untimely death of Frank Ramsey. He says,

> there is irremediable indeterminacy and vagueness about just which course of development Ramsey’s life might have taken. Ramsey’s death was a misfortune without question, but one whose shape and temporal boundaries it is impossible to delineate with precision. The temporal location of the harm of Ramsey’s untimely death, I suggest, is the time when Ramsey might otherwise have lived. (Grey, 1999:364)

Grey’s view then appears to be that the harm of death accrues over the period of time that the person would have lived, but this period of time is indeterminate and/or vague. The problem with this solution is that it is, itself, hopelessly vague, and alternative ways of clarifying it make it unappealing and implausible. According to this view, there is no major harm occurring at death. What we have the moment *after* death is a miniscule harm accruing – the denial to people of whatever they would have been doing in the hour or two after their death. A week after death we still have a relatively small harm accruing – equivalent to a week lost out of a person’s life. If the person would have lived a long time then the harm slowly accrues to him/her over decades. This is very odd. It seems that we are reduced to saying the following about Alf thirty years after he is dead, ‘According to Grey the *ante mortem* Alf is being harmed now – but just a little bit – he’s always just being harmed a little bit’. Above, I argued that it is part of the *At Death* proposal that a massive and permanent harm occurs at death. In contrast, on Grey’s view, no harm occurs or accrues at death and only a relatively small harm accrues a week, a month, or even a year after death.

There are further problems with Grey’s view. His use of terms such as ‘indeterminate’ and ‘vague’ is philosophically loose. For many vague predicates, such as ‘being bald’, ‘being a heap’, ‘being red’, etc., there are clear cases in addition to the vague cases. So, for instance, it is not vague whether *Star Trek’s* Captain Picard is bald; he clearly is. Grey’s account is silent as to whether there is any time after a person’s death when it is clearly true that s/he is harmed. Death, on this account, has become a rather ethereal harm. The same problem arises with his philosophically loose claim about indeterminacy. It appears, on his account, that the proposition ‘Alf was harmed by his death’ will have an indeterminate truth value for all times after a person’s death.[15] If that is the case then the proposition ‘Alf is harmed’ is never true and he has failed to provide a solution to the Epicurean challenge. If there is some time at which the proposition ‘Alf is harmed’ expresses a true proposition, Grey owes us both an explanation of when and how the proposition expressed is true, as well as how this is consistent with his discussion of indeterminacy.
Grey’s grasping for vague constructions appears driven by his inability to accommodate indeterminacy about all or many features of a person’s future life. This highlights another virtue of my At Death proposal. If all or part of a person’s future is indeterminate, the At Death proposal incorporates this into the specification of the harm of that person’s death, but not into the timing of the harm. If, for instance, it is indeterminate whether Alf would have lived another day or another 60 years or would have had a miserable or beautiful life, then part of the specification of the harm caused by his murder will be indeterminate – it cannot be said for certain that the murderer robbed Alf of 60 years of good life. But only part of the specification of the harm is affected by this. As noted before, when replying to Grey’s claim that the At Death proposal makes death an ephemeral harm, one of the features of the At Death proposal is that it correctly shows how momentous the harm of death is – at the time of death, the person is robbed of innumerable possibilities for joy and fulfillment, is robbed of the opportunities to choose and define his/her life. Alf may never have acquired the beach house, but his death robs him of any chance of getting it and so much more by way of possibility. All this harm happens at the time of a person’s premature death; it is the most massive and permanent of harms. Grey’s mistake is to construe the harm of death as a harm that slowly accrues in vague and indeterminate ways to the deceased.

Grey and Li both have proposed solutions to the ancient puzzle of the timing of the harm of death. My purpose here has been to explain the confusions both in their criticisms and their proposed solutions. My hope is that this further discussion aids people both to see that the At Death proposal finally does complete the solution to the Epicurean challenge and to understand more clearly why.[16]


Endnotes


[2] For the arguments and counter-arguments for this set of answers and for further references for these debates see John Martin Fischer’s anthology (1993). Also see Donnelly, 1994.


[4] Initially it might seem peculiar that two philosophers would make the same mistake, but in this case they did not make it independently – they were working together on the same topic.

[5] I should note that Grey cannot carry this misinterpretation throughout his article and in the end he treats my answer as a serious answer to the Epicurean challenge.

[6] I also explicitly refer to my other extended discussion of the issue of being worse off (Lamont, 1997).

[7] Grey implies that I overlooked or misread this passage (Grey, 1999:359) which is peculiar given that I quote it and specifically comment on it (Lamont, 1998:201). Li follows Grey in this misinterpretation (Li, 1999:350).

[8] My view is compatible then with a number of different views about the actual timing of the death. As I noted (Lamont, 1998:199, fn.6) there are some puzzles about the exact nature and hence date of a person’s death that are discussed elsewhere. I think my view is compatible with most of the alternative views about when the death occurs, including views where death occurs not at a point in time but rather over a period of time.

[9] The only relevance to my thesis that this literature on brain death, etc. has is that whatever turns out to be the best philosophical analysis of when death occurs, whether it be an interval or point in time, my claim will be that the harm occurs at the same time.

[10] Li uses ‘(2)’ to refer to two different propositions on this page. I have renumbered the proposition (2) that he has attributed to me as (2*) to avoid confusion.

[11] I cite this prior article on page 209 of my original article (Lamont, 1998).

[13] Grey also claims, in my discussion of Feinberg, that the particular distinction I use between satisfying and fulfilling a preference cripples the usefulness of the distinction as a way of ‘sharply separating the metaphysical and epistemic issues which are of the first importance in providing a satisfactory reply to Epicurus.’ (Grey, 1999:362, fn.23) This is a strong claim by Grey, but he gives no reasons for believing it. The distinction I make, as I explain in my original article (205), enables us to talk about a preference being fulfilled but not satisfied, and I go on to show how useful this is in providing a satisfactory reply to Epicurus (205-207). However, on my use of what it is to satisfy and fulfill a preference, it is not possible for a preference to be satisfied but not fulfilled. Grey claims that this disables the usefulness of the distinction in replying to Epicurus but, curiously, nowhere in his article, including in his own reply to Epicurus, does he need to employ the idea of a preference being satisfied but not fulfilled.

[14] Although early in his article Grey insists on the fundamental importance of this distinction, by the time that Grey expresses his own view he does so in terms of when the harm occurs.

[15] Grey mentions, in passing, that Ramsey’s death is a tragedy of the 20th rather than 21st century but he does not tell us how this translates to claims about when Ramsey was harmed and how any such claims about this timing can be supported by employing his own view.

[16] My thanks to Christi Favor for her help on this paper.